

Regular Council Meeting, January 17, 2023, Meeting Minutes

The meeting was called to order at 7:30pm by Mayor Ray Arriola. The invocation was given by Mayor Arriola and the Pledge of Allegiance was said by all.

Verbal Roll call for Council.

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:

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

Mayor Arriola: Next on the agenda is the approval of the January 3rd, 2023 regular council minutes. Are there any changes that need to be made? None heard.

Mayor Arriola requests: All in favor of the minutes. Say "Aye". seven "Ayes" heard. Mayor Arriola requests, Opposed "No" None heard. Minutes approved.

No old business.

New Business:

Mayor Arriola, Reappointment/Appointment to 3 vacant Park Board seats for a term of 3 years.

Mayor Arriola asked if any of the applicants for the park board would like to speak.

Manager Madden explained, Each Council Member will have a ballot with their name to circle their top three. The votes will be read out loud with the Council Member's name for tally.

Council Member Adkins asks, Can anybody speak on behalf of anybody that is not here and come forward with information about them because some of the letters are kinda vague?

Manager Madden responded, yes, Council Member Sands is the Chair, and he may have some things. So, yes you can ask questions.

Council Member Adkins states, Chris (Landis) is coming up for reappointment. Now, how long has he been on it?

Manager Madden and Council Member Sands believe he has been on there two or three terms.

Council Member Adkins asks, what about Kari?

Manager Madden responses, Kari was on there as an appointment to finish a term.

Council Member Adkins asks, does anyone know anything about Tina?

Manager Madden states, Tina is a member of NLYA, and she has interest in the parks.

Vice-Mayor Loch added, she also volunteers for Dixie Metro, youth basketball league, is a member of Chamber, and Rotary. She does a lot in this community.

Vice-Mayor Loch adds, Melissa Sexton is here, and she lives by the park and has shown a lot of interest in being on the park board.

Manager Madden read the votes by council members:

Council Member Macmann	Landis	Thomas		Sexton
Council Member Joy	Landis		Caldwell	Sexton
Council Member Perkins	Landis	Thomas		Sexton
Council Member Adkins		Thomas	Caldwell	Sexton
Vice-Mayor Loch	Landis		Caldwell	Sexton
Mayor Arriola	Landis		Caldwell	Sexton
Council Member Sands	Landis		Caldwell	Sexton

CFO/Clerk of Council Hinson states the counts: Landis 6 Thomas 3 Caldwell 5 Sexton 7
3 Park Board Appointments: Landis, Caldwell, and Sexton

Mayor Arriola, First reading of Ordinance 2023-01. An ordinance adding §137.12 to Chapter 137: Weapons Control in the Code of Ordinances of the Municipality of New Lebanon.

Mayor Arriola asks any questions?

Council Member Joy, my first question is, how do you plan to define whether an object is distinguishable?

Police Chief Hensley answers, so the way it generally is done, toys are clearly often toys. So what we're trying to prevent here is for a child to carry a very real looking firearm into one of our parks. Currently, adults above the age 21 can carry a handgun into one of our parks and there is no problem with that. We don't want children carrying something that is indistinguishable from being a live firearm. Nerf guns are very clearly Nerf guns, but there are some very real looking firearms that are guns, airsoft for instance. However, you'll generally have very colorful tips or other accoutrements added to those. That's what we're looking for. So, if you're going to allow your child to carry one of those out in public and they're going to be in one of our parks, we want them to be able to be distinguished as a toy from the average onlooker to law enforcement responding to the problem.

Council Member Macmann comments, So, this only applies to children.

Police Chief Hensley explains, It is primarily geared for that. However, again, as an adult, anyone over the age of 21 who's not legally prevented from owning or carrying a handgun can still do so

open carry or concealed carry. So, we're not gearing towards that. It's really geared more towards those who are under the age of 21 but would still apply universally.

Council Member Sands states, anywhere in the Village.

Council Member Joy shows a gun on his phone explaining. There is nothing that will change here to make a firearm distinguishable from a toy to an actual firearm and all this will do is create a criminal, where one doesn't currently exist. We already have firearms out there that are every color. Personally, that is why you are running into this problem. Criminals are already seeing this and pulling out firearms that are every color, purposefully so that they can get a jump on you.

Police Chief Hensley explains, I believe that happens. However, a 21 year old that is not prohibited from owning a firearm can carry that anywhere in the Village with a few exceptions, obviously. However, a child cannot carry that gun in one of our parks.

Council Member Joy claims, but you also got to realize that there's probably several hundred million toy guns out there that have already been sold. And if someone moves into this town, already now, they potentially have a misdemeanor.

Police Chief Hensley states, ignorance is never a defense for breaking the law. It's certainly something we put out there. It's being given three reads. It's something that will be published in our codified ordinances. So, it's something that people can know. Here's my thing. There absolutely are a lot of ones out there that already do not fall within the definition we talked about. And that's exactly what we don't want to be carrying in parks, where they're going to citizens who may get panicky and then officers who are responding. And now you've got a child that had something that's indistinguishable from firearm and the officer then fired upon them because of that. We want parents to not allow their children to take those kind of guns outside the house. We want to have them in your backyard, fine, but we don't want them in public spaces. But again, that's what the reading is for. That's the intent of it.

Council Member Adkins claims, everybody in this community don't know this is going on. Okay. And when they don't know this is going on, unless you guys are going to mail this new ordinance to each household and let them know this is going on, you'll be putting every child at risk of getting a misdemeanor or felony charge for having a firearm that might be something, a toy.

Police Chief Hensley, how I am going to address that is, it's not going to be a felony, it is a misdemeanor. That's the first thing. The second thing is that we do send out water bills monthly. It is not difficult to add something like that if we need to or even a mailer if we have to. The number one thing here is safety of the child. I want things to be as safe as possible. We're going to respond the same way we always would. We're going to be cautious. We're going to be careful. And ultimately, we're asking for this as a tool to try to help us identify and try to keep kids from being in the park with things that look too close to being a real firearm.

Mayor Arriola states, This is a parent problem. I am sure there are parents that allow their children to have guns that look real and they need to stop that. But that is a parent problem. And this document is not going to change that.

Police Chief Hensley expounds, as is curfew—it is a parent problem. But we do have a curfew here. It is for that reason, for the parents that won't step up and do what they are supposed to do. And again, if they won't step up and try to protect their child in this manner, I'm happy to put this forward to perhaps give them some incentive to protect their child. If the parents know that it's the law, perhaps they'll be less likely to allow them to possess a firearm outside of their own property or those indistinguishable from a firearm outside of their property or their home.

Vice-Mayor Loch asks, can you give us an idea of how many times you have had issues with children recently, in the last few months?

Police Chief Hensley expounds, there have been none. This stems from some of the tragedies that have happened. We can all think of officers pulling up on kids in a park with an object indistinguishable from a firearm. As a result of a citizen calling saying there is a child or young adult, who's pointing a firearm? But the fact is an intense, rapidly evolving, uncertain situations. Officers don't have the luxury of always getting it exactly right. So, this is one more tool to try to tell parents this is how you can help us protect your child.

Law Director Keener explains, the way I view this, nothing is being changed with rights to carry a gun. What it does is, it puts the burden on the family and the child to not carry anything that does not immediately distinguish it as a toy or something other than a gun. We have all read about people, mostly young people, who are shot, needlessly. Although, at the time in the moment, the officers did not know that because it had every appearance of being a legal gun. Perhaps, they did not lay it down. But by trying to make sure that children have toys that cannot be mistaken as a weapon, we are trying to protect the children. You never know. Criminals do things that may look like toys, you're not going to be able to change certain things. There are certain things we cannot change, but if we can do something to prevent an error from occurring and a child from being injured for this type of a thing, we need to give it some consideration.

Mayor Arriola asks Council Member Sands, did you have something?

Council Member Sands replies, my thoughts, I agree with you. We are looking at it this way, we are protecting ourselves. A savvy lawyer could look at it and say, you didn't have any law on the book to say that a child could not carry a gun that does not look like a real gun, so therefore, we are going to sue you because your officer shot and killed my son. This is really going to protect the Village because we have the law on the books and then we have to get it out to the public on the water bill or newsletter saying this ordinance was changed and your child cannot carry anything that looks like a real gun. And if they don't step up and do their parental duties. They can't come back and say, hey, there was no law that said you can't do that.

Law Director Keener adds, I would also like to recognize that there are other things. It is not a matter of taking every juvenile to court.

Police Chief Hensley adds, not by a long shot.

Mayor Arriola requests public comments on Ordinance. State your name and address.

Joshua Farley, 136 Bronwood Street. I've lived in this neighborhood for six years. I love this community. My son and my daughters all go to the schools here. I've never been to a better

town in my life. I heard what you said, that we are not trying to pass a law that is going to lock up children. But I cannot agree with this going on after a statement like we're doing this to protect the city after the Police Chief told me that we're doing this for the most important thing, to protect my children, then I hear from this side of council that what really matters is the lawsuit that we could face if we don't have this law to protect ourselves. So, I think this time may be better spent just maybe on looking into ways to retrain police officers or looking for proactive things that we can prevent these shootings in other ways. Because I know after these tragedies happen, they occurred in everybody's heart, it kills. You cry when you read that story on Facebook or on Twitter that the little boy couldn't go home to his mother because he was shot by a police officer on accident, but the cop didn't mean it. Well, that's not the first conversation that we have in the police office. Is it? The first conversation is how do we deal with that? Not how is he or how is his parents? And what we are doing here today is shifting the blame for law, and I'm sorry, I love you guys, you protect me and you protect my family. But we're shifting it from here and here to me and my children. I only want to protect them. But my son has a right to have an airsoft gun if he wants, and if he fell down and busted the tip off it. He can own a gun and not have me maybe potentially looking at a fine or him looking at a 12 year old criminal charge. It's crazy. I own a pistol like he talks about. That is a cherry pellet gun, and it looks like a Pillsbury Doughboy can. I'll send you a picture. I'll bring it next Tuesday, and let you see it. This is the most toyish thing that I've ever seen in my life. Was bought for me for a gift. I don't understand this conversation. This makes no sense to me. Thank you.

Shannon Bemis, 130 Bronwood Street. I guess mine is just a general comment. I know the situations you are referring to, you see the kid at the shelter, and he's got a gun and the cops don't know if it's real or not, and you guys are trained to assume it's a real gun until you determine it is not a real threat, but the picture you (Council Member Joy) showed me, I've never seen a gun like that. So really, in actuality, it kind of defeats purpose of having this ordinance, because we're not saying that it's only going to be a black gun. So, we're looking for black guns. So now we're telling officers only look for black guns when in all reality we could be looking at squirt guns now in these criminals and these offenders. So, there's really nothing that you can put on paper to say, what's more, a threat or not a threat because you should still not put your guard down. I don't care if it's a rainbow or if it's black or if it's steel. I mean, everybody should assume that a guns a gun. Call the police and react to it appropriately. I get the purpose of it. I see the intent of it. I think there's a good intention. I don't see it really amounting to anything. You may say, it may be a warning. I mean, in this paper, though, it doesn't say. It doesn't say, hey, sometimes it's a warning. What it does is it automatically says what you can be charged with. I'm not willing to jeopardize, luckily my children are older, what when my kids are older, but I'm not willing to jeopardize what is the prosecutor going to pick charges or not? Like, I'm not I'm not doing that. I just. I don't see. Like you said, it's back to parenting and it's all about behavior. And I can have a plastic knife and run around like a lunatic. I mean, it's the person. It's the object in their hand. Anything can be a weapon. I'm just not for this. I don't see that the community would support this. So, that's all.

Tim Back, 29 East Main Street. I firmly support law enforcement. I've lived in this community for 33 years. When I was a kid, I grew up with my friends. We used to go and play army men around the houses, running around with guns and stuff like that was never an issue. And honestly, with the way technology and stuff is advanced, like it's been said, you know, you get a squirt gun, it looks like a real gun. And that's how to prevent anything. The next thing is, is if something happens, an officer has to be sent to a scene where there's an issue. You know, most law-

abiding citizens, even children, and if they don't have a mal intention, are going to sit the gun down if an officer says sit the gun down. The thing is, is it's just like a restraining order, it's just a piece of paper. Paper means nothing unless something's taking traction upon. But it's just like when you go to a federal facility, don't take a firearm with you. Law abiding citizens are going to obey that; a criminal is not. I just feel like we've got more important things in the community to focus on than something like that. Like me and my friends, I grew up in this town with some people and we used to run around do that and it was never an issue. When it comes down to it, you know, people shouldn't be facing that. There's better means of being able to address the situation than you having to say, hey, we're going to hit you with a misdemeanor and this and that and then possibly end up ruining that child's life. And like I said, at the end of the day, those children, if an officer shows up on scene and they're trying to investigate, and the officer said, hey, put that gun down, you know, that child is going to put it down. Unless, they got malintent. And also, like I firmly support them but they know that that's a risk they take when they put that badge on every day. That's a risk that they signed up for. And I firmly support them. But I just feel like this is a little bit childish to bring this up to people in a matter of that. I mean, think about this back in the day before I was even born. Older generations played with guns all the time, it was never an issue. I believe it is a parent. And so maybe instead of coming up with this now say, educate them properly and maybe have the police teach the community about guns. (parts inaudible due to audience noise) Teach you proper safety or how to handle guns, even if it's not real, it should still be handled with care. Also, I've lived here for 33 years, and that's honestly, since I've been here, I've had the many chiefs and many officers. Something like that has not been an issue. So, that's where I'm at.

As for curfew, I get the curfew. The curfew is in effect. But as a kid who used to be a kid. I snuck out my house when my dad was sleeping. I guarantee there is not a person in this room who can say they didn't do that. So, let's focus on more important agendas rather than something like this. If it comes up, I get it. I don't want an officer to get hurt. And I damn sure, excuse my language don't want a child to get hurt.

But, we don't really deal with that type of stuff in this town and have never dealt with nothing on that means in this town, this isn't Chicago, Illinois or Dayton, Ohio, we in part of Dayton but we aren't where crime really is. My personal opinion, like it or you don't.

Council Member Adkins begins, I lived in Dayton for a while. My son was three and a half years old. He had a water gun. He was shooting a friend and a cop went by and he hit the cop with the water gun. The water gun at that time didn't look like a water gun. He came, told my son to drop it, he was three and a half years old. He came screaming to me. There's a cop. He hit me with the water gun. I asked, who was he shooting at? It was one of the kids. And he goes, but he listened. If you teach the kids to put it down, If an officer, the cops who is on duty, they're training is us as a community. It's out there training them and going to the schools, doing a training session with them, letting them know that when we go down in this situation. These kids do not know this and their parents are not telling them this. If we want to be proactive and stop this before it happens lets get the schools and do little events and get the awareness out there and put this to a stop. So, this doesn't happen.

Mayor Arriola requests anything else on this.

Mayor Arriola, next an ordinance amending 132.10(B) by adding 132.10(B)(6) of the code of ordinances of the municipality of New Lebanon. Any questions?

Vice-Mayor Loch requests, do you have the number of complaints?

Police Chief Hensley response, we can pull that up.

Council Member Joy, I'm just curious. I have listened to music very loud in my car, in my house. So, I'm just trying to get a better understanding as to why this is an issue. I don't hear any where I live.

(hard to hear, lots of other noise and over talking)

Vice-Mayor Loch, just to have some clarity.

Discussion about the entire ordinance by council occurred without focus on 132.10(B)(6). Council Members speaking over each other, inaudible.

Council Member Adkins questions, when does you guys' trash truck come? Mine comes about six o'clock in the morning. That truck is going to be making noise, the lift gate is making noise. We have a box truck for the food pantry is at our house and sometimes the refrigeration has to run. We cannot have the truck in Dayton, we have already had three trucks vandalized.

Discussion by council many at once, inaudible

Mayor Arriola, police need to be called on some of these to be issues.

Police Chief Hensley, yes.

Manager Madden explains, the front page, one through five have always been there since the 90s, we are only looking at number six. That is the one being added.

Mayor Arriola addresses comments being made by the audience, please wait for comments from the public.

Council Member Adkins, we just passed the fireworks ordinance and a lot of that they are going to do at midnight.

Manager Madden, it says that in there, it is covered. The fireworks is covered.

Vice-Mayor Loch, I know at 12:01 they are taking pots and pans down the street, are we now going to say you can't do that? New Year's Eve.

Manager Madden explains, these only come into play when someone calls and reports them to the police as an issue. They do not come into play otherwise. So, if your kids are out banging on a drum at 12:02 celebrating the Fourth of July and no one calls, it is not an issue.

Audible audience

Manager Madden addresses audience, here is the problem, we are recording this and we can't record when everybody is talking at once. When he (the Mayor) calls you up. As soon as he calls you up here, you can come up and state your name and address for the record. But again, what we are looking at here isn't all of the ordinance we are only looking at number six as far as changing this ordinance. If you are wanting this whole ordinance rewritten then that is a whole different thing.

Vice-Mayor Loch, I didn't read anything here, so I didn't know that is what we were talking about.

Manager Madden explains, it says it in the very beginning. Amending 132.10(B) by adding 132.10(B)(6).

Police Chief Hensley requested, Ms. Madden would you mind reading the addition of six.

Manager Madden reads, No person shall play any radio, music player, such as a "boom box," tape cassette, disc player, television, audio system, musical instrument or any other type of sound device or sound service, upon any public road, street, highway or public or private property in this Municipality, in a manner or at a volume so as to disturb the quiet, comfort or repose of other persons and/or neighboring inhabitants. A volume which is plainly audible to persons other than those who are in the room or other immediate location in which such device or instrument is played and who are not voluntary listeners thereof shall constitute prima-facie evidence of such disturbance. This section shall not apply to organized events which have received a permit from the municipality. That is the section we are looking at.

Council Member Adkins, so basically, if they are in a band and practicing during the day and a neighbor calls and complains they will be in trouble.

Manager Madden, they were going to be in trouble before.

Mayor Arriola addresses loudness in audience, please wait until called. Until it is time.

Manager Madden addresses, Police Chief—you have gone out on noise complaints before, correct?

Police Chief Hensley responses, yes.

Manager Madden to Police Chief, at 2 in the afternoon? And what happens?

Police Chief Hensley responses, most generally, we ask people to turn it down and they usually comply, and we go about our day and, they about theirs.

Mayor Arriola, they don't crank it back up again?

Police Chief Hensley, rarely. It does happen.

Council Member Perkins states, I know for a fact three weeks ago, the principal came out of the high school and it was a young man, turned his music up in his car as loud as it could go. And that's the reason the principal came out, because you could hear it all the way in school.

Mayor Arriola asks council, any other comments. Okay come on up and state your name.

Joshua Farley 136 Bronwood Street. So, can I ask whoever created this what sparked this change?

Manager Madden answered, this actually came from the police department. It actually came from one of the officers. Which officer?

Police Chief Hensley, I couldn't tell you. However, I was asked if I could look at this and see how some of the other municipalities were handling this?

Joshua Farley interrupts, for what reason?

Police Chief Hensley asks, are you going to let me speak?

Mayor Arriola, you said it earlier you respected officers.

Police Chief Hensley, I do not know which officer brought this up, however I was asked to look at it. I've looked at other municipalities. Some do it by decibel meters, but that's cost prohibitive and it's not easy. So to me, looking at what some other places did. It seems to me that if you're listening to music, consider reasonable volume. It's not bothering anyone else. That's no problem. However, if somebody pulls up in front of your house, they've got a motorcycle for instance, which they've got their speakers cranking out. To me. I don't need a decibel meter. If you tell me three streets away, I can hear that. Would you mind asking that person to turn it down. No, I don't mind asking. Sir, would you mind turning down your music? No. I don't have to because it is not the law. That is what I want to avoid. I want to have a little bit of backup here when we go out to something that is clearly a problem. And I'll tell you this, people that have their alarm systems that go off all day, should be a violation.

Joshua Farley, you'll make it one.

Police Chief Hensley, it should be a violation.

Joshua Farley, is it my turn, yet?

Police Chief Hensley, please go ahead.

Joshua Farley, So I can tell why this is changed since, he doesn't want to. I was brought into court this summer. For a noise violation against my neighbor. We had a little bit of a, I am sorry Shannon, I don't mean to throw you under the bus. We had a little bit of a spat. Her dog was very sick. I was unaware as you often are of other neighbors' lives. I was playing music on a Sunday morning, and it may have been at a volume that would have been too high for someone else.

Mayor Arriola, please stay by the mic.

Joshua Farley continues, but for me sir, it was in a volume that was perfect. I loved it. I had a great night the night before with my family. I'd taken them out to a movie. We had picnic that morning. It was kind of crazy how good the day was going, right? Then Weisman shows up at my fence, officer Weisman. With a noise complaint that Shannon was making. Shannon was upset. We had an argument. We talked to each other poorly and outside of the situation. They came to my house. They asked me to turn the volume down, which I absolutely did. Now, whatever transpired past that, I'm not sure the officer left my location, came back to my location, and then had Shannon sign a complaint against me for the noise violation. It's all in court records. You can look me up right now and see that I was in court four times this summer. For not even a misdemeanor until they changed it to one midway through. So, I been waiting on you guys to do this. I knew it was going to happen. So, I'll move forward. This section and actually 100% the entire ordinance in itself, which I would not complain about. But now I have to is in violation of my constitutional rights. These constitutional rights are outlined under Article six in paragraph two. If you like to read them to me, I will. I am allowed to play music. I have played music and since I was 12 years old, my grandmother gave me my first acoustic guitar that she could afford for me. I sat outside in the sunlight everyday that I came. I played gospel music to my grandmother until the day that she passed. Now, you tell me that I can't stand outside and talk to Jesus through my guitar because somebody may have a bad day and be offended by what I sing. Well, the Constitution states two things. I would like three right now. The Constitution is referred to as supremacy clause. Does everybody know what it is? Do we know what it is? That states that there is no state law, no municipality, and no including constitutional law that supersedes my Constitution. None., no law that you can make in this room.

Council Member Joy exclaims that is not true.

Joshua Farley, that absolutely is 100% in my Constitution written down. Let me finish my statement, sir. There is two points to this. We can look it up together, I'll print it out. I'll be here next Tuesday and every Tuesday from this day forward. You will see my face every Tuesday that you're here, I'll be here. The next point that I want to make is this. The Constitution states out loud and very, very plain English. You can read it for yourself. And I suggest you read The Constitution cover to cover you may want to do so. It states that the Constitution protects and guarantees my right to preach the gospel in public without a permit at any time that I see. Because this is my religious right and my right to free speech. Now, any questions from the jury.

Council Member Perkins, it is my Constitutional right to not have that young man blare his loud music on his radio in his car.

Joshua Farley, absolutely. And you would have to come in through a committee and you would have to argue your constitutional rights like I am today.

Council Member Perkins, it is my constitutional right to tell him to turn it down.

Joshua Farley, no.

Council Member Joy called on by the Mayor to speak, the supremacy clause, all it says is that anything that is made pursuant to the constitution. There's 34 enumerated items here. And one of those is not loud music.

Joshua Farley, hang on now. We are putting a determination on paper which does not specify the definition of loud music.

Council Member Joy continues, pursuant to the Constitution, that's only for the items that are in the Constitution.

Joshua Farley explains, which is my right to free speech and my rights of religion are in the Constitution, Correct.

Council Member Joy continues, That's part of your Bill of Rights. And then it also states that in Amendment ten that the states sovereignty authority over. . .

Joshua Farley speaks over, we can go into arguments all this evening. I'll come better prepared and we can do this.

Law Director Keener states, you do not have the right to impose on anyone else's rights.

Inaudible, talking over each other.

Shannon Bemis, 130 Bronwood Street, what is the cost of the decibel thing you were talking about?

Police Chief Hensley states, I don't have prices on them right now. I know that many, many years ago when I looked at them, there were a couple hundred dollars for good ones. However, the plainly audible at a distance, you know, not intended for the person listening. We are not talking about 5, 10, Or 15 feet. We're talking about plainly audible at greater distance than is reasonable.

Shannon Bemis, I just thought maybe to discredit any potential issues of, this officer doesn't like me. This one does. I can just see that complaint. I have a neighbor with an extremely loud exhaust, luckily, he just takes off. Then he comes home. But some people like to go around the block a million times. I get the noise ordinance. We need a noise ordinance. But if there is a number, like a breathalyzer. Here's the number. You can't lie. You can't interpret if I'm drunk or not. You know, it's factual that that may help. Especially if it's only a few hundred dollars.

Police Chief Hensley states, they're not a terrible idea. Then it just changes, we moved to do a decibel number instead of, a reasonable standard. But, I mean, having a number is fine. And loud exhaust is against the Ohio Motor Vehicle Code.

Shannon Bemis states, 12-7, so I can yell at my husband before 12 o'clock, is this what it is saying? I didn't think there was a time, it was just always persistence, annoyance, whatever. So, I thought that was interesting.

Mayor Arriola begins, next is the first reading of Ordinance 2023-03. an ordinance rezoning a parcel from B-1, neighborhood business district to B-2, community business district and amending the official zoning map of the municipality of New Lebanon for parcels L52 00101 0003, 0128, 0129, 0130, 0187, 0221, and 0225 on the Montgomery county auditor's tax records also known as 35 W. Main Street, New Lebanon, Ohio 45345 and accepting the approval of the planning board (PC case 22-04). Any questions?

Council Member Joy, I am questioning why we are waiving the three reads.

Mayor Arriola points out, I spoke to the Legion Commander after the meeting the other night and she said, it would really help them out and move things along. Moving them on to the next property they want to get into. That's why it would help them. That was the only reason requesting the waiving.

Council Member Joy, So we just went through two first readings of Ordinance 2023-01 and 2023-02 which allowed the community a chance to come in. We are saying that the community does not need a reason to come in and question 2023-03 and the whole reason that we have three readings is so that they do have a chance to actually address it. By waiving that removes the right of the citizens and residents of this town and it really doesn't matter to me. I am very thankful that someone is wanting to buy it and put in a restaurant. But that doesn't change the fact that the residents should have a right to question it and understand.

Council Member Adkins, I kinda agree with Gale on that about not dismissing the three readings.

Mayor Arriola, I was here for that meeting. All the people that were involved in that area that wanted to be were here for that meeting. Everyone that was contacted.

Council Member Joy questions, were anybody from any other part of the town. It's not just the people that surround that property. If it were a human biowaste holding facility, we would not waive the three readings. So, it doesn't matter what the property is. I don't think it is right that we waive it.

Council Member Adkins, I think what Gale is really trying to say is that we should do the three readings because it gives the community the input if they have the input being able to come in everybody cannot make this meeting but maybe make the others if they do have concerns. Were not saying that somebody does have a concern but there is a potential that somebody might have a concern and waiving that we are waiving their rights.

Mayor Arriola, any other questions? Does anyone want to make a motion to waive the three readings for 2023-03?

Council Member Sands, Motions to waive the three readings.
Motion seconded by Council Member Perkins.

Roll Call for Vote:

Gale B. Joy		No
Lyndon Perkins		No
Nicole Adkins		No
Tammy Loch		No
Raymond Arriola	Yes	
Christopher Sands	Yes	
Carol Macmann		No

Count 2 Yes 5 No, Motion denied.

Mayor Arriola claims, in case anyone was wondering, we are getting a Mexican restaurant.

Council Member Sands, may not now.

Public Comments:

Melissa Sexton, 180 Parkview Drive. I have a few things. Emails, we have discussed that in previous meetings about the council having emails. If I send an email to all of council, how does that work?

Manager Madden explains, that originally it would go to Sandy and she would filter that out. So, at this point I am working on readjusting that, so that it goes straight to council.

Council Member Adkins, is there a way that each council member can get their own email? Personal email that we can get into and check it like other city councils.

Council Member Macmann, that is what she is working on.

Inaudible, people talking over each other.

Manager Madden, it's about \$20 an email. I will see what I can do. And get the price down.

Melissa Sexton, I have been coming to meetings, since 2018. Sometimes I ask questions. Sometimes I don't. What is the length in getting a response back to my questions. Because it appears that I don't get an answer, or I have to come to another meeting and to ask what I've asked a year ago. Like, what is what is the time? I mean, there has to be a time frame where my questions are answered, like I shouldn't have to wait for another month to get an answer to the questions that I stand up or ask as well as everyone else.

Manager Madden, are you wanting a phone call back every time you ask a question? I guess when you come in here and ask a question, I assume you're asking it at council meeting. Therefore, it gets addressed at another council meeting. If you're wanting a phone call back and just say, Hey, can you call me tomorrow, let me know that number. How many noise complaints we have?

Melissa Sexton, I am asking what is the procedure? Say I was to ask this, this and this. Okay. Give an answer to her through an email. I don't need a phone call and I shouldn't have to come to another meeting or a meeting after that two months and still ask the same question and no one still has an answer. There are nine of you sitting up there. I've been asking for three years for a waste station at the park two of them and now the prices went up to \$300. Well, back three years ago, when I ask about it, they were \$100 and I provided pictures on two or three different occasions. So I am asking, what is the length of time to where I get the answer back. It's either yes, we get it or no, we won't, that's all. That's all I'm asking. And I ask about the playground equipment. Am I going to get an answer back? Do I have to come to another meeting and ask, did anyone find anything?

Inaudible talking over others

Vice Mayor Loch, it was in October 16, 2018 minutes.

Melissa Sexton, there were several meetings.

Mayor Arriola, as far as the waste. They are expensive. I think individuals should carry their bags with them. When I had a dog that is what I did.

Melissa Sexton, that's fine just give me an answer. Yea, we're going do it or no we are not going to do. But that leads to my next question, You got, that \$250,000 for COVID money, you have the community coming to these meetings for reasons. And by me standing up here, I've been here 22 years and I'm asking for \$100 for two waste stations out at a park for the whole entire community to use. But yet, you guys stand by side by side. I mean, I guess we got two new trucks now. I don't understand. \$200 for some waste stations for a park that everyone utilizes and everyone from other communities come to this park. I don't understand why we wouldn't want to better it as a whole and for the whole entire community. Why? I mean, this is stuff that I don't understand.

Manager Madden, here is my question—if council wants dog waste stations at the park, let me know and we will get them. Vandalism was the other concern.

Council Member Sands asks, how much does it cost us every time the bathroom is vandalized? \$1,000, \$500?

Manager Madden answers, it depends on what is vandalized.

Council Member Adkins, but we can't go on one problem versus another problem. So, we can't say just because there is vandalism in the bathroom that they are going to mess with the dog waste station.

Inaudible talking over each other.

Council Member Macmann responds when called on by Mayor, I would like to say as a council member, I would like to have this prioritized. I would like you (Manager) to look into this by the next or the next couple of weeks, whatever is reasonable. Bring something to us and tell us this is how much it is going to cost. Now, I think we need to decide whether we're going to do it or

not, because that is up to us to vote for that. Glenna can look into it, but we have to direct her, if we want this. As a council member I would like to see this in the park.

Mayor Arriola, adds, if it's below a certain price then we buy them. Show of hands, how many want these in the park? Motion and roll call to put the dog waste stations in the park.

Council Member Joy, I don't want to commit to something, I would rather know the price.

Council Member Macmann, motions if the cost is below \$1,000 then purchase the dog waste stations for the park.

Council Member Adkins seconded.

Roll Call for Vote:

Gale B. Joy		No
Lyndon Perkins	Yes	
Nicole Adkins	Yes	
Tammy Loch	Yes	
Raymond Arriola	Yes	
Christopher Sands	Yes	
Carol Macmann	Yes	

Count 6 yes, 1 no. Motion carries.

Melissa Sexton, do you have a date on the back track, walking path on getting paved?

Manager Madden, for the way back? No. That has to be leveled, we have to put tiles in and costs are ridiculous.

Council Member Sands, the service department is doing that, right?

Manager Madden, some and we are looking for companies to do some of it too.

Melissa Sexton, if I may make a suggestion. You have two low spots. The other day, when it was really nice, I seen a gentleman walking his dog in a wheelchair and to see the amount of people that come out and enjoy the park. And then to see you have nine council members that could care less what goes into the park is frustrating because I've been here since 2018. Asking to make changes to the park. It gets put on the back burner. And you have people, you have elderly who can't walk on them rocks, who enjoy walking on the pathway. The guy in the wheelchair, his dog pulled away from him, I'm assuming he didn't have enough strength to hold on to it and got loose happened to him twice. But he was able to get out and walk his dog on that pathway.

Mayor Arriola, we want to do that back section correctly. And we have to move a lot of earth to get that done correctly. I wanted it wider, like the one down in Germantown. But we just don't have that money. I want that done too but it takes money, and I can't justify putting it there when we have potholes that fixed. And the price of gasoline causing asphalt to rise.

Melissa Sexton, you have a couple low spots. You have a couple piles of gravel or the asphalt that was broken up and just laid back there in piles. Even if they could just spread that out in the low spots, I literally walk it three, sometimes four times a day in the rain, snow, it doesn't matter. I'm out there and I can tell you where the low spots are. And it's two of them. If they just take some of that asphalt and push it over on the track and just fill that part up. So, it's just not, sloped down, so you can finish walking around the backside at least. It won't be flat. But, you know, you could build that up for the time being and still make it accessible for the asphalt that is laying there already.

Council Member Macmann adds, that asphalt road can be dangerous, unless you packed that down.

Melissa Sexton, it is. But it is already there.

Vice Mayor Loch, do we know why it's just back there?

Mayor Arriola, it was put there many years ago.

Manager Madden, I think it was put back there when they were doing some other project.

Melissa Sexton, they filled the pathway with it. And everyone walked on it then, so it should be okay now. It is dangerous. I am just saying instead of walking through the puddles, we can build the two spots up. I would be willing to spend my time and show where I am talking about.

Manager Madden, Melissa now that you are on park board after the first meeting of park board we can go out and walk the park.

Council Member Sands, if that is a wet spot anyway and we get a heavy rain, it is just going to wash it out anyway and it will be right back to whatever it is now. Maybe that is where the broken tile is?

Melissa Sexton, that's all I have. One more thing, if I may. Your presence around town, that has an effect on kids? So, we talked about the curfew, the loitering, and the vandalism we talked about. I mean, I think. I don't want to offend anyone or take it personal, but. I have on many occasions seen parked police officers sitting for hours hidden. If you made yourself present then maybe when we have things up here and the officers can get out of their vehicle and walk around, or maybe show yourself a little more in certain areas where you know that there are a bad bunch or, you know, the kids that are left unattended, I think would be a great. A great thing also for the community. So that's my two cents. Thank you.

Police Chief Hensley requests, if you see officers sitting for hours at a time, will you please make me aware of when that happened? I'll look into it and see that it doesn't occur again.

Melissa Sexton, absolutely.

Shannon Bemis, 130 Bronwood Street. I just want to know, the three readings, how does that work? Is this something you guys have already voted on? Then after the third reading, then you

will vote to accept or not. I just wanted to understand that. Okay then, the holes on Yale and Bronwood, not holes craters.

Manager Madden, they were out there and fixed them once.

Shannon Bemis, No.

Manager Madden, yes. You even thanked us. That section of Yale with two houses on it needs to be completely redone. Filling potholes is not going to fix that.

Shannon Bemis, you have to go around. It is coming into Bronwood.

Manager Madden, they should have fixed one on Bronwood.

Shannon Bemis, they fixed a few little ones and I was trying to throw some gratitude out there.

Vice Mayor Loch, most people go around in the center because there's a metal cap.

Manager Madden, I'll look into it, again.

Shannon Bemis, we have been coming up here for years now and we feel like a dead horse. Like you guys are going to either say yes to something or no. work orders.

Manager Madden, We have the asset management system in place. We're working on getting that part set up too. Part up and running mid-March. So, if they get a phone call and go out and fix the toilets at the park, that work order would be there. It's not going to be a work order for there day to day. If they are mowing, they are going to mow. It would be more of the requests or the added on things. The standards will be standard work orders.

Council Member Macmann, you have your default, this is what we do. And then if something came in that was unexpected or not part of the regular day that will generate a work order.

Shannon Bemis, the concern is the regular day. That is what we have been asking for since 2018. The concern is there is three guys in a truck, one gets out and rakes or training—no they're not Glens.

Manager Madden, Actually Shannon, I found that Washington Township in one of their newsletters. They explain how three people do the leaf pickup.

Shannon Bemis, this is New Lebanon.

Manager Madden, all service departments do that.

Shannon Bemis, I'm just saying it's a small town when you have three guys driving around in their truck and probably get maybe 2 hours of work and get paid for eight hour day, that's a problem. I mean, I don't understand how much more, do I sit here and tell you about all of your employees and what they're doing and not doing? I don't want to do that. I don't. I've been coming up here for four or five years. Your employees need to be held accountable. My, this

theft of service when you're paying somebody 40 hours a week for 25 hours of work that is illegal and unethical. So I'm asking to find out. So, okay, from 8 to 10 they, Shannon Bemis mowed Don Rusk from 8 to 10. From 10:30 to 11:30, I dump the trash cans at Mills Place. That's what accountability is. That's basic financing for businesses, for anything. This is basic. This is accounting 101. I don't want to know what extras there is. I don't care. I want to know what these guys are doing because they are not working. I see more of them at Speedway, Casey's, Groceryland. I mean, I don't, I don't know where you all work during the day, but I'll tell you right now. So, I am requesting and I would like a timeline from Council. Not even from Glenna, I would like Council to tell me when you can look into this and vote on it. Please.

Council Member Joy, I agree with what you are saying. I have to do a weekly activity report every week in my boss and I'm tracking currently 36 projects. I don't think that's it too big of an ask. To come up with some kind of daily or weekly activity report. I see the reports that the police put out, that the fire puts out, and they list how many, where their guys are actually doing work. I don't think this is unreasonable to ask for the service department to this.

Mayor Arriola, we get our report from the service department for years now.

Council Member Joy, it is very vague.

Council Member Adkins, And I agree, because a lot of our community wants to be transparent and we want to be transparent. We need to actually listen to our community, hear their concerns, and try to help them understand what their concerns is and how we can better it. And if they want to know what our service department is, isn't it our job on this council to be able to let them know what our service department's doing? Really?

Mayor Arriola, we also have to watch the money because we're only collecting 1% income tax in this town.

Council Member Adkins, how hard is it.

Shannon Bemis, I promise you are wasting more money in salary. I'll tell you right now, not every single one of your service department workers, work 7 to 3 all day and that's what you're paying.

Mayor Arriola, you want them to have timeclocks?

Shannon Bemis, yes.

Mayor Arriola, so, they clock in and go do whatever all day.

Shannon Bemis, they should have a supervisor. Even from a state audit, a financial audit perspective. So, I know Glenn's in the water department. He may be 100% water. but then you've got, say, Bob and Bob will sit here and go cut grass at Don Rusk Park, and then Bob will go work on water main break. And then Bob may go and help set up for the Stage Coach Festival, I'm assuming that you paid his wage out of different funds. Am I correct? Right. How are you tracking them legally? What funds the paying him out of? You're guesstimating right? I'm assuming. So, in the summer, the size of a park is going to be much greater. Then say water

main breaks that happen in the winter. Not only financially, business sense, like as a government entity, like, I don't even know what to say to you guys don't understand anymore. Aside from like, I will then go public, and I will be putting information out there and I am telling, I will say, I have been coming to you all for four years and you have disregarded what I said. So, this is my final warning.

Vice Mayor Loch, Shannon, I do have a question. So, let's put cost aside. If there is a spreadsheet of activity for the day, for the departments like Gale said we get for police and fire for the service.

Shannon Bemis, You know, I brought this up years ago. I printed out copies of. I mean, I didn't measure. I can literally in 5 minutes make you a worddoc. Name, date, you got a folder sits in your truck. Mowed five hours. Done. Next one. I mean, come on. It's accountability. And we need it. We need it, right. We need to reel some things in. And I'll tell you, this is the one place you need to reel.

Vice Mayor Loch, And I do want to say, I'm not trying to put you on the spot but when there is an issue and you are seeing it. That is where you need to contact her (Manager Madden). Because she is over the employees.

Shannon Bemis, I've been coming up here.

Manager Madden, no call when it happens.

Vice Mayor Loch, so, she can address it.

Shannon Bemis, just like we're going to call on how long the officers were sitting at Dairy Queen. For three hours watching their phone, not going to happen.

Mayor Arriola, why?

Inaudible people talking over others.

Shannon Bemis, You really want individual people that know how things are going to sit here and expose each of the individual people. Is this what you're wanting? Then. Tell me.

Council Member Joy, what I see happening...

Inaudible audience speaking, other speaking over people.

Shannon Bemis, I don't want to hurt anybody or see anybody lose their job.

Vice Mayor Loch, what I am saying here, Shannon if you guys contact her when it happens, our job is to make sure that she addresses it.

Shannon Bemis, And I would feel more comfortable sending e-mails to council. And we're working on that.

Shannon Bemis, council needs to be aware. And there needs to be anonymity. I don't want my name out there to be honest with you. And I'm not nit picking, like the police. Their office is in their car, and they should be able to go to the bathroom and get it, even the service guys. But like, literally, like, do you know how much better this town would be if people were actually working guys. Give me five days, five days in this place. And you would see, like, things actually getting done. I'm tired. I'm tired of getting blown off. I want a deadline. There is no point in that system that you're discussing happening in March, that was never a discussion. Like I said earlier, a word document is all you need it will take me 5 minutes. And I've asked about timeclocks since 2018. I know there are people who are getting paid for time they are not here. When can I know about the work order system, I am proposing, and when can I find out about the time clocks?

Council Member Macmann, there are too many people talking here. We got like three different conversations.

Vice Mayor Loch, how many service people do we have?

Manager Madden, 5, 6 with Scott.

Vice Mayor Loch, six with Scott for the whole village.

Council Member Macmann, if the council wants a daily report, we need to tell Glenna that's what we want.

Council Member Joy, we don't need a daily report, she needs a daily report.

Council Member Macmann, If we want that to happen, we need to tell her. We need to direct her to do that, because Glenna is the village manager. She reports to us. We need to start directing Glenna if we want to see something happen. She'll do what we asked her to do. So, does someone here want to direct Glenna to do this?

Vice Mayor Loch, I'll motion.

Council Member Adkins, I'll second.

Mayor Arriola, you should get a report from each individual. . .

Inaudible people talking over each other.

Council Member Perkins, what are you going to do about a time clock?

Manager Madden, let's see what we get with this daily report.

Council Member Sands, is this report going to cover just the service department?

Shannon Bemis, just the service department. I would also like a time clock here for the village workers as well as the service department. I promise I will save you money if you put a little clock up.

Council Member Macmann, I would prefer to start with this.

Shannon Bemis, then I would like to do a public records request for employee time cards for 2022 to present and you can let me know when that is ready. Thank you, guys.

Tim Back, 29 East Main Street. So, in the noise ordinance, it talks about exhaust, cars, like you know, basically has some issues with it. It is making noise that they'd be written up for that. Is that our way as a village that is suppose to be caring and sharing or telling people that that, hey, you know, you live paycheck to paycheck and can't quite afford to fix your car because of an exhaust leak or something like that, that we don't want them here.

That kinda seems like HOA type stuff? I mean, I get it if somebody revving their motor repetitively, it's kind of like, okay, But I mean, the way it's written in here, it just seems like that if somebody has a car that has a lot of exhaust due to a hole in it.

Mayor Arriola, I imagine our officers are going to use common sense before that,

Tim Back, one would hope but common sense is something people lack. Especially, when it comes down to government and government spending. So, my next thing is, you know, I've seen these ladies come up here longer than I have. But is that part of my civic duties. You know time clocks are very important when people are making \$40,000, \$80,000, or even \$100,000 a year? I want to know that you're putting the hours in and work. I know as a citizen and paying for your position, if you're clocking in and or you're leaving work an hour early or something like that. And when I know for a fact that you've got village workers that are going into Speedway buying lottery tickets, while I am paying for it. Sitting around, you know, that's important. I want to know that it's not about just about what you guys want. It's about transparency to the community. You know, when we're paying 40,000, 80,000, \$100,000 for people, I want to know what you're doing. That you're working for that. My boss. You know, when I go to work or whatever, wants to know what I'm doing. I have to fill out a work order, mowing, I did this yard. This is the time I was in there. If there is a gap in that time, then people over head can say what happen right here, what were you doing here. I am just making an example. So, if there are a lot of gaps in people's schedules, then wow what's going on here, and then you find out that people aren't really reliable. The next thing is, is this water treatment plant. From my understanding, but I could be wrong. Please correct me, the guy can test it but he can't treat it if there is an issue. I have also heard that he can't pass it for like five, three, four, five, eight times. So, if that's the case and he can't test it, why are we continue to keep them on our payroll, for job he can't quite do? because he's not quite qualified like people that can't get their CDLs for reasons. I'm just wondering why we as a community, keep paying for these and it's like, well, government wasteful spending is an amazing thing. And Ms. Bemis says she can save you some. Wow. You know, I don't blame her, but I do admire some of you, as some of you guys are awesome. I think you do want to do a great job, but there's got to be a accountability.

Mayor Arriola, I was asking if there is a problem with the water?

Tim Back, there's been a problem with the water. You haven't noticed that. How is I as a citizen and you as the Mayor don't.

Tim Back, we have a guy who can test our water but if there is an issue we have to send it to Farmerville to have that guy treat our water. The guy that currently tests our water can't pass the test, from what I heard. That is what I am asking my council that should know the answer. Did he fail five times, three times, eight times and if he has failed that many times why in God's green earth are we still having this guy on our paycheck budget? Wasteful money? And you don't have an answer. But I have questions that you guys should be aware of. This been going on. Where does it matter? Does it matter? Is it true? Does it matter? All that matters is the truth of it. That's all that matters.

Council Member Adkins, Right now, they can take the samples, but they cannot do anything. You did say that, Chris, I think it was, was supposed to be taking the test. How many times has he took the test and how long have we been using somebody else to be doing our water.

Manager Madden, Well, let's see 15 years or more. We contracted it with someone else. We've hired people here and there, but for 15 plus years, we've contracted it out.

Tim Back, we could save a lot of money.

Manager Madden, we could. If we could find somebody. We need somebody that is certified. We don't pay enough for what it cost for water and sewer certification.

Tim Back, how did we survive as a community all the way up til now?

Manager Madden, because we have contracted it out.

Tim Back, but we pay other people over \$100,000 a year and make more than people in Beavercreek and other places, that's great wasteful spending.

Manager Madden, We did have someone and they left because they could make more money somewhere else. For the last 15 years, we have contracted it off and on. Up until 2019, we were contracted with the same guy.

Mayor Arriola, from what I understand, he left because his family was in Illinois.

Tim Back, that is all we want is transparency. When we have to come up here for five years are you guys not showing accountability. And I'm not saying that you are. I'm saying that questions that we start to develop when we have to come up here for five years or however many years. It should not be that way. I'm going to get them back on a call. Yes, that's my job. We come to you as a community. You should want to reach back out to us. You should be giving us a call as soon as you get the answer and we'll listen. Yes, we found out the answer for the reason that we need to track or do this or do that. You know, it's very fascinating.

Council Member Macmann, we have said why we can't do the track multiple times. It is in the minutes.

Tim Back, I was just using that as an example.

Council Member Macmann, I do care about this community, or I would not be doing this. All the people in this community are important to me not just the people sitting here.

Tim Back, You knew what you were signing up for. I hope that we start to see that because a lot of people in this community when I went around because I am going to probably be running for a position, one of yours. I talked to a lot of people and they don't feel that way. And I am very sorry about that.

Council Member Macmann, this has to stop.

Tim Back, me asking questions? A citizen of this community. You don't like that. I wouldn't like that either, if I didn't do my job. You don't like that someone is being straight and cutting through the bull crap, when most of us ask questions and don't get clear answers for years, that's bull crap. As we pay for this stuff and our money is being wasted in this town. Our roads are eroding. Not a single one of you probably know around the back of my house I got craters the size of Georgia, deeper than the seas. But no one wants to address that. The fact is, we hire people to go around town that should be noticing the stuff. Taking care of it. There's so many issues in this town. We're not Beavercreek, we're not big, we're not massive like that. This stuff shouldn't be an issue.

Council Member Joy, What I lived here for not as long as some. This is my belief, in the past the infrastructure has not been taken care of, the sewer hasn't been taken care of, the roads haven't been taken care of. And I can, in my belief, this is my opinion, that I have seen that change over the last several years. Is it where it needs to be? No, it isn't. But I can also tell you that we don't have the income coming to do everything that needs to be done. One of the problems that I have is anything that has to do with government service has a prime number on it. It goes up just and that is wrong and if you can change something. Change to that.

Tim Back, Yeah. I get it it's cost. Growing up in this community for 33 years I've been here. I've seen the roads. The roads in some areas have been way better than what they are. And I get that. I'm not saying that. All I'm saying is, look, we as a community want you guys to be more transparent. We've been asking this on a lot of different subjects, and I watch the meetings. I may not be able to make them like these ladies do, we are saying that we want you to be more transparent, and we want you guys to get back to us on that a little bit more quicker. Okay, I get it. Cost money, but we're also not being effective and stuff like this when I watch these guys go out and for instance, when they're patching these hole and they just pour it, they don't even tamp it, they just take their trucks and roll over the blacktop, and not even seal it. Come on guys, I'm not even in that trade. And I know that's not how we do it. You want to talk about wasting money. If I go out and I cut out a patch for a hole. So, then I put the gravel in don't even tamp it, then put the blacktop on it and don't seal it. Am I really saving money, or am I allowing water and salt and stuff to get down in there and do the same thing. I mean, I'm not even, you know, I mean, that's not what I do for a living. I see these guys here and I know that crap about work and we're paying these guys. You know, I'm not saying you guys don't care. I'm just saying that it's sometimes hard for us as a community to see that you guys do. I don't think anybody in their right mind would want to get into politics just to be grateful. And I know it seems like that, but it's like when you got people here that are constantly for years and years addressing the same thing, and they start to feel like, you know, like she said, you ain't even listening. Do I know that's true? And no, I don't. But I'm hoping.

Mayor Arriola, All the major problems that we do have with the roads, it takes a lot of money.

Tim Back, Right. That brings me back to my next question. With the Covid money. My next question would be is, so we were able to buy two side by sides, you know, could we not. We really needed two side by sides. There \$16,000 and we had a used one that was working fine. It is stuff like that. We really need that, come on man, you know, it's stuff like that. What you guys you guys are older than me and I respect you for being my elders. And you have more, more vast knowledge than me on things but when I am sitting here as a younger generation and I am seeing stuff and this is questionable. I look to my elders to give me an answer but when my elders can't give me the answer you guys should be able to. and we wonder why our generation is failing at many different levels. I'm not asking you all to be perfect and I'm not telling you, When we ask questions, give us feedback. we shouldn't have to call you guys and beat you to death. We're just citizens. We're all people. But when we feel like we're being neglected and treated like crap and not really honestly cared about, we're going to get mad. I feel bad for the dude that came up here earlier, that had his concern over the noise ordinance and I get it. You know, maybe It's stuff like that. But we got to have better transparency.

I want to see one day where nobody has to come up here because that means you guys are 100% doing your job so fantastically that nobody has questions. But when I seen this lady and that lady come up here for years, guys, start questioning what's in here. Please. I'm not asking you guys to sign up for this and get ridiculed. I want to say, man, we got such an awesome council in New Lebanon that our roads are good and we're not a big town. We don't even really have a large budget sure there are some things that need to be fixed and it's going to take some time. But at least our community feels that our council cares, connects, and gives us feedbacks. Not leaves us hanging for five years on something as petty as the pooper scooper, whatever trash can for shit. That's a can of shit. Now. I'm not a rocket scientist or anything like that.

Council Member Perkins, X amount of years ago, I used to come up here, how many people do you think was up here? One. Me. I am hoping you all got your answers. If you want answers give your question to Glenna.

Tim Back, you want us to give it directly to Glenna. But I got a question, isn't it the council's job to send stuff to Glenna? I thought that was the council's job. My job as a citizen is to come to these meetings and say, hey, guys, this is what I'm doing. And that's where you guys say hey Glenna, because Glenna's taking a lot of shocks for a lot of things. And to be honest, the council is to go to her with this stuff and I am hoping and I've seen tonight, this is the most impressed I've been with the council from watching all the videos stuff like that. And I really hope by me coming in here and maybe upset a few of you, I don't care if you like me, you don't, because at the end of the day, not everybody's going to like me and not everybody has too. But I am going to say the things that most people in the community don't want to come up here and say because they feel like they have been neglected or they been came up here and ask a questions and they just feel like they don't matter. I am going to be that guy, so go ahead and put my face on it and I'll come up here until things get done, if you want to hate me for it go ahead, but I love each and everyone of you and I hope that seriously you take today to heart and dig down deep and think about is this really what you want to do or is it time to maybe let somebody else step up that's going to possible have a fresh mind and be able to do something better. But I hope, you guys, either way reflect on this and don't take it the wrong way and just hear what we have said and what we have brought and not let the fact that people have to come up here for five years for a

can of shit to be put in the park, going from \$100 to \$300 an hour. You guys have a great blessed night. God bless you all. I am done.

Administrative Staff Comments

Police Chief Hensley, the only thing I have is that we've recently acquired through NSFF and please don't ask what that stand for, I can't remember right now, child safety locks we provide, to the community at no cost. So, that will be posted on our community page.

Mayor Arriola, what are these used for?

Police Chief Hensley, they are cable locks to secure a firearm, to keep curious hands safe. And that's all I have.

Fire Chief Keyser, The only thing I have is we spent about 50 hours doing the Medicare Medicaid cost analysis study, and that's a seven year study. Ours has been submitted back to the federal government for review.

CFO Philip Hinson, finance report for December 2022.

Motion to adopt December 2022 Financial Report Council Member Sands

Seconded Carol Macmann.

Roll Call for Vote:

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

Count 7 YES 0 NO Motion carries.

Service Department Superintendent, Nothing today.

Vice Mayor Loch, could we look into the certification for Mr. Back?

Manager Madden, yes.

Council Member Adkins, can you let us know what the outcome on that is too?

Council Member Adkins, you already know what I am going to ask.

Police Chief Hensley, if it is about the sign, we got it back and are in the process of charging it. I have not determined whether or not it is charging properly, but it is our hope that it is. So as soon as I get the opportunity, I am going to put the battery tester on it to see. Because when we got that, those are the batteries that were in it. The ones that we got from the government. So, I

can't say how good they are or not, but I'm hoping that it's charged up Good. I know that it hasn't been holding a charge very well lately. So, hopefully that'll be up and running again very soon.

Council Member Joy, I want to thank everyone for coming. I would prefer to see the whole room filled. I know that you said we shouldn't have anybody here, but I would prefer everyone here. This is one of the rights you have as citizens to address here as your local government. If you want me to tell you about the supremacy clause, I'd be happy too.

Audience speaking out.

Council Member Macmann, I appreciate the input. I agree. You know, that's what is part of our democracy is being able to come and say your piece. I do respect that. And I do want you to be able to do that. Other than that, I have nothing.

Council Member Perkins, I know you said you was going to look into a company to install the water reader meters.

Manager Madden, we have not been able to find a company.

Council Member Perkins, Perry Township you made arrangements since their levy passed?

Manager Madden, We just signed a contract the fire contract with them. It will be when they get their real estate money.

Council Member Perkins, so, you'll have money coming in this time.

Manager Madden, well additional money, yes. We had money coming from before from the other levy.

Vice Mayor Loch, Yes. Just thank you, everyone that came out. We need your inputs. We are here for community, and we'll look into the things that were addressed and that's all I have.

Mayor Arriola, again, thank you everyone for coming. Thank you for your inputs and we'll get you some answers.

Motion to adjourn 1. Council Member Macmann 2nd Council Member Adkins

Roll Call for Vote:

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

Count 7 YES, 0 NO Motion carries.

Meeting adjourned at 9:30pm By Mayor Arriola

Approved:



Mayor

7 Feb 2023
Date



CFO/Clerk of Council

7 Feb 2023
Date

