

**MUNICIPALITY OF NEW LEBANON
REGULAR COUNCIL MEETING
March 4, 2025, at 7:30 p.m.**

The meeting was called to order at 7:30 p.m. by Mayor Nickerson. The invocation was given by Council Member Cooper, followed by the Pledge of Allegiance.

Verbal Roll Call of Council Members Present for the Record

Council Members:

Timothy L. Back	Absent
Charles Cooper	Present
Gale Joy	Present
Chris Sands	Present
Melissa Sexton	Present
Nicole Adkins	Present
David Nickerson	Present

Others Present:

Acting Manager Keyser
Village Attorney Nate Rose
Interim Police Chief Wortman
Fire Chief Keyser
Service Director Dennis Easom

Approval of Minutes

- Approval of the February 18, 2025, regular council meeting minutes.

Council Member Sands requested a correction on page 11 from “employees” to “office employees”.

Vice-Mayor Adkins made a motion to approve the minutes as amended. Council Member Cooper seconded the motion.

5 yes votes, 1 no vote, minutes approved as amended.

Council Member Sands asked about the website stating the recording is not the official record, but the minutes are non-verbatim, and he noticed the 2025 recordings are not out there. He asked how people can know what is going on when they aren't out there.

Vice-Mayor Adkins asked if council could get zoning meeting minutes online also.

Unfinished Business

Ordinance 2025-01 - AN ORDINANCE TO APPROVE THE 2025 PAY SCALE FOR NON-BARGAINING UNIT EMPLOYEES. (Third Reading & Public Hearing).

Mayor Nickerson opened the floor for any comments or questions about this ordinance by citizens or council. None heard.

Council Member Sands's motion was seconded by Council Member Cooper.

Roll Call:

Council Member Sexton	Yes
Council Member Joy	Yes
Council Member Sands	Yes
Council Member Back	Absent
Mayor Nickerson	Yes
Vice-Mayor Adkins	Yes
Council Member Cooper	Yes

6 yes votes, 0 no votes, motion carries.

Council Member Joy asked when we created two management levels in the service department. Mayor Nickerson stated they will have to discuss this with the new manager when he comes on. Council Member Joy stated it should have been in the budget and wasn't there. Mayor Nickerson suggested to table this until the new manager comes aboard. Vice-Mayor Adkins stated she thought Dennis was hired to do everything in the service department and water department and that is not in the pay scale. She said it is not in the budget to pay for two superintendents. Mr. Easom stated he is the service director, not the superintendent. Council Member Joy asked what the difference was. Mr. Easom stated the director looks at the overall picture from 1-5 years and 5-10 years for caps, plans, and what needs to be done. Mrs. Bemis asked if she could help clarify. Mrs. Bemis stated that Mr. Easom applied for the superintendent position and was offered the job. He was made the service director because it would be dual role as the superintendent as well as the operator of record which is currently costing us \$9,500.00 per month through Derek Shell. Council Member Joy stated he still didn't understand how we ended up with two management positions. Mrs. Bemis stated Rob sent a memo out on his last day and council will need to decide if they want to reappropriate the budget because it is not budgeted right now for a service director, superintendent, and a foreman. She stated she spoke with one of the financial consultants and said it is still within the budget because the money that was going to Derek Shell is budgeted for and will be paid out of that.

Council Member Sexton stated there was an issue with the zoning code enforcement as well with it being a permanent part-time position, but getting paid \$32.12 which was Melody's old pay which was full-time, and it was never posted. She stated he should be making \$21.71. Vice-Mayor Adkins stated that these were done at the backend, were improper and need to be looked at.

New Business

Resolution 2025-10 - A RESOLUTION APPROVING THE PARTICIPATION IN A MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN IN CONJUNCTION WITH THE MONTGOMERY COUNTY OFFICE OF EMERGENCY MANAGEMENT.

Council Member Sexton's motion to approve was seconded by Council Member Cooper.

Roll Call:

Mayor Nickerson	Yes
Council Member Joy	Yes
Vice-Mayor Adkins	Yes
Council Member Back	Absent
Council Member Cooper	Yes
Council Member Sands	Yes
Council Member Sexton	Yes

6 yes votes, 0 no votes, motion carries.

Resolution 2025-11 - A RESOLUTION: AUTHORIZING THE INCREASE OF SANITARY SEWER RATES BY TWENTY PERCENT (20%) FROM \$5.48 TO \$6.58.

Council Member Sands stated our trash is also on contract and believes they have a built-in increase every year. He asked what year we are in on that and what percentage increase there is. Mayor Nickerson stated we can look into that.

Council Member Sexton's motion was seconded by Vice-Mayor Adkins.

Roll Call:

Vice-Mayor Adkins	Yes
Council Member Sands	Yes
Council Member Cooper	Yes
Council Member Sexton	Yes
Mayor Nickerson	Yes
Council Member Back	Absent
Council Member Joy	Yes

6 yes votes, 0 no votes, motion carries.

Mayor Nickerson informed the public that there was a copy in the back of what it is going to cost and how they broke it down. He said a company came in and evaluated the finances and budget and it shows the reasoning on the sheet.

Public Comments or Questions

Darryl Sorrell, 201 N. Church Street, said he spent three days writing this letter and feels there are things that were said that need to be addressed. He stated there was never a director's position posted. He said there was a lot of he said she said talk with the former administrator. Mr. Sorrell stated he has worked here for over 7 years and has dealt with a lot. He applied for the superintendent position, and it was posted. He said there is talk on how he is doing things, or his guys are doing things. He said he's been honest with everyone on council, there has never been a problem with anyone, and if someone didn't see eye to eye they always talked and hashed it out. Mr. Sorrell stated if there are any problems with how he runs his department he would love to speak to you. He stated even though the charter says he isn't allowed to talk to department heads, he is willing to listen to everything. He said council uses the word transparency, and he has no problem being transparent, at the same time he does things for a reason. He said he was questioned about why his guys are driving trucks home and he explained it is faster for them to go straight from their house instead of taking the time to go to the shop and get their equipment in the event of an emergency. He stated there is an issue with parks not being taken care of. He said it had been winter and cold and there was nothing he could do about it. He said he isn't going to ruin his parks trying to clean his parks. He said the other day was nice and he and three guys went out and cleaned up trash, dumped trash cans, and got rid of the dog waste stations. He stated he got a call about

a dead fowl in the pond, and it was frozen solid out there and he had to wait for it to thaw out. He said there ended up being three more out there and they were taken care of, and trash was cleaned up out there. He said he's doing what he can with what he has. He said the roads are destroyed and can't do anything if the asphalt plant isn't open to get cold patch and is at the mercy of the plants. He said there has been a lot of wrongdoing from what everyone says about previous leadership, and he is trying to right as much as he can. He said he is one guy with four people. He stated if they don't like how he runs things to please tell him and see if he can adjust and if not, thank you for the time he has served this community.

Josh Farley, 136 Bronwood Street, asked if there was a reason why department heads were not able to speak to council members off of our charter. Attorney Rose stated that is standard across most cities. Mr. Farley asked what the purpose of that was. Mr. Rose stated because they are elected officials, and it should be done through the city managers. Council Member Joy stated he believes the charter states they aren't allowed to direct employees. Mr. Farley asked if there was an issue are they allowed to bring that to Darryl. Mr. Farley stated elected officials are the people he would want to speak to department heads and felt that was absurd. He stated we need to look back at our charter and a manager run municipality and it is not okay. He said we need to look at our charter it was not done the American way but a dictator way. Mr. Farley said a single manager shouldn't make all the decisions it should be the elected officials. Mr. Rose explained that council is there for legislation and to determine what gets approved and the city manager enforces. Mr. Farley stated if there is an issue then she is prohibited from bringing that to Darryl. Vice-Mayor Adkins stated if they have any concerns, they bring them to the city manager and let them address it because it is an employee. Mr. Farley asked what if the manager doesn't address it and we are doing it backwards. Mayor Nickerson told Mr. Farley that is why they have discussed redoing the charter and that Mr. McNamee is reviewing it. Mr. Farley stated when we were down a service worker that Darryl stepped up and the town is starting to turn around and things are looking a lot different and that is probably because one guy wasn't doing his job and Darryl should have probably gotten the job.

Council Member Joy read charter section 2.18 the council relationship to administrative officers stating neither Council, nor its committees, shall in any manner take part in the discipline of, nor give orders to, any subordinates and employees in the administrative service of the Municipality responsible to the Manager, but must deal directly with the Manager. Council may inquire into the conduct of any office or department or any affairs of the Municipality.

Council Member Joy said it just says they cannot discipline or direct them.

Natasha Farley, 136 Bronwood Street, discussed council not talking with employees and understands the separation, however, council needs to be more responsible in holding our manager responsible and that is council's employee. She added that she agrees with her husband that the whole manager runs municipality is bull and does nothing for the representation of the people. She said all you do is pass the legislation and nothing to do with the running of the village and that falls into the hands of one human being. She said you want to hold on to good employees. She stated she sees council coming in and trying to change the administration around from what it was before, and she applauds them. Mrs. Farley asked about the police chief candidate Chief K. and Mayor Nickerson replied that he wasn't selected.

Rebecca Gabbard, 719 Homeway, spoke about an incident that started about three weeks ago when her son was given bad information in school and a faculty member tried giving him a detention for something she was wrong about that happens to be the mayor's daughter. She stated her son, and his friends decided to ding dong ditch the lunch lady. She said they are kids in sports and not kids that are running around causing chaos or fighting, they ran up to a house and knocked on the garage door and ran away. She stated then Mayor Nickerson showed up at her house telling her son he was going to spend his 13th birthday in jail and then the police showed up to her house to have her son criminally trespassed and look at criminal mischief charges. She stated she looked up criminal mischief and they didn't do any damage or create any threat. She said there is nothing in town for the kids to do and they can't play at the park behind the police station because there are three beheaded geese lying there and can't play on the playground because the equipment is broken. When she made the suggestion to turn the court house into a community center she was told to move out of New Lebanon and they didn't need that type of thinking here, but we have 12 year old kids going around cleaning people's houses for meth, 16 year olds addicted to crack, and a trailer park full of chaos because there is nothing for the kids to do. She said she had an issue with how the mayor handled it because he should have gone to her, and he is now criminally trespassed from her house as well. She said it takes a village to raise a child, and the village is failing miserably because there is nothing for them to do. She stated now they are intimidated by the mayor who said they would spend the night in jail, and they are little kids. She said we have better things to do with our time, we are short police officers and lost most of the ones we had and now Lt. Wortman and Officer Kaz have to waste their time because somebody knocked on a door. She stated Mrs. Bemis can confirm how involved a parent she is because Mrs. Bemis was involved with her oldest daughter and had he had that conversation with her the situation would have been handled.

Theresa Cooper, 443 Hazelhurst, she said she knows some 10-year-old kids that she doesn't want near her place, doesn't approve of the ding dong ditch, and that is her property. She stated the kids behind her during the pledge of allegiance were not very respectful. She said she could be blind, but she doesn't see a bunch of kids running around doing drugs. Mrs. Cooper stated she has grandkids in the schools, and they don't have a problem. She said we have a lot to do there is the youth league, the high school clubs, band, boy scouts, girl scouts, church clubs, and parents are responsible for their children. She stated we shouldn't have to pay taxes to make the courthouse into a rec center to entertain the kids. She stated we don't have enough money unless you want to pay like Kettering or Oakwood.

Debbie Brumback, 14302 Old Dayton, the last meeting she forgot to say that Friends of Perry Township are trying to do things for the kids and residents, and they have a realtor's box outside of the Perry Township building on the south side with applications if residents need help. She said those that have been in the hospital are too old, or just need help with things like mowing, yard work to a certain extent and picking up groceries. She said it is a onetime offer to help people out having some problems. They just fill out the application and they will be called if they qualify.

Administrative Staff Comments

Interim Police Chief Wortman stated the radar unit is currently on Holderman and is getting ready to move it in the next couple of days. If anyone has any streets to suggest with speed issues, please contact them. They are looking at moving it around every week or so. Mayor Nickerson asked if he could give an update on what happened on Perry the other day. Interim Police Chief Wortman stated they were contacted by a task force from the federal government that was going to be in the area executing two warrants and they provided them with information that they had on the residence to plan a safe way to execute their warrant. New Lebanon provided assistance blocking traffic for them while they conducted the warrants. He said any other information would have to come from the attorney's office.

Service Director Easom stated he looked into a new chemical company to order for the water and wastewater plant and we are looking at an \$8,400.00 savings by switching companies. He said we were being overcharged by Chemicals, Inc. and it is a really good savings for something so small. Mr. Easom also looked into switching labs and said it would be about a \$600.00 savings a year. He said everything is set up and ready to go. He stated they are doing a lot of maintenance at the water and wastewater facilities to get everything up to speed. Mr. Easom said the guys have done some cold patch work and mailbox repairs since the last meeting. He said they have had some

problems at the wastewater plant that they have to keep addressing but are making progress on that. Council Member Sands stated there is a huge pothole on the south end of Holderman and on the north end by Lawson is a grand canyon. Mr. Easom asked if they were from main breaks that happened, and Council Member Sands stated they were just potholes. Council Member Adkins stated she received a text the other day about Rosetta and how bad the potholes are. Darryl Sorrell from the audience stated that Holderman, Rosetta, and several other streets were taken care of that day.

Fire Chief Keyser stated at the start of the next meeting we will be recognizing the four-year-old boy that notified his mom of the apartment fire across the street.

Municipal Manager's Comments

Interim Municipal Manager Keyser advised we have a bid opening for Blosser Street tomorrow and are meeting with realtor at court building in the afternoon. Council Member Sands asked if that was to get the process started. Interim Municipal Manager Keyser stated it is already listed for sale. Council Member Sexton asked if we entered into a contract with a realtor. Mr. Rose stated yes under professional services which doesn't require a resolution to enter, but with what ultimately happens with the building that would require approval of the council. Nothing can happen and it cannot be sold without council approval. Vice-Mayor Adkins asked where it is listed and when it was listed. Mrs. Bemis stated the agreement was signed in February, it has been listed on three sites, the realtor is going to reach out to Kettering, Premier, and the YMCA. Mrs. Bemis stated they are meeting at the building tomorrow to go through the building since there was damage when the pipe broke and need to see if it is being sold as is or needs to be repaired. She informed council we have received the insurance check for the claim and will definitely have to repair the water sprinkler line. Darryl Sorrell asked from the audience where the insurance check goes and Vice-Mayor Adkins replied, the general fund. Mr. Sorrell asked about paying the restoration company that came in. Mrs. Bemis stated they were paid by the insurance company with a separate check. The meeting time for the bid opening was confirmed at 10:00 am and the meeting at the courthouse was confirmed to be 2:30 pm. Interim Village Manager Keyser stated after the bid opening Choice One is going to the tennis courts to look at them.

Future Village Manager Draugelis asked for the opportunity to earn everyone's trust and agreed that council should hold him accountable and stated he can't change the past. He stated we could move forward with healing, growth, and development. Mayor Nickerson stated if anyone would like information on the residency rule, he has documents that people can have after the meeting. Mr. Rose briefly discussed the residency requirement in the charter, as a home rule authority, we cannot have any provisions that contradict state law. State law states you can require someone to live in the county or adjacent county the employer is located in, and in our charter the way it is written now you have to live in New Lebanon during the duration of your employment which is contrary to what state law says with limited exceptions for police officers that

have to respond in a specific amount of time. The provision related to the manager is essentially void and ideally would just remove that provision but because it is part of the charter it has to be voted on. Council Member Sands asked about the manager contract they received and in section 15 states he has to live in the village. Mr. Rose stated they put that in because that is what is in the charter but added a void provision. Mr. Rose stated there are several provisions within the ordinances and charter that will need a significant overhaul when they get to review them.

Council Members' Comments

Council Member Joy stated he has been quiet over the last several meetings and won't be quiet anymore. Stating there are a lot of inconsistencies, double standards, lack of transparency, cronyism, people that were elected recently were elected under the banner to get rid of cronyism, mismanagement, and to follow the charter and that has not happened. Mr. Joy stated even today there is a violation of the charter at this meeting. He stated we have a law director that won't provide detailed billing and telling council not to respond to records requests from citizens which is a violation. Mr. Joy stated the mayor appointed the same person two times, Mr. Cooper. He stated at one meeting the mayor stated there were quite a few applications for the municipal manager position and there were two, stating that is not quite a lot, that's two. Mr. Joy stated the 11th hour appointments as Mr. Anderson was leaving and we lost a lot of good employees. He stated it would have been as simple for Mr. Anderson to appoint Lt. Wortman as chief and that he applied, stepped up to the plate on multiple occasions in leadership in his capacity and asked why that hasn't happened yet.

Council Member Cooper addressed Darryl and stated he has not heard a thing and tries not to get involved in gossip. He said the pothole situation is ongoing and eternal and with winter in Ohio and salt on the roads it is hard on the roads. He encourages citizens to be patient, and they will be taken care of as soon as time and money allows. Mr. Cooper stated he asked to be considered and is in a predicament because he doesn't have a mandate and is doing his best in his capacity. He stated he is honest and open-minded. Mr. Cooper stated he has his own opinions and hasn't consulted with anyone on this council about being appointed or any decisions he has made. He asked for patience with him because he is serving an unexpired term where there will be three seats open at the end of the year encouraging those to run if interested. He stated we have problems, but everyone has problems, and we can work things out. One thing he sees we need is a plan. What do you want the village to look like in twenty-five years? He said we can't continue to be reactive we need to decide what businesses we want, what type of houses we want and come up with a plan. Mr. Cooper stated that is his burden is just drifting along, reacting to things and not having a plan.

Vice-Mayor's Comments

Vice-Mayor Adkins had a question for Gary Long about the car lot next to the Family Dollar. She was on the zoning board when they approved of the car lot, and they are parking too many cars in their lot. She stated both car lots are not allowed to have storage or do repair work, and the one with too many cars is. She said it isn't fair for the one to not follow the rules. Interim Municipal Manager Keyser discussed the conditional use they were approved for and Vice-Mayor Adkins said they were only approved for car sales. Mr. Rose said he would have to look at the conditional use paperwork. Mayor Nickerson asked when it was approved. Vice-Mayor Adkins stated she thought in 2023, and it is getting out of hand. She stated she has complained more than once, will keep complaining until it's done, and has even shown pictures proving they are doing repair work during the day. She stated the car lot across from her is following the rules but the one by Family Dollar is not. Vice-Mayor Adkins asked Darryl how many service department workers. Mr. Sorrell stated to ask the service director he could probably answer her as good as he could. Vice-Mayor Adkins stated he might not know what she is going to ask. She asked how many service workers there were last winter when Glenna was here. Darryl stated six. Mrs. Adkins asked Dennis how many service workers we have this winter, and he stated five. Mrs. Adkins stated we are only down one. Dennis said there are six including him. Mrs. Adkins confirmed there were the same number of employees this winter compared to last winter.

MAYOR'S COMMENTS

None

Request to be Added to the Agenda

None

Adjournment

Council Member Sands motioned to adjourn, Vice-Mayor Adkins seconded.

Roll Call:

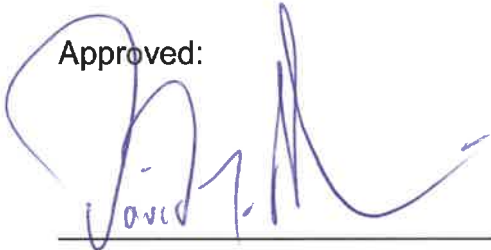
Council Member Cooper	Yes
Council Member Sexton	Yes
Mayor Nickerson	Yes
Vice-Mayor Adkins	Yes
Council Member Back	Absent

Council Member Joy	Yes
Council Member Sands	Yes

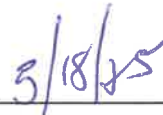
6 yes votes, 0 no votes, the motion passes and the meeting is adjourned.

Meeting adjourned at 8:37 p.m. by Mayor Nickerson.

Approved:



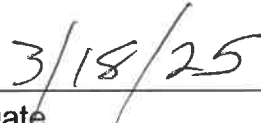
Mayor Nickerson



Date



Clerk of Council



Date