

May 2,

2017

The Council of the Municipality of New Lebanon, Ohio, met in regular session on Tuesday, May 2, 2017 at 7:30 p.m. with Mayor Arriola presiding. Present were Municipal Manager/Fire Chief George Markus, Law Director Ronald D. Keener, Police Chief Rick Daulton, Service Department Superintendent Scott Brock, Zoning Compliance Officer David Lunsford, Clerk of Council Sandy Wright and several visitors. Chief Financial Officer Brenda Etter was absent.

ROLL CALL

The following members were present at the Call to Order: Raymond Arriola, Gale Joy, Glenna Madden, Carol Macmann, Christopher Sands and Tom Simon. Linda Green was absent.

INVOCATION

Pastor Gary Eubanks from the New Lebanon United Methodist Church gave the Invocation. Pastor Eubanks asked for a moment of privilege. Pastor Eubanks stated he had been a pastor in this community for 16 years and at the end of June I will be retiring from pastoral ministry. This will probably be my last time to give the invocation but I just wanted to thank you for the privilege that you have given me and other ministers of this community to start this meeting off with prayer. I appreciate that very much. I wish you all well. I will remember you with fondness and I will keep you in my prayers for as long as I live.

Mayor Arriola stated we appreciate you Pastor. Thank you. Are you going to have a party?

Pastor Eubanks replied if I am it will be a surprise. (Laughter)

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Mayor Arriola stated we did get the Minutes of the March 21, 2017 regular meeting minutes. Are there any corrections or changes that need to be made to these minutes? Nothing was heard.

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

VOICE VOTE ON ABOVE MOTION. MOTION CARRIED.

Mayor Arriola stated next is the approval of the April 4, 2017 regular meeting minutes. Are there any corrections or changes that need to be made to these minutes? Nothing was heard.

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

VOICE VOTE ON ABOVE MOTION. MOTION CARRIED.

May 2,

2017

OLD BUSINESS

Mayor Arriola stated next is old business. Do we any have any old business?

Police Chief Daulton stated on the question from last meeting about what could be done about wild animals within the Municipal limits. On May 1, 2017 I contacted the Ohio Department of Natural Resources who advised me that if the animals are nuisance wild animals you can trap them and humanely euthanize them on your property. If it is in town you cannot use a firearm. They have a list of what they consider nuisance animals. Rabbits are not on the list. If you want to trap rabbits on your property you have to contact the wildlife officer about obtaining permits to trap. There is also a list of nuisance animal abatement and they will come to your property for a fee. They have a license so they will trap the animal. I copied some of the information for you. I also have information on hunting and trapping regulations for you.

Council Member Joy asked does that mean they have to be live trapped?

Police Chief Daulton stated they have to be live trapped on your property. Once you live trap them you have to euthanize them on your property. From what I have read you cannot sell any part of the body parts. You can ask the trash company if they will take them, if not you will have to bury the animal on your property. You cannot transport to another county or any other part of the community to dispose of it. If the animal is diseased they do not wish it spread from one area to another.

Council Member Joy asked in what way do they say to humanely euthanize the animal?

Police Chief Daulton stated they suggested blunt force trauma to the head.

Council Member Joy stated I am thinking that is not going to happen. Personally I don't have a problem with it, Obviously they are going to be in a cage so how are you suppose to euthanize them. There is really nothing you are going to have that is going to give them blunt force trauma so if that is the only options we have then I think the community needs to figure out a way to humanely euthanize them or hire somebody to come and do it.

Mayor Arriola stated anybody else.

Vice Mayor Madden stated I just don't see this as a problem, I guess. What he says is if you have a problem you have to take care of it on your property humanely.

Council Member Joy asked how?

Vice Mayor Madden stated I guess blunt force trauma.

Council Member Joy stated so basically what you are saying is I have to open the trap with a live animal in it and risk getting bite.

Vice Mayor Madden stated I don't see this as a town problem; I see it as a personal problem on somebody's own property.

Council Member Joy stated if the legalities that hinder me or property owner from taking matters into their own hands when they have pests then the personnel, the people who create the regulation needs to fix that problem.

May 2,

2017

Mayor Arriola stated seems that what Chief Daulton was telling us is they have said what you can do.

Vice Mayor Madden stated they only recommended blunt force trauma; you can use another method as long as it is humane. You can't shoot them because you can't discharge firearms.

Council Member Joy stated you can't poison them so the only option you do have is I have to put myself in harm's way to take care of something that someone else says I can't take care of.

Mayor Arriola stated I use to have a dog in my backyard. It was my dog and she would kill rabbits. You can imagine what a dog would do to a rabbit.

Vice Mayor Madden stated you are not allowed to do the rabbits anyway. Rabbits are on the list.

Council Member Joy stated a dog going up against a weasel or a coon is not going to go well unless it is a fairly good sized dog.

Mayor Arriola asked are there that many in your neighborhood?

Council Member Joy stated we have groundhogs, raccoons, squirrels coming out of every tree, and a lot of rabbits.

Council Member Simon stated if we go off what you are saying you would think the Village would pay to have these animals taken away. It would not be any different than requiring people to mow their grass so that would mean Scott would have to go mow everybody's grass.

Council Member Joy stated I wouldn't say that.

Council Member Simon stated we made the law, the ordinance, right?

Council Member Joy stated yes but you have not hindered me in the way that I can cut my grass.

Council Member Sands stated what you are saying is the village ordinances is hindering you from taking care of the problem.

Council Member Joy stated yes.

Council Member Sands stated so you want us to change that.

Council Member Simon stated it is not the village ordinance that is hindering him from doing that.

Council Member Joy stated we are not allowed to discharge a firearm to take care of the problem so the only option that we have is the live trap. If I live trap, then I have to let it go to humanely euthanize it which puts me in harm's way.

Council Member Sands asked what does the village ordinance say?

Council Member Simon stated it just says you can't discharge a firearm.

May 2,

2017

Council Member Sands stated we don't have one that specifically that says how to get rid of unwanted pests.

Council Member Joy stated right.

Council Member Sands stated there you go write one and we will discuss it.

Council Member Joy stated you guys have already said that if there is already a law in place we can't counteract that law that is already there. We already have laws in place.

Council Member Sands stated you can use that as your basis to write one for the village if you can find a humane way to do it other than blunt force trauma.

Council Member Macmann stated the only thing I am concerned about is how do you determine what constitutes the problem and I am not saying that you don't have a problem. Anybody in the village could decide they don't want squirrels in their back yard and that there are too many of them and they could call and say we need to do something about it. So if we did do something it would have to be some kind of boundaries as to what constitutes a problem because seriously we could have people all over the village expecting us to come to their home to take care of the problem and it could get out of control. We would have to have guidelines as what constitutes a problem.

Council Member Joy stated okay how about digging holes. Does that constitute a problem? How about getting into garages or attics? Does that constitute a problem?

Council Member Sands asked what if they show signs of rabies or something like that?

Council Member Simon stated that is a police issue.

Council Member Sands they can then use a firearm and take care of that. Give them all a tube of toothpaste and they will all be foaming at the mouth and they will come out and finish them off for you.

Council Member Joy stated you guys are acting like this is a joke.

Council Member Simon stated I had the same issue with raccoons in my attic. I hired a company to come get them and secured my attic. I did not expect the village to pay for it.

Mayor Arriola stated my neighbor hired a company to do the same thing.

Council Member Joy stated so basically we are paying taxes and we are writing regulations and stuff and we are not taking care of the property owner.

Vice Mayor Madden stated there are some things the property owners are responsible for on their own. If I get a mouse in my house it is not anybody's responsibility in the village to come get that mouse out of my house, it is my responsibility. I would never even consider calling the police.

Council Member Joy asked what about a raccoon?

Council Member Simon replied I didn't.

May 2,

2017

Council Member Joy asked what about a groundhog?

Council Member Simon replied I would call Critter Control and pay them to take the animal away.

Vice Mayor Madden stated I had a mole in my house one time and I hit it with a bucket, humanely putting it back outside.

Council Member Simon asked George is there any way to find out if any other Village or City has an ordinance stating they take care of critter control. If they have one, let's present it and see what it says.

Municipal Manager Markus stated we can do a search and report back.

Mayor Arriola asked is there any other old business? Nothing was heard.

NEW BUSINESS

Mayor Arriola stated new business. Anyone have any new business. Nothing was heard.

Mayor Arriola stated next is public comments or questions. If anybody has any comments or questions please come forward to the podium and state your name and address for the record.

PUBLIC COMMENTS OR QUESTIONS

Lyndon Perkins, 735 Greyhound Drive, stated I want to thank the mayor for asking about my back. The doctor says I am 73, I am not 50 anymore. Otherwise I am in good shape. Thanks to the Mayor, the Village Manager and to Scott; last Friday I went to pick my granddaughters up I looked over and I saw a backhoe. I took her to a soccer game that evening and I knew it was gone. Some of it went on the trails and some of it went in the parking lot. It was all gone. I would like to invite everyone when they get a chance to go look at the park. I got lucky tonight they did not have any practice. It is all about the kids out there. The play soccer, softball, hardball, practice for middle school, and football in the grass.

Municipal Manager Markus stated the Weehounds.

Mr. Perkins stated this fall I suggested they put another baseball diamond back there just for the little kids because they can't hit it that far and it will not interfere with those diamonds.

Mayor Arriola stated we do have a smaller one over here.

Mr. Perkins stated as you go uptown where you put the asphalt there are about 4 big yellow signs there, I guess maybe the asphalt people put them up, but I think they forgot to take them down.

Municipal Manager Markus stated those are road construction signs. I am not sure if they belong to Prograde.

ADMINISTRATIVE STAFF COMMENTS

Mayor Arriola stated we will go to administrative staff comments.

May 2,

2017

Mayor Arriola stated Police Chief Daulton.

Police Chief Daulton stated the only thing I have to say is thank you to the public for voting.

Mayor Arriola stated anyone have any questions for the Police Chief. Nothing was heard.

Mayor Arriola stated Fire Chief.

Fire Chief Markus stated I have nothing tonight sir.

Mayor Arriola stated anything for the Fire Chief. Nothing was heard.

Mayor Arriola stated Zoning Compliance Officer David.

Zoning Compliance Officer Lunsford stated I have nothing tonight sir.

Mayor Arriola stated anything for David. Nothing was heard.

Mayor Arriola stated Financial Officer Brenda.

Municipal Manager Markus stated she has nothing tonight sir.

Mayor Arriola stated Service Department Superintendent Scott Brock.

Service Department Superintendent Scott Brock stated we have added no parking signs to the south side of Perry Street. We are going to leave those up during the construction project. As soon as it is completed they will be removed.

Mayor Arriola stated any questions for Scott. Nothing was heard.

Mayor Arriola stated Parks and Rec, Alex. We will start our three-dimensional program again and EDGE after school is going great. We are doing it every Thursday, minus the rain dates, so we are averaging 20 kids every EDGE. We planted the garden last week so in a few weeks we will start our free garden give away We have about about 30 banners that are to be hung up for the Hometown Heroes. The Disc Golf is in the works. Scott and I met with the person about laying out the course so it is just a matter of putting the baskets in and I am hopefully going to plan an opening day for the course to come play the course once we have it all in. I will keep you updated.

Council Member Simon asked where exactly is the disc golf course going?

Alex stated it will to be on the outskirts of Don Rusk Park close to the walking path, outside of the way of NLYA activities pretty much all around the park. This year everything will be temporary to see what type of adjustments we need to make and hopefully get feedback from people who are playing.

Council Member Simon asked does the Village sponsor the EDGE Program?

Municipal Manager Markus stated we sponsor that program.

Council Member Simon stated the way it was brought to me was there was some concern about the kids signing in and if they had emergency contact forms.

May 2,

2017

Alex stated last year we did not have that. This year we had a mandatory parent meeting up to 12th graders to complete the necessary forms. What we found was that parents were not able to come so kids are allowed to come the first time, sign in, they are given forms to take home and bring back. This year we have more help also which has been great. There is much more planning and we have a program.

Municipal Manager Markus stated Scott you have some stakes out at the park don't you. If you leave the parking lot and take that first little gate toward the walking path, go to your left, that is going to be your first hole, it will have a stick where the basket is going to go and you just follow that around to the south and come up that west side tree line between the park and the farm and then will come across the north side of the path and the last hole is temporarily set in the group of pine trees there by the softball diamond, which is actually school property but we talked to the school about it and they don't have a problem with it so we see how that hole is played. That may or may not need some type of future adjustment but this whole first year everything is put in temporary to see what type of adjustment we might have to make then we will pour the pads and stuff next year.

Mayor Arriola stated anyone have any questions for Alex. Nothing was heard.

Mayor Arriola stated Municipal Manager comments.

MUNICIPAL MANAGER'S COMMENTS

Municipal Manager Markus stated I have a quick one that I want to read into the minutes. Our ISO Rate changed. ISO is the acronym for insurance service offices. The Fire Department has recently undergone an insurance Services Office Public Protection Classification On-Site Inspection. As a result of that inspection, the New Lebanon Fire Department has been upgraded from its existing Class 05/8B rating to a Class 04/4Y rated Fire Department. The bottom line is that effective on or about August 1, 2017 we **may** all experience a slightly lower insurance cost for your standard Residential Insurance Policy cost here in New Lebanon.

Mayor Arriola stated anything for the Manager. Nothing was heard.

Mayor Arriola stated council member comments.

COUNCIL MEMBER COMMENTS

Mayor Arriola stated Gale

Council Member Joy stated I have nothing further.

Mayor Arriola stated Carol.

Council Member Macmann stated I have nothing

Mayor Arriola stated Chris.

Council Member Sands stated I have nothing.

Mayor Arriola stated Tom.

Council Member Simon stated I have nothing.

.

May 2,

2017

Mayor Arriola stated Glenna.

VICE MAYOR’S COMMENTS

Vice Mayor Madden stated I have nothing.

MAYOR’S COMMENTS

Mayor Arriola stated I took a walk down Main Street last Sunday and looked at the new construction. It looks great. I talked to some of the individuals along the way and they are very happy. Nobody had any issues. Thanks for everybody’s hard work on that project. You all did good.

ADJOURNMENT

Mayor Arriola stated do I have a motion to adjourn.

Motion by Council Member Madden, second by Council Member Simon to adjourn the meeting.

ROLL CALL ON ABOVE MOTION: Council Member Arriola, yes; Council Member Joy, yes; Council Member Madden, yes; Council Member Macmann, yes; Council Member Sands, yes; Council Member Simon, yes; 6 yes 0 no

ALL IN FAVOR. MOTION CARRIED.

Meeting was adjourned at 7:57 p.m.

Approved:

Mayor Date

Clerk of Council Date