A RESOLUTION AUTHORIZING THE MAYOR TO RETAIN OUTSIDE LEGAL COUNSEL FOR ANTICIPATED LITIGATION INVOLVING THE HISTORIC NEW HOLLAND UNION CEMETERY AND ANY OTHER REMEDY OR CAUSE OF ACTION RECOMMENDED BY OUTSIDE COUNCEL APPROPRIATING GENERAL EMERGENCY FUNDS FOR CEMETERY CONTINUITY, AUTHORIZING ADMINISTRATIVE OVERSEEING OF REVENUE AND RECORDS AND DECLARING AN EMERGENCY

WHEREAS legal counsel is needed to protect the interests of the Village of New Holland in response to Perry Township's allegedly knowing, willful, and unlawful withdrawal from the New Holland Union Cemetery. The withdrawal may violate Ohio Revised Code Sections 759.27, 759.30, 759.36, 759.39, and 759.40.

WHEREAS Conflicting Statements during the May joint meeting required by Ohio Revised Code Sections 759.34 and 759.35, the Perry Township Trustees told the New Holland Council that the Pickaway County Prosecutor had advised them "to get out of the cemetery business." However, Perry Township's published minutes from its February 2026 meeting indicate that the Trustees acted contrary to their legal counsel's advice. This apparent misconduct cannot be ignored. The Trustees reaffirmed their position not to cooperate through a unanimous vote recorded in the August meeting minutes. Their alleged decision to violate the Ohio Revised Code may constitute malfeasance, misfeasance, or nonfeasance in office under Ohio Revised Code Section 3.07 and a criminal conspiracy to violate tax law.

WHEREAS Perry Township's unilateral decision to withdraw from the New Holland Union Cemetery may directly violate Ohio Revised Code Section 759.39 and OAG opinion 89-058 because the Township did not obtain approval from the New Holland Council during the joint meeting held on May 11, 2026.

WHEREAS Perry Township has acknowledged directing the Pickaway County Budget Committee to discontinue collecting funds approved by Perry Township voters for fiscal year 2027 and subsequent years. The Trustees stated that the Pickaway County Auditor authorized this action in an email to the Village and is attached to the Perry township August meeting minutes. The County Auditor's interruption of these voter-approved tax collections may cause irreparable harm to the cemetery and may violate Ohio tax law, including Ohio Revised Code Chapter 5705.

WHEREAS Perry Township has failed to meet its minimum statutory responsibilities by not attending Cemetery Board management meetings. This failure has impeded the Board's ability to conduct its day-to-day business and operations, may demonstrate a willful disregard for Ohio law.

Section 1 Emergency Legal Relief. The Village will seek injunctive relief, and writs of mandamus against the following parties:

- Perry Township;
- the Pickaway County Auditor, if the Auditor follows Perry Township's direction and withholds voter-authorized tax funds earmarked for cemetery operations; and
- the Perry Township Trustees individually, based on their alleged conspiracy to deliberately harm the New Holland Union Cemetery and the Village of New Holland without lawful justification.

Section 2 Receivership, Records, and Administration. The Village of New Holland can solely operate the Union Cemetery until a judgement is concluded by proper judicial authority as to Perry Township Trustees intentions and to come in line with its long-standing corporation, past practice and statutory obligations.

Section 3 Court-Appointed Receivership and Record Security. The New Holland Council reserves the right to petition the Pickaway County Court of Common Pleas to appoint a receiver for the New Holland Union Cemetery and issue a replevin order securing the cemetery's records.

Operational Oversight and Costs. If appointed, the receiver could supervise the sexton and cemetery clerk in coordination with the Village of New Holland Fiscal Clerk, thereby helping to control receivership costs. To the extent permitted by law and approved by the court, Perry Township should be responsible for those costs because its illegal actions initiated this matter despite the advice of the Pickaway County Prosecutor.

Resolution No. 2026-R10

Motion to suspend the readings made by Zachary Fisk and seconded by Joshua Trainer

Council Vote's Recorded: Yea 3 Nay _____ Abstain _____

Motion to Pass the Resolution R10 made by Zachary Fisk and seconded by Jimmy Thompson

PASSED AND ADOPTED BY THE COUNCIL OF THE VILLAGE OF NEW HOLLAND, OHIO, ON THIS 7th day of October , 2026.

Danny Kirkpatrick Y / N / A _____

Jimmy Thompson (Y) / N / A Jimmy Thompson

Joshua Trainer (Y) / N / A _____

Zachary Fisk (Y) / N / A Zachary E. Fisk

Clair Betzko Y / N / A _____

Upon roll call on the adoption of this Resolution, the vote was as follows:

Council Votes Recorded: Yea 3 Nay Ø Abstain Ø

ATTEST

VILLAGE OF NEW HOLLAND,
PICKAWAY COUNTY, OHIO

BY Clair Betzko
Mayor / Pro Tem

BY Carmen J White
Fiscal Officer

I the undersigned, Clerk of the Council of the Village of New Holland, Ohio, do hereby certify that publication of this Resolution was duly made by posting of a summary thereof at five public places in said municipality, as determined by the Council, each for the period of fifteen days, commencing on the 8th day of October, 2026. A complete text of the Resolution may be obtained or viewed at the office of the Fiscal Officer of Village of New Holland.

Carmen J White
Clerk of the Council of the Village of New Holland, Oh.