

The September 22, 2009 meeting of the Newtown Village Council was called to order at 7:00 p.m. by Mayor Curt Cosby, who led the Pledge of Allegiance to the Flag.

Councilmember's:	Brian Burns	Mark Kobasuk
	Doug Evans (left 8:10pm)	Ken Pulskamp
	Tracy Hueber (left 7:36pm)	Daryl Zornes

Mayor: Curt Cosby
Solicitor: Doug Miller
Fiscal Officer: Keri Everett
Police Chief: Tom Synan

Waste Collection Contract

Representatives from Rumpke, CSI and Forest Green were present to answer questions regarding their company and service. Mr. Pulskamp spoke to the bids presented at the Bid Openings held at Town Hall October 18th. The Village of Newtown currently has a Trash and Recycling contract with Rumpke, which will expire 9/30/09. Councilmembers Kobasuk and Burns asked for more time to allow them to make a more informed decision before entering into a new contract. Mayor Cosby said in his opinion, the level of service the village has had with Rumpke has been great. He said if the village departs from Rumpke, his concern is that the level of service be maintained to that standard. Mayor Cosby asked Solicitor Miller if the village can get out of the contract six months or so down the road, if we are displeased with the service. Solicitor Miller said it depends on if it rises to the level of a breach in the contract. Mayor Cosby said depending on the circumstances, we have not always gone with the lowest bid. Mayor Cosby said there have been a couple of construction contracts where the village didn't necessarily go with the lowest bid. Solicitor Miller said if the village would need to have legitimate reason for not accepting the lowest and best bid. Mr. Kobasuk asked for more time to talk to his neighbors regarding the waste haulers. Mr. Zornes thought council should table the discussion until the next meeting.

Mr. Kobasuk made a motion to table the discussion until a special meeting before the end of September. Mr. Zornes seconded the motion. Mr. Burns-Yes, Mr. Evans-No, Mr. Pulskamp-No, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Brett Gaspard, Rumpke agreed to extend the current contract at the current rate for 90 days on an emergency basis. The expiration of this contract will now be December 31, 2009. Mayor Cosby and council accepted Rumpke's extension to the contract. Mr. Pulskamp said he would like for everyone to submit a new bid. Mr. Pulskamp asked council to email him with information they would like to see in the bid specs.

Ms. Hueber made a motion to accept Rumpke's 90 day extension on the Trash Removal contract. Mr. Burns seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Mayor Cosby suggested waiting until the next regularly scheduled council meeting, October 13, 2009 at 7:00 p.m. This allows everyone a chance to review the information and talk to your neighbors and come back to council ready to make a more informed decision. Mr. Kobasuk told Mayor Cosby he feels good about that and commended Mayor Cosby. Mr. Pulskamp suggested new bid specs and put it out to bid before the first meeting in October. Mayor Cosby said that is up to council, but at least to table it until the next regularly scheduled council meeting and then make a decision as to what we want to do; everybody can have input at that meeting to decide if we want to rewrite our bid specs. Mayor Cosby suggested having a committee to review the specs and rewrite the bid specs. Mayor Cosby tabled the discussion until the October 13, 2009 council meeting.

Police Department, Radar Unit Surplus

Chief Synan spoke to the Resolution declaring a radar unit surplus. The police department participates in the State of Ohio "Click-it or Ticket" program and has received two new radars on grants. Newtonsville is in need of a radar unit; Chief Synan is asking to have this radar unit declared as surplus; it has no value to anyone other than a police department.

Police Department, Warrant Blocks

Officer Kent Orso came up with a warrant block and with the Bureau of Motor Vehicle's help Newtown's warrant block would go to the BMV. Therefore, when the people that owe court fines go to get their licenses renewed or license plates renewed they will be denied and advised they have a warrant and fines due through Newtown, Chief Synan said. The State of Ohio will not issue these people license or license plates until they resolve their issue with Newtown.

Citizen Input

Vincent Capiello, 7229 Baltic Court, Ivy Hills Reserve. Mr. Capiello thanked council for working with Gallenstein in having their roads recently paved in the Ivy Hills Reserve. Although the process has been a long one, Mr. Capiello said he and the residents appreciate council seeing this through. Mr. Capiello asked council about when they could expect the punch list to be resolved so the roads can be dedicated and accepted by the village. Winter is quickly approaching and the residents in the Ivy Hills Reserve are concerned about having to pay for snow removal until the roads are accepted by the village.

Mayor Cosby asked Mr. Capiello to give Becky his email address; we will get clarification from our engineer and get back with Mr. Capiello.

Cathy Burger, CABOOM "Citizens Against Blasting On Our Miami" (handouts)

Mrs. Burger said she is confused regarding the Resolution adopted October 2008 by village council opposing the Martin Marietta Mining issue. She spoke to the news article last week in the Forest Hills Journal where Mr. Evans and Mr. Puskamp referred to their view points of going to a mine that they visited last year also. Mrs. Burger said she doesn't understand why they visited the mine again and it appears part of council is changing their minds on the Resolution. Mrs. Burger presented council with a map reflecting the amount of people that will be affected by the mine. Mayor Cosby said council will vote on this issue tonight. And he would like to hold this discussion at a minimum because this issue was discussed at length at the 9-08-09 council meeting. The 9-08-09 council minutes will be approved tonight.

Mr. Puskamp said last October council did not adopt a Resolution; they made a "motion" opposing the mine for traffic reasons only at that point. He since then there has been a new Resolution brought to the table opposing the mine for a lot of different reasons. Mr. Puskamp said since last October, he has educated himself and visited two different mines. He said he has learned more things about what Martin Marietta is proposing and it could alleviate some things for Newtown and help Newtown out in a little way. Mr. Puskamp said he is not in favor of the Resolution because of everything that is included in it. He said he is still not for the mine and is still not against the mine. Mr. Puskamp said he does not think he is going to be the one sitting here making a decision with what somebody can do with their property.

Mr. Kobasuk told Mrs. Burger he is opposed to the mine. Mr. Kobasuk quoted background on the issue:

Mr. Kobasuk told Mr. Puskamp he did not believe he was accurate in the previous motion. Mr. Kobasuk read from 9-9-08 council minutes the motion he made.

September 9, 2008 Council Meeting

Mr. Kobasuk made a motion for the Village of Newtown, acting through the mayor and/or the solicitor, shall oppose the application of Martin Marietta for special zoning for limestone mining operation on Round Bottom Road. Such a mining operation poses a health and safety issue to Newtown residents, given the dust, noise and traffic associated with such a mining operation. On behalf of the Village of Newtown, the mayor and/or the solicitor will oppose the application in writing and/orally at any hearings, including the upcoming hearing on October 2, 2008. Mr. Puskamp seconded the motion.

Discussion from September 9, 2008 Motion

Mr. Puskamp has researched the Martin Marietta mining and is concerned about the number of trucks that will go through Newtown and feels not one thing positive would come from the mining for the Village of Newtown. Anderson Township will receive money from every truck that leaves the mining site; Newtown will not receive a dime, except a thoroughfare coming through the village.

Tonight's Discussion

Mr. Kobasuk told Mrs. Burger this motion is in the record and Solicitor Miller proposed a resolution that was modeled on what Hamilton County did; the commissioners came out in opposition to this mine. Mr. Kobasuk said every representative body of citizens has opposed this: Terrace Park, Indian Hill; and Newtown council was about the first going on the motion. Mr. Kobasuk said he thought it made sense to adopt a more formal resolution; therefore, he brought it to the table and will bring it to the table tonight. He told Mrs. Burger her question was well pointed to Mr. Puskamp. Mr. Kobasuk said Mr. Puskamp works for Doug Evans and thinks there is a problem with Mr. Puskamp voting on this resolution. He said, frankly, Doug Evans is Mr. Puskamp's boss and has extensive land rights around the mine.

Mr. Puskamp said he is his own person and has been on this council for twenty years and has never swayed his vote for his employer and never will. He said he stands up for what he believes in and always will.

(Mr. Evans provided handout from Jackson Township)

Mr. Evans said he realizes it is a very emotional meeting for everyone. Mr. Evans said it is not the case that he went to look at the mine last year and changed his vote. He said the mine was not even running last year; it is just now running. Mr. Evans said Martin Marietta will be a direct competitor. Mr. Evans said he does 5-8 total truckloads per day and Martin Marietta wants to do something on a larger scale. Mr. Evans said his issue is not to against businesses at all; his issue for Newtown is we don't really have a dog in this fight. He said it is a traffic issue and we need to look at the pros and the cons on these issues. Mr. Evans said he is not going to say he is for the mining or against it. He said his stance for Newtown is what is best for the businesses and homeowners. Mr. Evans said one of the big issues is the trucks. Mrs. Burger said we are talking 500-700 additional trucks per day. Mr. Evans said he didn't want to get into a debate over how many trucks; Mrs. Burger asked then why bring up the trucks? Mr. Evans said just because he didn't like the way the stadium voted doesn't mean he is going to spend \$30,000 plus of Newtown's money to fight something where we can't have an outcome. He said it's not going to help us at all. Mr. Evans asked, does Newtown gain or lose by the thing? He said it was brought to his attention by Mark, "what does Newtown have to gain?" He told Mr. Kobasuk that is a great question. Mr. Evans said he went to Jackson Township where the other mine is located and

talked to their administrator and he is not for or against the mine. He asked the Zoning Administrator of Jackson Township what their experience had been with the mine. Mr. Evans asked about truck issues and other issues they had experienced by the mine. Mr. Evans said the mine will affect him more than most people. He said he will have dust on his cars, etc., so he tried to go out and do research. Solicitor Miller said he and Mr. Evans have had a conversation as far as a conflict or not and told Mr. Evans he is the one that will have to make that determination. Mr. Evans said he tries to do it based on all the businesses that have paid taxes all of these years. Mr. Evans said if the ANCOR connector goes in there will be no trucks on Round Bottom Road or Newtown Rd. He said they currently use about 500,000 tons between Valley Asphalt, Barrett Paving, Sardinia Concrete and Pavestone. Mr. Evans said these could be positive things; he referred to the handout of Conditions of Approval from the Jackson Township Zoning Administrator. Mr. Evans said he doesn't want to say yes or no; he stated he thinks sometimes you need to give people the benefit of the doubt and hear both sides of the story. He said it is good to see what someone thought of issues associated with the mine that would be just like Martin Marietta's.

Mr. Kobasuk told Mr. Evans the problem with his argument is the people don't want it! He told Mr. Evans he is a representative and elected not to substitute his judgment for the will of the people; they don't want the mine. Mr. Kobasuk said that is how he views the issue. Mr. Evans asked what is going to happen when a court says they will take the mine, which could happen. He said he tries to give people the benefit of the doubt. Mr. Kobasuk said he views it as representative government; he represents the will of the people when he is here. He said the people don't want the mine and council has gone on record 5:1 (abstention) opposed to the mine.

Mrs. Burger thanked mayor and council.

Municipal Parking Lot

Ken Patterson, resident on West Plum spoke to mayor and council regarding the gate to the Municipal Parking Lot not being locked the day after the Farmers Market. Mr. Pulskamp said we only open the gate for special occasions such as Farmers Market and WinterFest. Mr. Pulskamp will talk to the Maintenance Department to see what is going on and Mayor Cosby said he will talk to the owner of Newtown Feed.

Hamilton County MR/DD

Ms. Sharon Hannon, Goodwill spoke to mayor and council regarding MRDD programs. Issue 5 will be on the November 3, 2009 ballot. Hamilton County Board of MRDD has served adults and children in our community for more than thirty-five years. This will be a five-year levy, which will be a renewal of the current amount of 3.62 mills plus an increase of .51 mills, which totals 4.13 mills. Currently, the owner of a \$100,000 home in Hamilton County pays \$89.32 a year for this levy. If this levy passes, the owner of a \$100,000 home will pay an additional \$15.12 a year. For more information about Hamilton County MR/DD, visit www.hamiltonmrd.org.

Ms. Hueber left the council meeting at 7:36 p.m.

Melinda Gableman shared her experiences with mayor and council she has had with the Hamilton County MR/DD. Mayor and council thanked Ms. Gableman.

Fire Chief Tom Driggers, Fire Levy

Chief Driggers spoke to council regarding the upcoming 2.3 mill Fire Levy. The levy will cost the homeowner \$68.27 per \$100,000. Chief Driggers said the levy will bring in \$527,000 per year; it is a continuous levy that will generate 8 million dollars, which is the amount anticipated to replace the two fire stations. He said the payoff should occur in about 15 years; basically, paying back 12 million dollars on an 8 million dollar loan. The 8 million dollars will be borrowed against the levy. The levy will go away as a promise of the Fire Board, said Chief Driggers. He said it is a continuous levy because you can't run a 15 year levy. Solicitor Miller said it would have to go away by affirmative action of the Fire District saying take it away. Chief Driggers said the Fire District Board is only going to use that money for land acquisition and construction of the two fire stations. Although, they can legally use it for other things, but that is not their intent, said Chief Driggers. He said once that debt has been satisfied it is the Board's intention to vacate that levy. Chief Driggers said, understand, he will not be here then. Mr. Pulskamp asked if the budget was set for acquisition of land and the construction of two fire houses. Chief Driggers said, preliminary studies have been done on commercial real estate, availability of the commercial real estate, and general estimates have been obtained. Mr. Kobasuk asked where the fire stations would be located. Chief Driggers said based on available footprint of properties that are affordable. He said the E-Check building is being considered; it's 9100 sq ft facility, sits on a little more than five acres of land, roughly 1,000 yards from current location and centrally located. It is vacant and available for purchase. Chief Driggers the property next to Wendy's on SR 32 has been considered. It is about 2.3 acres; it's available for development.

Mr. Kobasuk spoke to Chief Driggers regarding the timing of the levy. Mr. Kobasuk said the current economy is worse than the Great Depression. Mr. Kobasuk said people are unemployed and have taken pay cuts. He told Chief Driggers he was asking for a large millage increase after already getting 9.75 mills. Mr. Kobasuk said we pay 9.75 mills. Mr. Kobasuk said he pays almost \$1,600 per year for fire protection on his tax bill; and that will increase. The more expensive homes in Ivy Hills will pay more than that, said Mr. Kobasuk. Mr. Kobasuk said he thinks we are taxed too much and told Chief Driggers he is going about this at the wrong time, in the wrong economy. Chief Driggers said there are advantages by doing it now versus waiting for the economy to recover. Chief Driggers said the cost of commercial real estate properties are down and while the economy is depressed, the contractors have said up to one-third of the cost could be saved on the construction of the overall cost of these two fire stations. Mr. Kobasuk said the

voters voted for the levy in May 2006. Chief Driggers said yes and it passed by 57%. He said the levy passed in 2006, (effective 2007) is good for 7-8 years and the Fire Board doesn't believe in going back to the voters with regularity for funding. Chief Driggers said, therefore, they operate on two levies that equal 9.75 mills with an effective rate at 8.8 and based on projections, should last until 2015. Mr. Kobasuk said that is a lot of millage. Chief Driggers said they were actually \$165,000 under budget last year. Mr. Kobasuk told Chief Driggers he stood at the podium at the 3-14-2006 council meeting and said:

This new money should sustain the fire department financially for a period of at least seven years. So based on our projection, we don't anticipate going back to the voter for additional monies for operational purposes, until 2012 or 2013.

Chief Driggers said they are not that this is "un-operational." He said this money is solely for the development of two fire stations that are solely needed! Chief Driggers told council to pay a visit to the two fire houses and see the conditions these buildings are in and the conditions the guys work under. He said it is quite evident that it is time to replace these two fire houses. Chief Driggers said the longer we put off replacing these two fire stations the more tax money will be spent to maintain these buildings. Mr. Kobasuk said people don't more taxes; especially, if they don't have a job or didn't receive a raise this year. Chief Driggers said there are serious issues with both fire stations. And have prolonged this over a year waiting for Mariemont to make up their mind as to what they wanted to do in regards to joining the Fire District. Chief Driggers said had Mariemont joined the Fire District, 129 million dollars would have been added into the taxing-nest, which would have reduced everyone's taxes by a couple of mills. He said that issue is not over with in a long-term standpoint. It may be over with immediately, but there is a very good chance there will be a reduction in that property taxes, in the event the Fire District grows by an additional municipality, said Chief Driggers. He said if we continue to prolong replacing these two fire houses the cost is going to be greater to the taxpayers; the Fire Board is well aware of that and they don't like it anymore than you all do. Chief Driggers said 2.3 mills are as low as they can go to generate the necessary funds to do this project. Mr. Kobasuk said 9.75 mills seem like a lot of tax revenue for fire protection. Chief Driggers said it is based on the total taxing values of the district; the district has about 237 million dollars of taxing money divided in the three communities. Chief Driggers spoke to the good sound fiscal management of the Fire District; the Board said 7 years for the 2007 Fire Levy, which looks like it could be 8 years and if lucky, 9 years. He said they promote good sound fiscal management, but the reality is no one will loan money on those levies that are there to build fire houses because there is no guarantee in the long-term that the money could be paid back to the bank. The Fire District has applied for a 3 million dollars stimulus package and one of the conditions is the Fire District have control of the property. Currently, they have control of no property, said Chief Driggers. If the Fire District is awarded the 3 million dollars, now the 8 million would become a 5 million dollar loan. Mr. Evans asked if the taxes would then be reduced. Chief Driggers said they would reduce what they collect based on what is owed back to the bank. There were 19,000 applications for that the 210 million dollars that have been earmarked for fire stations. Mr. Evans said he would like to understand more about the three municipalities, as far as who pays what and how each group of the Fire District is taxed. Chief Driggers said everyone is taxed the same based on their property valuation. The 9.75 mills currently has an effective rate of 8.8. Therefore, we are paying 8.8 mills of our property valuation. If Mariemont were to join the district, it adds the taxing values to the district by 130 million dollars, said Chief Driggers. He said the district would receive the additional revenues it brings in and it would lower what is collected from every taxpayer in the district to meet the budget line that has been assessed. Mr. Kobasuk said, but Mariemont voted not to join the district. Mr. Kobasuk asked Chief Driggers what happened to the commercial development he had spoke of a couple of years ago for Fairfax that could have had potential to bring in more revenue allowing to scale back some of these levies. Chief Driggers said that is the Red Bank Road Walmart, which will increase the taxing revenues by 60 million dollars so Fairfax's taxing value is going to go up 62 million when the project is completed. The Fire District will get a portion of that based on the assessed millage collected. Everybody is being taxed accordingly, said Chief Driggers. He said they have been given some tax abatements, which council has the authority to do so tax abatements come into play, but the Fire District will generate additional revenues from any development within the district. Mr. Kobasuk asked if Chief Driggers if he saw that reducing the millage we are currently paying. Chief Driggers said the potential is yes, and may be two to three years down the road because that project is far from being completed. He said he doesn't know how long the abatements will be in place, which will restrict the amount of money that is paid. The more the district grows financially, the less taxing demand will be placed on the individual taxpayer, said Chief Driggers. Mr. Evans asked if we could use TIF money; Chief Driggers said fire districts are not eligible for TIF's. He said Newtown could TIF it if they wanted to build the fire house, but fire districts in general cannot be involved in TIF's. Solicitor Miller said they don't have the authority. Mr. Zornes asked if this levy passes is there any guarantee from the Fire Board that the fire house will remain in Newtown. Chief Driggers said absolutely, that is their intent. Mr. Pulskamp said it is also in our contract that there must be a fire house in Newtown. Chief Driggers said they want and need a fire station in Newtown and both structures need to be replaced.

Mayor and Council invited Chief Driggers back to answer more questions regarding the Fire Levy at the 10-13-2009 council meeting.

Fire Station Open House

Chief Driggers invited mayor and council to visit the Open House scheduled for the week of October 5th, which is Fire Prevention week. The date will be advertised on the message board and website.

Ordinance for Personal Property Surplus

Mr. Burns made a motion to suspend the rules, seconded by Mr. Kobasuk. All Aye. Motion Carried.

Mr. Burns made a motion to adopt ORDINANCE NO. 17-2009 AN ORDINANCE DECLARING PERSONAL PROPERTY AS SURPLUS, AUTHORIZING ITS DISPOSITION, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Ms. Hueber-Absent. Motion Carried.

Mr. Evans left the council meeting at 8:10 p.m.

"Meet-the-Candidates" Night, 10-20-2009

Mayor Cosby announced the date for Meet-the-Candidates" ~ Tuesday, October 20, 2009 from 7pm-9pm at Miami Valley Christian School.

Council Dates Cancelled

Mr. Pulskamp made a motion to cancel November 24 and December 22, which are regularly scheduled council meetings, due to the holidays. Mr. Zornes seconded the motion. All Aye. (Mr. Evans-Absent, Ms. Hueber-Absent) Motion Carried.

Halloween 2009

Halloween will be observed in the village Saturday, October 31st from 6pm-8pm.

Checklist for 9-22-2009

Mr. Pulskamp spoke to check #7876 for \$13,500, which has been voided; this was approved at the 9-8-2009 meeting. This has been reduced to \$12,165, check #7931. The invoice came in lower than Mr. Pulskamp thought.

Mr. Burns asked about check #7908 to Capital Electric for \$99.52. Ms. Everett said eastbound red lamp out; they re-lamped eastbound right signal, cleaned lenses and checked all indications for proper operation of eastbound right signal.

Mr. Kobasuk made a motion to accept checklist dated 9-22-2009, in the amount of \$91,250.68, seconded by Mr. Pulskamp. All Aye. (Mr. Evans-Absent, Ms. Hueber-Absent) Motion Carried.

Cincinnati Water Works, Permits

Mr. Burns spoke to recent emergency repairs by Cincinnati Water Works, done on Church Street. He said they dug into the sidewalk, curb, gutter and the street. Mr. Burns said he has been working with Mr. Spry regarding the issue. A permit is required to dig in town to make sure the area is restored the way it was; Mr. Burns is discussing the issue with Solicitor Miller and is working on a fee schedule and fines. He will report back to council at the 10-13-2009 meeting.

Street Commissioner

Mr. Burns said since the village does not currently have a Street Commissioner; Mr. Spry has been handling the CWW permits.

Mr. Burns made a motion to appoint Mr. Spry as Street Commissioner duties until the village hires a full-time Street Commissioner.

Discussion

Solicitor Miller said before that can be done, typically, it may have to be appointed by an Ordinance and there is also a residency requirement that council can waive. He said, in terms of the permanency of that appointment, the mayor has to make the appointment and council confirms. Solicitor Miller suggested checking into it first that by law you may not be able to hold both positions at the same time.

Mr. Kobasuk asked where the position for Street Commissioner stood and if we were moving in that direct; Mayor Cosby said we are. Mr. Burns said it is on council to say we are ready to move in that direction. Mr. Pulskamp said he would like to get it in place before winter.

Mr. Burns rescinded the motion. He did say he wants to move it forward to get it taken care of.

Mayor's Monthly Statement to Council, August 2009

Mr. Pulskamp made a motion to approve the August 2009 Mayor's Monthly Statement to Council, seconded by Mr. Burns. All Aye. (Mr. Evans-Absent, Ms. Hueber-Absent) Motion Carried.

Maintenance Department

Mr. Pulskamp spoke to council at the 8-25-2009 council meeting regarding tires from the state bid for the maintenance department. We replaced one set in August and it is time to replace the other set.

Mr. Puskamp made a motion to approve an amount not to exceed \$500 for F150 tires for the Maintenance Department. This is through a state bid contract. Mr. Burns seconded the motion. All Aye. (Mr. Evans-Absent, Ms. Hueber-Absent) Motion Carried.

Addendum to 9-8-2009 Council Minutes

Mr. Puskamp spoke to the council minutes received in draft form regarding the 9-8-09 checklist. He said Mr. Burns had made the motion regarding the checklist because Mr. Evans was on the checklist. Mr. Puskamp said Mr. Evans did abstain from the vote, which was not recorded on the tape and told Mayor Cosby he did not do a roll call. Mayor Cosby noted the change; minutes can be approved with the change.

Resolution Opposing Martin Marietta

Mr. Kobasuk said he had planned on having the Third Reading opposing the Martin Marietta Mining Issue, but will table the Third Reading until the 10-13-2009 council meeting, due to the absence of two council members.

Street Commissioner Position

Mr. Kobasuk asked for an update at the 10-13-2009 council meeting regarding the position for a full-time Street Commissioner. Mayor Cosby said he will get with Doug.

Council Minutes

Mr. Zornes made a motion to approve 9/08/2009 council minutes with the above stated correction on the checklist with Mr. Evans abstaining from the vote. Mr. Burns seconded the motion. All Aye. (Mr. Evans-Absent, Ms. Hueber-Absent) Motion Carried.

Flagg Spring Cemetery

A person has inquired about selling their cemetery lot. Ms. Everett said she does not have a deed, but does have a receipt. She said it is on our books showing someone had paid \$50.00 for the lot, along with the section number. Ms. Everett said this person is asking for a letter from the village saying she owns the plot. Solicitor Miller said, first, would the village recognize if someone has a deed and doesn't need the plot anymore, would we allow them to sell the plot to someone else or would the village be interested in buying those back. Solicitor Miller said that is a council question. Solicitor Miller asked direction from council, as to how to address the letter, as far as what council's wishes are. Solicitor Miller also asked if we use receipts, if someone just walks in with a receipt for a grave. Mayor Cosby said we have in the past. Mayor Cosby suggested forming a Cemetery Committee to iron out these issues. He said cemetery plots have been sold in the past. Solicitor Miller stated, so the village doesn't have a problem with that if they have a deed they can show us. Mr. Puskamp said he would like to see them come back to the village since we have requests all the time of people looking for plots. Ms. Everett said this needs to be worked out soon because this request has been in a long time. Mr. Kobasuk said this is the first he has heard of it tonight.

Executive Session

Mr. Kobasuk made a motion to enter into Executive Session at 8:22 p.m. to discuss property acquisition. Mr. Burns-Yes, Mr. Puskamp-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes, Mr. Evans-Absent, Ms. Hueber-Absent. Motion Carried.

Mayor Cosby called the meeting back to order; council reconvened at 8:26 p.m., no action to be taken as a result of Executive Session.

Mr. Puskamp made a motion to adjourn council meeting at 8:26 p.m., seconded by Mr. Burns. All Aye. Motion Carried.