

The September 8, 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	Ken Pulskamp
	Tracy Hueber	
	Daryl Zornes	

Mayor: Curt Cosby

Solicitor: Doug Miller

Fiscal Officer: Keri Everett

Police Chief: Tom Synan

Donation to Veterans Association

Mayor Cosby thanked Mr. Bill Motto for his recent donation of \$5,000 to the Newtown Veterans Association to help with the renovation expenses of the house at Moundview Park. The village appreciates this generous gift from Mr. Motto and Meridian Bioscience very much and their continued involvement in the Village of Newtown.

November 2009 Library Levy

Mayor Cosby received a letter from the chairman of the Library Board's Finance and Audit Committee. The letter asked for a formal endorsement of the 1 mill levy that will be on the November 3rd ballot. If the Village of Newtown endorses the Library Levy, Mayor Cosby said the endorsement would need to come from council and gave them the information to make a decision.

Moundview House Renovation

Pauline Murrie thanked those that have given so much time and energy helping in the renovation of the house at Moundview Park. Mrs. Murrie said anyone and everyone is welcome to help at the house and raising money for the renovations. She said the house is coming along very nicely and invited everyone up to the house to take a look.

Village of Newtown Veterans Association

- 1) The association is looking for members: \$25.00 annual fee and \$20.00 if 60 years and older.
- 2) The 1st Annual "Ride for The Wall" is Sunday, November 13th at 10:30 a.m. at Burger Farm.

Bid Openings for Trash and Recycling Contract

The bid openings will be on September 18, 2009 at 10:00 a.m. Ms. Everett said she has sent the specification sheets to seven waste businesses. Ms. Everett spoke to council regarding the letter they received a couple of council meetings ago regarding the trash and the state fees that have increased. The fee increase has raised our cost \$109.96 per month.

Mr. Pulskamp said the contract expires September 30th; therefore, council will need to pass a new contract for Trash and Recycling.

Councilman Burns: Moundview Renovation

Mr. Burns thanked Mr. Motto for his generous donation. Mr. Burns also thanked a couple of local businesses, not the Business Association, for donating \$1,500 towards the renovation project at Moundview.

Salt Purchase for Winter 2009

Mr. Burns asked Mr. Pulskamp where we stood on salt for this winter. Mr. Pulskamp said we should be fine with the county this year; salt prices are down. Mr. Burns asked if they are going to cut the salt with aggregate again this year; Mr. Pulskamp said no. Mr. Burns said then the village will probably renew our salt contract with the county; Mr. Pulskamp said yes. Mr. Evans said the salt price should be about half the cost of last year.

Checklist

Mr. Burns made a motion to approve Checklist dated 9/8/2009.

Discussion

Mr. Evans asked if the \$73,000 to Barrett Paving Materials was the balance owed. Ms. Everett said no that is part of the first pay request; the \$73,000 was held because that was the MRF portion that had not been received at that time which has been received since then. Mr. Pulskamp said there is still a punch list to do.

Ms. Hueber asked how many grass cuttings were included in the \$525.00 to Greg's Lawn & Landscaping, Inc. Ms. Everett said three at \$175 each, which will be assessed to the property owner's tax bill. It might take a while, but the village will recover the costs, Mayor Cosby said. Mr. Pulskamp stated the \$73,000 of the \$141,363.43 came from the MRF fund.

Mr. Burns made a motion to approve Checklist dated 9/8/2009 in the amount of \$141,363.43. Mr. Zornes seconded the motion. Roll Call: Mr. Burns-Yes, Mr. Evans-Abstain, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Resolution for Supplemental Appropriation

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

Mr. Burns made a motion to approve RESOLUTION NO. 34-2009 A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION AND RECONCILING THE BUDGET AND AMENDING APPROPRIATIONS FOR CALENDAR YEAR 2009, DISPENSING WITH THE THIRD READING AND DECLARING AN EMERGENCY. Mr. Puskamp seconded the motion. Roll Call: Mr. Burns-Yes, Mr. Evans-Abstain, Mr. Puskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Councilman Evans

Mr. Evans also thanked Mr. Motto for his generous donation for Moundview. Mr. Evans thanked Mrs. Murrie and Lynn Burger for the Picnic-in-the-Park at Moundview. Mr. Evans took a tour of the Moundview house at the Picnic-in-the-Park and was pleased with the renovations.

Town Hall Roof

Mr. Puskamp said the roof repair at Town Hall has been completed. Originally, it was estimated at \$17,500 and the repairs came in at \$13,500. They did additional work seal-coating the entire roof, flashing and new gutters. Mr. Puskamp said the large tree in the back of Town Hall has limbs hanging over the roof causing problems so we will need to have those limbs removed. Mr. Puskamp said Ms. Everett obtained a few estimates on removing the tree with the lowest bid at \$420.00.

Mr. Puskamp made a motion to approve an amount not to exceed \$420.00 for Wessling Tree Service to remove the limbs hanging over the roof at Town Hall. Mr. Burns seconded the motion. All Aye. Motion Carried.

Weed Ordinance (Consolidating and Streamlines Process)

Mr. Puskamp made a motion to suspend the rules. Mr. Burns seconded the motion. All Aye. Motion Carried.

Mr. Puskamp made a motion to adopt ORDINANCE NO. 15-2009 AN ORDINANCE REVOKING PRIOR ORDINANCES DEALING WITH NOXIOUS WEEDS AND RANK VEGETATION, DISPENSING WITH THE SECOND READING AND THIRD READINGS, AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Burns-Yes, Mr. Evans-Yes, Mr. Puskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Mr. Puskamp made a motion to suspend the rules. Mr. Burns seconded the motion. All Aye. Motion Carried.

Mr. Puskamp made a motion to adopt ORDINANCE NO. 16-2009 AN ORDINANCE ESTABLISHING A PROCEDURE FOR CONTROLLING NOXIOUS WEEDS AND RANK VEGETATION ON PRIVATE PROPERTY, DISPENSING WITH THE SECOND AND THIRD READINGS AND DECLARING AN EMERGENCY. Mr. Zornes seconded the motion. Roll Call: Mr. Burns-Yes, Mr. Evans-Yes, Mr. Puskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Martin Marietta Mining Issue (handout)

Mr. Puskamp had invited all council members to visit Arch Materials Limestone Mine in Williamsburg Ohio, SR 276. He and Mr. Evans were the only ones available to visit the Mine today. Rob Dowdy, Community Press also attended. Mr. Puskamp compiled and handed out an information sheet "Martin Marietta Clarifications" stating what Martin Marietta wants to do and what they can possibly do. Mr. Puskamp stated he believes the village is fighting the wrong battle. He said he has toured two mines: one in Indianapolis and the one in Williamsburg. Mr. Puskamp said they have had one complaint in three years and that was in the beginning with the surface mining and no dust complaints. Mr. Puskamp said the area Martin Marietta wants to mine underground is in Anderson Township and mining has taken place there over the last 50 years. He said Anderson Township would allow them to do an open-pit mine is the 480 acre parcel, which would be a 480 acre hole and could go as deep as they want. The underground mining Martin Marietta is asking to mine where there would be a footprint of approximately 50 acres leaving 430 acres preserved and would be able to build upon when mining is completed, Mr. Puskamp said. Mr. Puskamp said the blasting is going to be between 400 and 700 feet underground with 250 feet shell layer above that to absorb most of the vibration. Mr. Puskamp said you cannot hear or feel the blasting off property at the Arch Materials Limestone Mine in Williamsburg. Mr. Puskamp said he thinks a lot of people are allowing their emotions and things enter into this issue without being educated on it and what it does. They are controlled by a third-party watch group that comes in and checks the dust and the EPA and checks them, Puskamp said. He said we are barking up the wrong tree and fighting a battle that is not ours. Mr. Puskamp said he sees some benefits to the mining; they want to donate the land and material to build the ANCOR road to get the trucks off of Round Bottom Road and Valley Avenue.

Ms. Hueber said she thought what council opposed months ago was the traffic flow. Mr. Puskamp said that was back in September 2008. Solicitor Miller said the number of trucks coming through would have the biggest impact on the village. Ms. Hueber asked about how much of taxpayer dollars have been spent on opposing the Martin Marietta Mining Issue. Solicitor Miller said about \$20,000. Ms. Hueber said with the facts that have come out and the EPA and

others regulating the mining, she asked why the village is spending so much money when there is a lot we can't fight anyway. She asked if we are just throwing the money away.

Mr. Kobasuk said the answer is clear; the residents of Newtown do not want this mine and have overwhelmingly come in here and said they do not want this mine. We don't want the truck traffic, we don't want the dust. Mr. Kobasuk said other villages don't want it. Terrace Park and Indian Hill don't want it. He said people don't want it! This is representative government; we are supposed to represent the will of the people. Mr. Kobasuk said the majority of people don't want it. We are here to represent the people, said Mr. Kobasuk. Mr. Kobasuk said he doesn't want to offend anyone around the council table, but as a councilmember he feels he needs to say this: "I think there is an issue Ken with you pushing this mine when you're employed by Doug Evans." "That is your employer; he is your boss!" "He has a financial interest in the surrounding land." Mr. Kobasuk asked if the mine goes through would not Mr. Evans' holdings increase. Mr. Evans said it is just the opposite and he will answer the question. Mr. Kobasuk said he has the floor! Mr. Kobasuk told Mr. Evans before he had abstained on the motion Mr. Kobasuk first made opposing the mine. And now he is not abstaining anymore and Mr. Kobasuk said he is concerned with Mr. Evans owning a lot of property around there and he would think the mine would increase the value of Mr. Evans property. And Mr. Kobasuk said he has a concern with Mr. Evans employee advocating for the mine. He told Mr. Evans he did not mean to offend him but, as a councilmember, feels it is important to get these issues on the table. Mr. Kobasuk said in the past Mr. Evans abstained on this issue.

Mr. Evans said he has no stock in Martin Marietta whatsoever and they would be direct competitors. Mr. Evans said the value of his property could go down if the mine goes in and people would not want to locate there. He said he has some residential lots and some nice property that overlooks the hillside and he also has to worry about the dust and the same thing the neighbors worry about down there. On the other hand, Mr. Evans said Martin Marietta has enough property with the 480 acres that they can be there 100 years before they have to worry about any other property. Mr. Evans said as far as him having something to gain by the mining going in, it is just the opposite. He said he has never taken a stand for the mining issue or against it. Mr. Evans said he thinks if it is a law-abiding business doing what they are supposed to do, there has been gravel in Newtown for a long time, asphalt and concrete plants. He said he has tried to educate himself on the underground mining and didn't realize the average person uses 10 tons of limestone a year. He said limestone is the grit in toothpaste, in paint, in calcium for all sorts of different farming uses, in drywall, etc. Mr. Evans said he doesn't think it is right for people to go against something before knowing what it is. He said it is hard to make logical choices until you are educated in what a company does. Mr. Evans said Martin Marietta is a direct competitor and he thinks his sales may even go down.

Mr. Kobasuk said he does not see the benefit for Newtown; all he sees is the negative costs of trucks. He spoke of the traffic study that was done and does not see the benefit of 400-600 trucks driving over our roads. Mr. Kobasuk said Martin Marietta is asking for a new use, which is blasting. They are currently not allowed to blast. This is a variance; they are changing the rules, Mr. Kobasuk said. "The people don't want the mine! I don't see the benefit and that is my position," Mr. Kobasuk said. He said he doesn't need to do anymore research and doesn't need to look at the mine. Mr. Kobasuk said, "I don't want the mine and most residents don't!"

Mr. Evans said, "I'm not saying I do or I don't." All I'm saying is I like to research things and I like to see what it is all about, Mr. Evans said. He said he is trying to be realistic. Mr. Evans said Martin Marietta is the second largest producer of aggregate in the country. Mr. Evans said he thinks instead of spending so much energy to work against something, if people would sit down and ask how can we solve the problems and fix it, like other communities have done. Mr. Evans said other communities get a per ton amount on output that goes to fix the roads. He said those are the types of things he would look for, on the positive side, not always negative. Mr. Evans said he was elected by the people, like Mr. Kobasuk was and for the village to spend \$30,000 give or take on something we really don't have a fight in. He said when we can't do things at our parks and have a police station with mold and we could have used the money for. Mr. Evans said he would say we should have spent the money on an attorney if it was in Newtown. He said it is not our fight!

Mr. Kobasuk said the mining would have the most effect on Newtown than any other community in the surrounding area. We are right next door and the trucks are going to come through here and Doug, I believe in representative government, I don't substitute my judgment for theirs, Mr. Kobasuk said. "They don't want the mine!" Mr. Kobasuk said.

"So do I, but I believe in giving what is fair to the people that pay taxes and to the people that vote here," Mr. Evans said. He said there are businesses that have paid taxes here forever. What about the concrete and the asphalt.

"I am not attacking the other businesses; I am talking about one mine, the blasting, and 400-600 trucks. You're mixing apples and oranges," Mr. Kobasuk said. Mr. Kobasuk said he is not even attacking the asphalt companies, which are not even the subject of discussion.

Ms. Hueber asked wasn't the traffic addressed. Mr. Kobasuk said no. Mr. Pulskamp said if it goes through they are going to donate their right-of-way, donate the gravel to build the ANCOR connector.

Solicitor Miller said there has been one year's worth of testimony on both sides. Martin Marietta saying there would not be any vibration or dust, that they are regulated by this and that. Solicitor Miller said there is testimony on the other side from expert witnesses that says that is not the case and that is for the BZA to decide. He said even at Martin Marietta's estimate they are talking 500 truck trips, most of which is going to come down Round Bottom Road if the ANCOR connector is built, most of which would probably go down the ANCOR connector, but a lot of which is going to turn right and come right back down through Newtown. Solicitor Miller said the connector would keep it off of Round Bottom but not necessarily will keep it out of Main Street. Mr. Evans said the facts are too that this thing could go for a couple of more years and we would be paying Solicitor Miller the whole time it would be going on. Solicitor Miller said the village could always tell him to not do it anymore. Solicitor Miller said he believes at the next meeting or the following the testimony will wrap up briefs will be prepared on each side, submitted, argued. He said he expects he will not be the one arguing. Solicitor Miller said his dog in this fight for the village has always been the traffic. He said he doesn't see where the explosives or blasting will affect Newtown per se, but the traffic. Mr. Evans said he agrees with Solicitor Miller 100%. Mr. Pulskamp said he does too. Mr. Evans and Mr. Pulskamp said that was our original issue last year. Mr. Evans said we have to work with them to figure out what we can do. Solicitor Miller said there may be some areas of the village that might overlook this area, but most of it seems to be they would come from Terrace Park, Indian Hill or the hillside in Anderson Township. He said he doesn't know that anyone in Newtown will see or hear it or get dust from it. Solicitor Miller said the trucks, even by Martin Marietta's testimony, are going to come rolling through the village, probably more than 50% of it will be coming through the village – with or without the ANCOR connector. Because a lot of their business apparently in this is local; it doesn't pay to ship this stuff out to Columbus or whatever, they have mines around there, Solicitor Miller said. He said even by their own admission, even with the ANCOR connector, a lot of those trucks will roll through Newtown. He said at a minimum, if you do the math on the number of tons they ship by truck and how many tons a truck can hold; at a minimum you're looking at 250 trips out, which means 500 trips because the trucks have to come back in. Mr. Pulskamp asked Solicitor Miller for his professional opinion, when Anderson's BZA has completed their ruling, he asked if he thought this would go to court. Solicitor Miller said he would guess that and yes it could go on for years. Mr. Pulskamp asked if this council wished to continue fighting this through the courts. Mr. Kobasuk said let's cross that bridge when we come to it and let's deal with it firsthand through BZA. Mr. Pulskamp asked Mr. Kobasuk when we would plug the bucket, how much do we leak out. Mr. Kobasuk said he is opposed to this mine and does not think it is good for Newtown and doesn't see the benefit. Mr. Pulskamp said he has educated himself and visited the mine. He asked Mr. Kobasuk if he has visited a mine. Mr. Kobasuk said he doesn't need to visit the mine and yes he has educated himself on underground mining. Mr. Pulskamp asked what mine Mr. Kobasuk visited and Mr. Kobasuk said he has done research and does not need to visit a mine. Mr. Pulskamp said he can say he has educated himself.

Mayor Cosby spoke to the well-attended and packed room about sixteen months ago when we began discussing the issue. He said it was more than overwhelming that the people were against the mining issue starting up with the blasting and all of that. Mayor Cosby said he does still share the concern of the traffic even with the ANCOR connector if it is built, which he believes would help but Newtown would still have 50% of the traffic coming through here. Mayor Cosby said that will definitely be a detriment to our roads and at this point we have no way to recover those costs from Martin Marietta even though they are outside of our boundaries to combat what it is going to do to our roads. And it will have an impact! Mayor Cosby said not just the roads, but the impact of trucks coming through our community kind of changes what we are trying to create in this community, which is a small town community. He said we are trying to bring people in and we have been reviewing our zoning code and enhancing our historic district in the downtown area and a flood of these trucks coming through is not conducive to that. Mayor Cosby said the second issue he would have is regardless if the mine is Newtown's fight or not our fight or in our jurisdiction or not in our jurisdiction, we will be affected by it but what benefit does it really have to Newtown. He said it is not bringing in any tax base, it's not in Newtown and other than the tax base there is no way Newtown will derive revenue. He said the idea of a per tonnage tax is a great deal but it is not in Newtown so we can't impose that. Mayor Cosby said his position at this point is we have to see benefit and he doesn't see that benefit at this point. We have had the people here and we will have the traffic and deterioration of the road. He said it will also deteriorate the ambiance we are trying to create and doesn't see the solutions around those issues right now and those are solutions that we need to see.

Mr. Zornes said, "Ken, you say there was no dust up there today." Mr. Pulskamp said, "none." Mr. Zornes said even after the rain. Mr. Pulskamp said they have water trucks that run all day long, wheel washers. Mr. Zornes said he was at the mine on 276 last Friday for 55 minutes and had to go to the car wash when we left because there was a white coating of dust on the car. Mr. Zornes said that was from just sitting at the mine's office. Mr. Pulskamp said he finds that hard to believe; he has been up there three different times and there has never been dust. Mr. Zornes said the closest resident to that mine is .5 miles away and there is nothing but corn and soy fields around it. Mr. Zornes said there are no soccer fields next door or residents next door to the mine. Mr. Pulskamp said correct. Mr. Zornes said he feels we have spent this much money fighting; there are residents that don't want it and they have made that loud and clear. And for us to flip-flop now would be jeopardizing our integrity to our residents.

Ms. Hueber asked Solicitor Miller what exactly is fighting regarding the mining issue. Solicitor Miller said they have to get a conditional use permit in order to do underground mining on the property. Along with that, because of the various provisions of the Anderson Township Zoning Code they need a number of variances. For instance, they are not allowed to store explosives on

the property so they need a variance for that. They have some area variances where they have to have so much setback because there are residents across the street. They have a standard that you are not allowed to have any vibration that a person of normal sensibilities would feel at the property line; they have asked for a variance from that. He said there are five to six different things they have requested variances for along with the conditional user permit for the mining. Solicitor Miller said his argument on everything has basically been traffic when it came to those other items. He said he did not attend this summer when the opposition presented their evidence that yes you will feel vibration, there will be dust. Solicitor Miller said in an effort to save money for the village he did not attend those meetings because to him that is not our dog in the fight. He said our dog in the fight is the traffic. Solicitor Miller said unfortunately, they may be able to control dust and they may be able to control vibration, but they can't stop the trucks. They will still have trucks going through and they are coming here. By their own admission, they are coming this way. Ms. Hueber said without spending a ton more of money, could we just stick to the traffic part of it. She said that is the very first one we agreed to. Solicitor Miller said if we are opposing it, we want to oppose everything. He said Hamilton County has passed a detailed resolution, similar to the one we have opposing it. They are not sending anybody to the hearings to oppose it; they have just gone on record that they are opposed to it. Solicitor Miller said at this point, once past the initial information, his participation has been fairly minimal, because our issue is the traffic and he is letting others carry the ball with everything else. Ms. Hueber asked why can't we not spend anymore money on it and just oppose it due to the traffic and like Mayor Cosby says, if they come up with some benefit tax relief where the village could actually benefit from it. The traffic is resolved and then we would revisit it, Ms. Hueber said. Solicitor Miller said he doesn't have any problem with saying that. He said at this point, everybody meaning the opposition, i.e. neighbors, the Milford School District, The County Commissioners, Terrace Park, and Indian Hill. He said they have been relying on him to just handle the traffic end and he has relied on them to handle the vibration, noise, dust and those kinds of things. Solicitor Miller said council can certainly tell him to not do anymore and that is not a problem. Mr. Kobasuk said he doesn't want to tell him that. Solicitor Miller said all he is planning on doing at this point is finishing it out doing the traffic part of the brief and everybody will have their own portion of that they will pick up. He said other than sitting through eight hours of hearings; he doesn't think there is a lot left to be done. They may finish up at the next hearing, which is Monday, September 28th. Mr. Pulskamp asked Solicitor Miller if it was fact, if Martin Marietta was not going for all of these variances and all they wanted to do was go back into regular mining, which according to Anderson Township Zoning, they have every right to do. Solicitor Miller said he doesn't know Anderson Township's Zoning Code well enough to know that would be the case. Solicitor Miller said he didn't know why Martin Marietta would be going through this if they could feasibly do it. He said there is a layer they want to go through. Mr. Pulskamp asked, if Anderson Township says they can continue their open mining process as they have for years and they decide to open up that entire area to an open mine and start bringing in 400-500 trucks a day, what do we do as a village then? We can't do anything about it, right? Solicitor Miller said, right. They are open roads; all we could look at is potential load limits on the roads that come through the village in order to protect your roads. Mr. Evans said he agrees with Mayor Cosby, Solicitor Miller and might even a little bit with Mr. Kobasuk as far as the traffic issue. He said he would rather tell them we are a small village and can't absorb the cost and ask what they could do to help us if our roads deteriorate. Just work with them and see what they say. Mr. Evans said lastly, the reason Newtown is here is because the sand and gravel deposits were here before all of us. The reason Brewer, Barrett, Sardinia Concrete and Valley Asphalt located here is because of the rich mineral deposits in these farm fields. They are currently getting their material from Eagle out East from surface ground mines. Those trucks go 500-600 miles per day; you have to have that many more trucks to come down here. If the mining were to go in here, there would be no trucks on our road whatsoever, because they would go through the ANCOR connector and go right back in there, Mr. Evans said. Mr. Evans said we could have a bunch more trucks, but if you plan for it and ask positive things – we as council can't sit here and ask Brewer, Barrett, Sardinia Concrete and Valley Asphalt to leave. Mr. Kobasuk said that is not the issue. Mr. Evans said work with them instead against them.

Fire Levy, November 3rd Ballot

Mr. Kobasuk asked Mr. Burns for an update regarding the fire levy. Mr. Burns said the Fire Levy will be on the November 3rd ballot. It is a 2.3 mill levy to be added to the current 9.7 mill levy. He said the fire district first wanted to go for a bond levy and found out they couldn't bond enough to make the fire house payments so they had to transition into a tax levy and that is why it ended up at a 2.3 mill levy. Mr. Burns said he came to council a couple of months ago to get feedback on the levy and the feedback from council and the residents was negative in nature. The Fire Board has six members; Mr. Burns and resident Terry Fairley serve on the board and represent the Village of Newtown. Mr. Fairley was on vacation and Mr. Burns said he voted against putting the levy on the ballot for same reasons as discussed here. He said he doesn't feel it is the right time and the residents don't feel it is the right time. Mr. Burns said there is a need; the buildings are old and have been worked on to serve the residents the best way possible. The fire district has a separate contract with Allen Freeman and he is working to secure 3 million dollars in stimulus funds to build the fire house in Newtown. They have not heard anything yet. They do have support from Congresswoman Jean Schmidt and the planning commissioners. At the Fire Board meeting it was voted 4:1 in favor of putting the levy on the ballot. Mr. Burns said he has not seen the actual ballot language from Hamilton County showing how much per \$100,000 that would be assessed to taxpayers. The estimate from Fifth Third Bank was \$68.00 and some change per \$100,000. Mr. Kobasuk asked if this would be a continuing levy; Mr. Burns said it is a continuing levy like any other operating levy and is supposed to be earmarked for capital expenditures for two fire houses. Chief Driggers wants to have a couple of Town Hall forums to discuss with the public and the needs of the three communities and why the fire district feels they need the levy.

Mr. Burns said he is here to represent the village and the people here. The fire district is made up of three communities: Fairfax, Columbia Township and Newtown and we have to work together, Mr. Burns said. One of the new fire houses would be in Newtown and one would be Columbia Township and Fairfax, probably would be in Fairfax. Mr. Kobasuk asked Mr. Burns if he reported to the Fire Board that the Village Council is opposed to the levy. Mr. Burns said yes he reported to the Fire Board and to Chief Driggers. Mr. Burns said Mr. Fairley stands with Mr. Burns and the village residents and does not feel this is the right climate for a levy. Mr. Kobasuk asked what the logic is for proceeding; does the chief just feel the dire need for new fire houses? Mr. Burns said he doesn't want to speak for the chief, but his opinion of the general group is yes the fire houses are beyond old and right now you can make a valid argument that you can building the buildings, roads, infrastructure at probably the best rates we have seen in a decade and will probably be the best price for the next five years. He said everything is down 20-25%; the need is there and he thinks that is part of the logic is we could build at this time much cheaper than later. Mr. Kobasuk said perhaps Chief Driggers will come here and explain his logic to council. Mr. Burns said he will be happy to extend an invitation to Chief Driggers to attend our next council meeting. Mr. Burns said the Fire Board meets the third Wednesday of the month at 6:00 p.m. at the Fairfax Municipal Building; it is an open meeting and all are welcome.

Resident Curt Tiettmeyer

Mr. Tiettmeyer obtained a copy of the Auditor's Certificate of Estimated Property Tax Revenue that was filed with the Board of Elections. Mr. Tiettmeyer said the 2.3 mill Levy is a continuing levy; estimated annual revenue is \$527,000 with a cost of \$68.29 per \$100,000.

Council Minutes

Mr. Zornes made a motion to approve 8/25/2009 council minutes. Mr. Burns seconded the motion. All Aye. Motion Carried.

Executive Session

Solicitor Miller requested an Executive Session to discuss property acquisition.

Mr. Burns made a motion to enter into Executive Session to discuss property acquisition at 7:55 p.m., seconded by Mr. Kobasuk. Mr. Burns-Yes, Mr. Evans-Yes, Mr. Pulskamp-Yes, Ms. Hueber-Yes, Mr. Kobasuk-Yes, Mr. Zornes-Yes. Motion Carried.

Mayor Cosby called the meeting back to order; council reconvened at 8:01 p.m., no action to be taken as a result of Executive Session.

Mr. Pulskamp made a motion to adjourn council meeting at 8:02 p.m., seconded by Mr. Kobasuk. All Aye. Motion Carried.

Transcribed by Becky Fairley