

July 30, 2009

Reference: District storm water issue

Francis Kleckner, Chairperson

NOSD Ad Hoc Land Committee

Dear Mr. Kleckner:

We have received your letter dated July 27, 2009. We have a question pertaining to the statements that are present in the first paragraph.

"The Thistles' constructed a berm on their property and may have done some excavation on the district's property..."

This same statement occurred in the legal opinion provided by your lawyer Michael J. Lokensgard, dated June 9, 2009, which was provided to us for review on July 23, 2009.

"The neighbor constructed a berm on his property and did some excavation on the District's property..."

This same statement was also made at the meeting on July 23, 2009 by a district representative. The resulting conference between yourself and fellow committee member Tim Burmesh ended with Mr. Burmesh requesting a land survey being completed on the District's property.

Since all (3) of these instances are matters of public documentation, we feel the need to ask the question for clarification: What is it you are saying we did on the District property?

At this time, we (Thistles') have no knowledge of any work being ordered, requested, instructed, or performed on district property along our western boundary, by us or any contractors that we may have hired.

We would also like to reaffirm our request made at the July 23, 2009 meeting for copies of all documents and correspondence between the District employees's and/or District representatives with: Master craft Builders, Village of Fredonia representatives, Contractors, and any legal council pertaining to this storm water issue.

We will look forward to hearing from you.

Regards,

Mr. and Mrs. Kendall Thistle

NOSD000339

August 13, 2009

Reference: District storm water issue

Francis Kleckner, Chairperson

NOSD Ad Hoc Land Committee

Dear Mr. Kleckner:

This is our second letter of request for information.

After further review of your letter dated July 27, 2009, we have a couple of additional questions pertaining to the statements that are present in the first paragraph.

"...flooding issue on the district's property which has created a three quarter acre pond."

This same statement occurs in the legal opinion provided by your lawyer Michael J. Lokensgard, dated June 9, 2009, which was provided to us for review on July 23, 2009.

"...storm water onto the District's property, which has created a ¾ acre pond adjacent to the District's high school."

Similar statements were also made at the meeting on July 23, 2009, by district representatives. Your own comment after reviewing your topography maps was that the area was "10 ft. deep".

Since all (3) of these statements are matters of public documentation, we are asking for the information used to determine the size of the "three quarter acre pond". Was this size determination made by taking an Ariel photograph, a survey, or possibly some measurements made by someone on your committee? Secondly, since a "¾ acre" refers to a 2 dimensional measurement, we are asking for the determination of how much water, or volume of water is there that you are referencing to.

We will look forward to hearing from you.

Regards,

Mr. and Mrs. Kendall Thistle

NOSD000340

To: Bill Heibon

August 18th 2009

From: Joe Short

Subject: Open records on Information from July 23, 2009.

Meeting, along with letter from Attorney, and  
any additional correspondence in regards to this issue.

Joe Short