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GRAVEL PIT UPDATE

From Will Spalding

Unfortunately, Judge Gray recently ruled against us (the Interveners) and the BZA. As you may recall, our argument relied solely upon a recent case that similarly addressed whether a city can regulate mineral extraction in a "non-urban" flood plane. This previous case determined that the city could "regulate" mineral extraction, but stopped short of saying that it could preclude the operation entirely.

Judge Gray determined that the city of Martinsville can only "regulate" Rockmakers; that is, they can only put restrictions (e.g., hours of operation) on the outfit. Interestingly, he also stated to each of us that he "did not like his opinion." In his view, the legislature -- not the judiciary -- needs to address this issue. He also suggested that we appeal his decision. Rod Bray, counsel for the BZA, thinks this may be a viable option. I will let you know what they decide. The interveners can -- and I think will -- appeal Judge Gray's decision. We have 30 days to do so.

Some have asked why Mr. Bray cannot represent the Homeowners Association. First, there may eventually be a conflict of interest (though our goals are currently aligned); and second, the HOA is not a party to this matter. The remonstrators are Erin Spalding and David and Linda Callahan.

I welcome input from any HOA member. Please feel free to contact me at 765-349-7370 (H).

TRASH COLLECTION

All the companies that bid on our latest paving work told us that our roads would be destroyed by the size truck that was doing our collection. We also know that we couldn't count on timely trash collection.

Therefore, we have contracted with Adam Campbell, a new trash collector in Martinsville, to collect our trash. He uses a small truck, and so far, he has collected every Tuesday morning without fail. If you have any problems with his work, please contact Steve at 765-342-3474.

POND TREATMENT

We have a contract for treatment of the upper pond every 2 weeks, which began this week. Hopefully we can decrease the frequency of treatments for next year, once all problems are under control.

Please remember that no guests should be using the pond unless accompanied by a property owner. We reserve the right to talk with anyone we don't recognize who is using the pond.

HIGH-SPEED WIRELESS INTERNET should be available to Legendary Hills residents in the next month or so. Please contact Steve Leonard for further information.

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