

SELLERSBURG TOWN COUNCIL

March 9, 1998

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; Gary Fenner, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; with Kenneth Alexander, Council Member; and William P. McCall, Town Attorney; arriving at 6:04 p.m.

Called To Order

President Eddings called the Executive Session to order at 6:00 p.m.

Topics Of Discussion

O'Neal/Comfort Inn
Annexation
Ran-Paige
Mongold
Ammunition Plant
Clark Co. Commission/Reynolds
Vacating Triangle Drive
Cracker Barrel
Gas Tanks
St. Pauls Draft
Rate Council/Mr. Dickey
Pre-Trial

Adjournment


With no further business, President Eddings adjourned the Executive Session at 6:25 p.m.



AULTON D. EDDINGS JR.

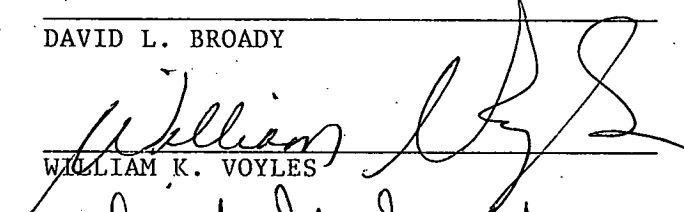


KENNETH ALEXANDER

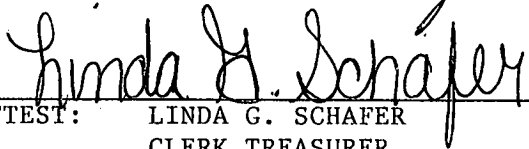


GARY FENNER

DAVID L. BROADY



WILLIAM K. VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

MARCH 9, 1998

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; William Voyles, Council Member; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William P. McCall, Town Attorney; Linda G. Schafer, Clerk Treasurer.

Called To Order

President Eddings called the regular meeting to order at 6:32 p.m.

Prayer

Father Richart offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

President Eddings stated ok, everyone has had a copy of the minutes from last meeting in their mail box, has had a chance to review those minutes, I'll entertain a motion to accept the minutes as presented.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion? If not all those in favor signify by saying I, oppose nay, I's have it. Ok, petition from the town is Mr. Zoeller here.

Mr. Zoeller stated he certainly is, this close some times this is Jim Zoeller and when your this close and spell it Zoer some of the people in the area like to call it Zoeller or Zoller just don't call me Golfer. What I like to do if I may, is bring Sellersburg into the 90's to respect there Insurance program this will give you a little bit of an idea gentlemen past's out this will tell you were we want to go. We had the raw data for about two weeks, we cranked up the information there were about ten companies that we represent that we can gather the information from, but what we did currently you have about eight Insurance Companies that represent the benefit's of the employee's. It's extremely difficult to gather that information even if you happen to be in the business but if you happen to be in Linda Schafer position I don't think it's possible to gather information on each different companies. With respect of eight different benefit's with respect Life Insurance there's two separate companies that carry the same amount of Life Insurance. Raw data is suggest that you would at least make it the same amount of Insurance but at least move it to the company that cost the least amount of money. What we've done in the information that we had there were sixteen employee's and six employee's with families that have coverage, you have that broken down into two group's single and family. If that were broken down into four groups the way society does it today you have the opportunity to take those people who just have children those people who know longer have children and there's employee's and his spouse or her spouse and move those down into

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 2.

MR. ZOELLER ADDRESSES THE COUNCIL ON/INSURANCE.

a lower costing category with more truly reflect's that which is going on, as oppose to there having bare the brunt of the other people who have several children. Of those six people who are listed as families I don't believe that there all would have two children, husband and spouse, but we don't have that raw data. Based on the statistics here we've also made the analysis of if you had Employer's Health Insurance which is owned by Humana but the, it represent's a different group of doctors than those doctor's which are represented by Humana. It's the internet I even brought you a list. These are the group's of doctor's for this particular company, as I said it's owned by Humana but the name of the company is called Employers Health. The benefits between the two different alternatives that you have listed in front of you the only difference between method (A) if you will and method (B) is the deductible that would be applied on an annual basis. Since there are sixteen people who are employee's only the amount of deductible other than that one time event will make little or no effect on the family cost however it would lower the cost on the employee cost \$16.00 a month and if you'll see the break down at the bottom of that page when we're talking \$16.67 per month, \$200.00 per year it seems rather senseless to pay an additional \$150.00 to the Insurance company or get a benefit of a \$150.00 for a cost of \$200.00 or to pay with an employee and spouse with an additional \$500.08 for a benefit that would equate to \$300.00 or \$666.00 for a family cost that's, can equate to that same amount of money. Therefore if you could or would address the issue from that perspective the \$250.00 deductible would even the community paying that deductible cost of \$150.00 for the customer or the client if you would, would still save money for the organization while it would still increase to the people involed this is not an HMO group plan that your on, right now is an HMO and I think the President Of The United States made a good comment or two today just about the same concept you don't want to turn the life care over to the accountant's and by turning it over to an HMO that essentially what they done. This allow's the employee to go to any doctor in that book, and be covered at 90% of their benefits, if they wish to go any place else and the doctor doesn't happen to be in that book it will cover the next 70% of there benefits just creating the desire to use those doctor's as they will but they don't have to. They can go to the Mayo Clinic or they can go to Eastern Kentucky it doesn't make any difference, the doctor's will still go. Under the current plan they must go to there current doctor they must see him or her before they can go any place else. All of the benefits plans that were talking about are covered under this plan, dental plan the short term disability the long term disability the life insurance, health insurance the hole factor, now we put it together in a rather short period of time and it may need a little closer analysis if you will and to that degree I'm open for any question's I'm sure just looking at you might, Linda are there any question's, did everone get a copy of this sheet?

President Eddings stated anybody have any question's?

Council Member Alexander stated I'm just curious do you know what the total, what if there is any saving's between what we had...

Mr. Zoeller stated well the current cost that you had I was told is about \$136.00 per employee \$136.00 and some change uh, this is \$132.00 I think the family cost is about \$388.00 this reflect for a \$100.00 deductible about \$416.00 but that doesn't truly reflect the difference because if those six people list for family care were employee's and spouse they fall down into the \$200 and some dollars category if they were employee and children then they would fall into yet a different category, so that the cost would drop and the average's would drop we don't at least I don't know those six

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 3.

people are in fact family entities are not, from that perspective if they were family entities the difference in cost from that perspective is essentially if you were to leave it at \$100.00 deductible it would be nearest to this, if you were to move it to the \$250.00 deductible we have a very nice...

Council Member Alexander stated right now as it is how much difference is between the total and what we have now.

Clerk Treasurer Schafer stated this is what it is now.

Council Member Fenner stated how much is that.

Clerk Treasurer Schafer stated I don't have a calculator, you can look it's based on a monthly scale.

Mr. Zoeller stated if you were to multiply the same sixteen and six at the figures that I was given bring up to about 100 or about 4500 in change.

Council Member Alexander stated well I'd like to make a suggestion that, I mean before we go any further that we would at least add up or multiply what were actually spending now and see how much of a saving's there is, well see whether it's worth investigating.

Mr. Zoeller stated ok, if you were to take, what I have is the single cost is \$136.14, the family cost then again without interpreting one way or another, 388.01 that's taking it times the same sixteen and six will bring it to the \$4,506.30, ok.

Council Member Fenner stated wait a minute, say it again what was the last number?

Mr. Zoeller stated multiplying sixteen single at 9, \$136.14.

Council Member Fenner stated ok.

Mr. Zoeller stated and six families at \$388.01.

Council Member Fenner ok.

Mr. Zoeller stated I get \$4,506.30.

Council Member Fenner stated and is that...

Mr. Zoeller stated that would be the cost for your Health Insurance.

Council Member Fenner stated right, ok.

Mr. Zoeller stated that's not the cost for your dental.

Council Member Fenner stated right.

Mr. Zoeller stated the dental insurance that you currently have and I don't think it's up dated I have uh, \$887.26. The dental insurance under this particular plan is \$637.78 then again the \$100.00 deductible that were talking about here is not the recommendation. The recommendation would be the lower cost of the \$250.00 deductible with the Town Of Sellersburg telling the people that should that event take place

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 4.

they would be willing to step in and bare the brunt, because they would in essence be saving \$200.00 for that \$150.00 cost that's in essence what there saying.

Council Member Alexander stated right, right now we don't have an out of pocket.

Mr. Zoeller stated no you don't have an out of pocket.

Council Member Alexander stated but actually that \$200.00 your talken about on an incident an employee could be about...no.

Mr. Zoeller stated I'm suggesting that the cost of the employee would be \$100.00.

Council Member Alexander stated right, but what I'm saying...

Mr. Zoeller stated and you currently do not have an out of pocket.

Council Member Alexander stated right, but the employee goes to the hospital, his cost right now is zero, or \$10.00 or what ever.

Clerk Treasurer Schafer stated \$40.00.

Council Member Alexander stated ok, under this plan here it could be thousand so basically we be talken about trying to save \$500.00 a month to, and put the burden on the employee that goes to the hospital which any hospital trip is going to be a thousand dollar's out of there pocket.

Mr. Zoeller stated right, that's true they would also have the selection of which ever doctor they want.

Council Member Alexander stated right.

Mr. Zoeller stated now the number of time's the people go to the hospital on the average is about every seven year's, and this particular plan uh, obviously it could be reduced in cost but we're trying to design it around the plan that you currently had in effect. The dental plan is less we're trying to design a plan on Health Insurance around that which you have and still make the cost less and the benefits more. Uh the same thing is true with life insurance, the samething is true with the disability insurance etc., but it's not the kind of thing that unless you workwith the project on a daily, bases that extremely difficult to interpert.

Council Member Alexander stated right.

Mr. Zoeller stated and that's why were saying with this situation it would be having eight different companies to deal with expecting benefit plans that are available to the entire organization.

Council Member Alexander stated your out of pocket plus the deductible right, your out of pocket is plus the deductible, the 1250 would be the cap for the employee's.

Mr. Zoeller stated the cap for the employee would be...

Council Member Alexander stated trip to the hospital.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 5.

Mr. Zoeller stated 1100 and then it would be 1250.

Council Member Alexander stated 1250.

Mr. Zoeller stated if it was a \$250.00 deductible, but that \$150.00 would be by the organization, the Town Of Sellersburg.

President Eddings stated any other question's? Ok thank you very much. Is Ginger Baxter here?

MRS. GINGER BAXTER ADDRESSES THE COUNCIL ON FLOODING IN HER AREA.

Mrs. Baxter stated could not hear her.

President Eddings stated speak up.

Mrs. Baxter stated as you know I'm Ginger Baxter and this is my husband Mark, we live in Hill-N-Dale neighborhood 602 Lane and I guess I was here in May or June of last year we made a complaint we had it you know in our neighborhood especially behind our home and since then we've seen like post go up behind our backyard fence and I just kinda like to touch base, and see what's being done in reference to that because I was told last year that I would be either contacted kinda you know what the game plan is.

Council Member Alexander stated I'm sorry I didn't contact you, there is a pipe going in the backyard where you see the lowest point back there were you see the stakes. The pipe is going from the back there, all the way down to the Allentown Road then out to the catchbasin.

Mrs. Baxter stated ok.

Council Member Alexander stated and that is for sometime this spring.

Mrs. Baxter stated ok.

Council Member Alexander stated so hopefully will catch it before the rain falls.

Mrs. Baxter stated ok.

Council Member Alexander stated ok, but there is something there cause once we get that catchbasin in it will be pretty much upto the resident in the two areas to start either grading or whatever to...

Mrs. Baxter stated ok.

Council Member Alexander stated will take care of it in the backyard.

Mrs. Baxter stated ok.

Council Memger Alexander stated ok, I'm sorry I should of contacted you.

Mrs. Baxter stated that's ok, ok, Thank You.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 6.

President Eddings stated ok, do we have representation from the Harrison Group.

HARRISON GROUP ADDRESSES THE COUNCIL ON/CRACKER BARREL.

Mr. Beams stated good evening folks, just let me bring you up to date on the Cracker Barrel project. Basically informational small request or advisory are what we are looking for. We have, have worked out the details with the Dairy Queen, Barbara Renn and uh Robert Smith regarding the Insurance Co. that is located on our site, in terms of their in and out and how to make sure that everyone has I guess the opportunity to have traffic flow that they wish for their business. We are asking or have asked PaulPrimevera to start working on that design for the interchange or for the drive-ways in as well as the relocation, alignment for the roadway. This evening we wanted to show you the property titles, the property information that we designated as the uh space that we will relocate the uh individual. Like the road that's going in there. So you have a moment for that right now?

President Eddings stated sure.

Mr. Beams stated good, this is basically the same diagram that you have seen last week or two weeks ago when Cracker Barrel was here. This is the present Triangle Drive. This is the uh new realigned roadway that we're requesting PaulPrimevera meet with your engineer, John Toombs to get the specification and the particulars required to make sure the, that it meets all of your specifications for the city. This is the additional property that will be assigned to Cracker Barrel and this will be the additional property with the easments coming into the State Farm and also into Dairy Queen. Again we're requesting that uh we have the go ahead to have PaulPrimevera meet with John and draw the specific's on that and to uh make sure we're meeting all of your specifications. Cracker Barrel anticipates closing on that property within the next 2 to 3 weeks and hopefully construction starting very shortly after that. That's the time frame we're discussion right now. As you know we're having a little bet of delay on the Broady property here, Sellersburg Motors. We have made arrangements with uh Janet and Don Broady to purchase a piece of property that would be allocated for the new roadway verses waiting for the, that building and all the demolition to occur. So we're trying to expedite the process with Cracker Barrel so we can get in on line, Robert Smith and Barbara Renn are both here this evening if uh folks, I think we have all the arrangements worked out Robert? Barbara? To accomdate to make their business grow as well.

Mr. Beams: stated any questions?

President Eddings stated as far as I'm concerned uh do we need a motion? Actually we've given them permission, I think it was just a matter of getting your plans presented wasn't it John? And uh everything approved.

Mr. Beams stated right we have identified all the uh property description titles, PaulPrimevera has done that, the terms of particular areas and assignments to procede with your legal staff to uh move foward with and get this done in an expedit manner.

Vice-President Broady stated good, I think one of the conscience we are concerned about when we do vacate that the half of the property goes to who its suppose to and we get all tha done out, and got that all, Perry and Paul's working on that and uh I just want to make sure.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 7.

Mr. Beams stated right, the way we're positioned Mr. Broady, is we're doing this in this area and as we've been looking at a land swap and we've identified all the legal descriptions that, that it takes to uh to sign that property over to Cracker Barrel the new assignments to the City Of Sellersburg and also the new assignments to uh to Dairy Queen, that will be picking up additional property. Those have all been identified and legal descriptions have been written. So our next step is to work on the engineering and uh comply with the procedure to get it done.

Vice-President Broady stated I think we're just we're for knowledge of the committee, were actually not closing that, were just realigning that, and just proceed just as it is right now for the time being.

Mr. Beams stated yes, this is phase one, depending on what on additional businesses in this area for the hotel, fast food or whatever it might be. Right now this is the realignment and again it will be all new road and all new, you know infrastructure.

President Eddings stated yea, Chief.

Chief Kinder stated where will this road come out? In relation to you know, the way New Albany Street is.

Mr. Beams stated ah, presently at the same location under phase two that's being reviewed. New Albany Street being in back of the, at the end of it, at the apartment complex. Same location as it, it right now.

Chief Kinder stated ok, what you're purposing here is traffic won't be coming back out at the turn.

Mr. Beams stated yes, the entrance way will not change.

Chief Kinder stated but that's gonna end up with another like enterprise as far as traffic, we run into traffic problems at that particular intersection, it's not that far from the stop light, not that far from New Albany Street, and it's goona make a new intersection right in the middle of these two busy streets right now.

Council Member Alexander stated would it be better to take New Albany Street and widen it? So it would match up. Could you use that as a main entrance that way if we would have to we could uh I mean I understand his point now, coz with the traffic volume that you show for Cracker Barrel you could create a traffic problem uh with uh the close distance to the light, by getting out on New Albany you actually uh compact the traffic there.

Mr. Beams stated you would have to go under a new review process as far as Cracker Barrel is concerned. Now we, I anticipate...

Council Member Alexander stated ok yea.

Mr. Beams stated we are anticipating that all the traffic will flow from the Cracker Barrel and the hotel here out New Albany Street. In terms of going out and going in that direction as well if you're going back in that direction.

Council Member Alexander stated could we review that to make that a one-way loop then? Would that have to take review from Cracker Barrel.

SELLERSBURG TOWN COUNCIL

REGULAR MEETING

March 9, 1998

Page 8.

Mr. Beams stated yes, we would have to notify them on what we would have to do them.

President Eddings stated Chief.

Chief Kinder stated if they can't, what Kenny's saying is by right of you made it that way and maybe the State or somebody put up a stop light, because if not it's ok to get into Cracker Barrel and into the motel, but let me tell you, you're gonna create a nightmare for those coming out. As for traffic accidents you're gonna increase I don't know how many because people are gonna have to dart out to get across 31 to make a left turn. To get back up to 31 and during most of the day you're not going to make that left turn because most of the people at the traffic light are gonna block it up, then you won't have any way to come out.

Mr. Beams stated Paul has been reviewing the traffic pattern, he's working with Cracker Barrel on it so we can take it back under and review it, see exactly what could be done. I think at this point, in terms of you know one way in or out uh that, that may be a stumbling block for Cracker Barrel in terms of their decision on that. We can take a look at putting turning lanes at that interance way in terms of going out because I know you will have alot of traffic that's turning right there as well.

Council Member Alexander stated but the problem when they try to get back out to the other end of town.

Vice-President Broady stated that's gonna be trouble.

Council Member Alexander stated I mean it would beneficial to Cracker Barrel to even if you uh I mean the road I have no problem with uh I mean anything at this step, I, I see where Dave's coming from.

Mr. Beams stated I think that they...

Council Member Alexander stated I think they could come around and make a nice one-way in and out there. I think coming out of New Albany even's gonna make it nicer for the uh, uh Cracker Barrel as far as uh traffic goes.

Mr. Beams stated as I said, we'll take it back to Cracker Barrel for review.

Council Member Alexander stated you know, I'm kinda dumbfounded we didn't notice that before, but I mean we never did push it and sit down at that angle.

Chief Kinder stated I mean the traffic flows fine turning right it coming back out, if they want to go to the interstate they've got a nightmare.

Mr. Beams stated oh yea.

Council Member Alexander stated yea coz if there's what five cars there now you're past Dairy Queen enterence. It's that close to the light now.

Mr. Beams stated I go, arrange things so hopefully we can kinda grow and change and adapt. And we're looking into the benefits of uh, uh once we get into hotel sight as well coming here verses the turning lane up there. You got any questions? Barbara.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 9.

President Eddings stated thank you.

Mr. Beams stated thank you very much.

President Eddings stated Pauline or Nina do you have anything? Ok Mr. Kinder.

Chief Kinder stated No sir.

President Eddings stated EMC.

EMC/KENDALL COLEMAN ADDRESSES THE COUNCIL/IDEM INSPECTION/MONTHLY REPORT'S.

Mr. Coleman stated Doug and Dave I've got a copy of uh IDEM inspection that was performed at the wastewater plant today. Uh by Oscar Parker who the, our local inspector, no deficiencies were reported. I have a up dated on the progress of the retention basin, there's nothing goin on there and uh some projects that we are plannin on to get done this summer.

Vice-President Broady stated having inspectors on this day, makes this hard to get done.

Mr. Coleman stated oh, it does that's his job, he was pleased though overall. That's the water and sewer revenue report that I give out each meeting totals collected for February 23 through March 6, were \$82,065.97 and the last item I have is one that has to be signed. That's your copy Dave, Doug it's our invoice uh for NSF, meter deposits, sewer tap refund and monthly sales tax.

President Eddings stated I'll entertain a motion to pay the vouchers for vouchers for non-sufficient funds checks, meter deposits, NSF, monthly sales tax from EMC.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill. Do I have a second.

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion? If not all those in favor signify by saying I, oppose nay, I's have it.

Mr. Coleman stated Thanks.

President Eddings stated Ken.

KEN ALEXANDER ADDRESSES THE COUNCIL ON NOTIFYING THE NEWSPAPER'S

Council Member Alexander stated I just want to notify the newspapers that we scheduled April 13 for discussion for the closing of St. Paul's Street. A copy of the uh...

Clerk Treasurer Schafer stated plans...

Council Member Alexander stated plans will be in the uh, uh town office.

President Eddings stated what time.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 10.

Council Member Alexander stated regular meeting, regular meeting that way they will have time to come in and review it, these are jsut preliminary plan's, these are not, they still have to be voted on. These were the ideas that were thrown around the last three months. That's all I have.

President Eddings stated good Gary.

GARY FENNER ADDRESSES THE COUNCIL ON/PARK'S BOARD.

Council Member Fenner stated we had two openings on the Park's Board and uh I need to fill those positions I have two people willing to serve the Park's Board as approved. We need to approve them through the Town Council. Their names are Anna Voyles and Janet Rudd.

Vice-President Broady stated Voyles.

Clerk Treasurer Schafer stated Voyles.

Council Member Fenner stated Voyles.

President Eddings stated Voyles, any relation Bill?

Council Member Voyles stated she has to be, you see a name like that.

Clerk Treasurer Schafer stated Janet.

Council Member Fenner stated Janet Rudd is one of the people on the uh the board of swimming team. We thought that might be a good thing to promote, to have good communication with the parks board since they use the swimming pool.

President Eddings stated I'll entertain a motion to accept Anna Voyles and Janet Rudd to be on the Parks Commission Board.

Council Member Fenner stated I'll make the motion.

President Eddings stated motion made by Gary. Do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion? If not, all those in favor signify by saying I, opposed nay, I's have it.

President Eddings stated Dave.

DAVID BROADY ADDRESSES THE COUNCIL ON/JACOBI, TOOMBS & LANZ/CHRIS O'NEAL PROPERTY.

Vice-President Broady stated me, I've got two things first paper's from Jacobi, Toombs and Lanz, I like to approve for services rendered. One is for \$180.00, the other \$360.00 for drainage improvement on the Beyl easement, and \$3,000.00 which is the starting on the retention basin. I'd like to approve that, I'd like to make a motion to approve that.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 11.

President Eddings stated motion made by Dave, so I have a second.

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion if not all those in favor signify by saying I, all those opposed nay, I's have it.

Vice-President Broady stated the other thing I need to bring up concerns uh the Jim O'Neal no Chris O'Neal property uh the new hotel. Chris is going to have to bring in engineers to re-engineer the sewage system to start picking up the complex he designed, so the whole building down the road. Uh he's going to have to approve those plans and get them to John and then if and when he can actually develop it. Show the rise and stuff of that nature. Uh this could take quite a bit of time and I need the boards advise and see what we're gonna do. Last meeting a letter by John that showed what was stated. Which is what I just said. They need to address the problems they got by their own engineer and come up with a design that will meet our standard, and then they can make that design. Uh what they have approached me about is rather than hold the new hotel up for construction would it be possible to hook up to the existing lift station that is there other wise they can go ahead and proceed with the rest of the crap. I told them I thought that would work if they gave us a letter so stating exactly what I just said and give us a time period they could get that done. I checked with John and uh Kendall what we need and to the best of our ability could that little hole handle uh for a temporary basis, which it's really hard for us to say. We don't know how much capacity will go through it. With the grease problem over here uh with McDonalds we, we don't know if it will handle it on a temporary basis. So I guess what we need to do, if the board is willing to do that, I mean what kind of letter would you request going out, uh to O'Neil, Chris the developers etc. trying to get this resolved or move forward, stand tight or whatever. It would be my recommendation that we do let them go ahead and tie on to the lift station to let them proceed with it. One letter that he had wrote us that Virgil has tonight? Do you have a copy of that? You might have basically it says until they do the sewer work they need to do that no-body else can get on it until thats done, is that gonna read whats in the letter or does it need to be in a more timely matter, that would stated that if they don't sell anything for another four or five years I wouldn't want to settle this thing in another five year's.

Council Member Alexander stated can we not have it where they assume some kind of liability for any problems that might arise from the uh tempomarily being attached to the lift station.

Vice-President Broady stated I think the board can do anything they want at this time.

Council Member Alexander stated that way if it become's something or cause's problems to the lift station it may help expidate getting the other system completed. If the cause falls back on being temporarily connected.

Vice-President Broady stated very likely, the force main coming off the existing lift station is only a inch and a half which is designed for pumps, that is the designed size there is. And we've had a major problem with grease, clogging the pumps and lines constantly coming down and working there, and I think John confirms with me that McDonalds cleans out their grease traps pretty often, but still yet the problems exists due to the fact that is such a small line. One of the questions both John and Kendall have is how much are we going to lose, because in the past we've been told that the existing line thats in there could be narrowed down.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 12.

It's a inch and a half it could be narrowed down to one inch which means you could start losing the curve on your pumps which now is 35 gallon per minute down to 25 gallon per minute. You run into problems of that nature. So there's one of your problems that we're looking at. But better yet, I would like to look, I don't want to hold the builder, I don't want to hold him up if we can't handle it on that lift station, I want to get the problem resolved and move forward with the developers. Ya know.

Council Member Alexander stated can we put something together that says they assume the liability for any problems that may arise for being tapped temporarily that any problems would arise at least we wouldn't be liable for any problems to uh, uh...

Vice-President Broady stated we can do that but we need a set of plans drawn up and approved and construction implemented within in a...

Council Member Alexander stated right.

Vice-President Braody stated in a period of time, because the problems out here are a major concern out here.

Council Member Alexander stated right.

President Eddings stated Virgil do you see what he's sayin about putting a time limit on it?

Mr. Bolly stated I'm going to have to approach this with Mr. O'Neal, I'm a little bit concerned with putting a limit on it. I think my people would prefer that putting the burden on the developers.

Vice-President Broady stated my opinion would be the burden should be on the developers which would be on O'Neal.

Mr. Bolly stated O'Neal.

Vice-President Broady stated O'Neal, that's where the burden needs to fall. If that would be the case, then I only have one other suggestion, is at this point to know that these lines are tied to the, that location is we might the delay the running of the actual land. That might give Chris some time to think before they hit him completely but that's what I'm saying it's still gonna come out...Chris owns 50% of the company uh we've got a little bit of time frame so we know when we have to be done as long as we know who is in there now. We might in a few months O'Neal come back and say...

Mr. Bolly stated that's essentially what we're gonna do today, go and take pictures today...

Vice-President Broady stated that's a grade thing and we don't want to get into today again, I think if we get into an argument uh why the situation is right now. Chris just told me with the creeks and water there if we could put in a temporary station there uh and what the sewers couldn't do the would...For that area. Well, the sewers when they we're put there wern't like that and I have no way and Chris don't have know way, I think some of the reason the I understand lift station just don't can almost handle McDonald's and no one else. And we don't want to get in the same situation were we

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 13.

spend another \$1000.00 a year on developers that would be the same place we are now. That would be the worst possible thing to happen.

Mr. Bolly stated uh as long as we can get the...Plans put together for that particular line in regards to three months from now instead of having to do it again, and O'Neal coming back and saying change that from 6 to 10 you're everything's in place to be all the... people will be together, does that sound, that would put it off a little bit, but it sure can so they can work it out.

Council Member Alexander stated right, I just want to make sure uh I mean as far as I'm my position I'm not guaranteeing that the hotel not gonna come out of this without any problems you know, if it has to go to these small lines I don't want the town to be liable to the oops, we thought it would work, now it don't work, somebody's got to pay the money to get it temporarily working I don't know if the town should be put into that situation.

Mr. Coleman stated you're probably gonna experience out there is the pump got it, when it's running and it has to much it'll go out a few degrees then what are you going to do. You're going to have to get a crew out there and get it fixed. The pumps that are there now have had problems have had problems with them, you're gonna have alot more, they're not gonna be able to handle the volume of flow that will go through there at that time. We're probably gonna have one of the pumps go out...and the operators we don't want to held responsible when we know whats going to happen.

President Eddings stated correct.

Council Member Alexander stated and at the same...

Mr. Coleman stated and in the condition it's in, it's not gonna last long and it's not whether the company is there or not.

Council Member Alexander stated I just want to make sure everybody is on the same page as far as is there is problems that are that arise from hooking to the temporary pump or whatever that nobody's going to come in expecting compensation for the damage. Then we get into its a temporary solution and we thought it would work.

Mr. Virgil stated my concern is otherwise is to do this under these circumstance's uh will there be a developing delay.

Council Member Alexander stated uh I have no problem with it uh a long as everything, both parties understand that this is a temporary solution and we'll do the best we can but under, I just want to know who is liable.

Mr. Bolly stated ok.

President Eddings stated we'll do what we can...

Vice-President Broady stated I agree we need to handle it you know from what I understand what everybody's saying of nobody has a problem then I'll make a motion to let them hook on the exsiting left station with them knowing, Chris knowing they're going to have to, the possibility of that somethings going to have to be done and that we need to be on a very timely period to get these things done, and the construction done uh under that phase done with the uh the...done right Chris, can you go back to Chris

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 14.

and explain that to them and uh say that it was a board decision that we're trying to work with everybody here, but we need to set a concrete decision and work from there.

Vice-President Broady stated do I need to make that a motion or does everybody agree to that.

President Eddings stated it needs to be written, Ken can we, I mean when we get called out, change the time of our crew, to the company and our equipment how about putting, if we put in reasonable cost we wouldn't have any expense on the hardware and it come to be a every week thing, I mean, I'm not just worried about that as far as causing interference with them opening or...

Mr. Coleman stated I don't think you can put in there about the town not being liable.

Council Member Alexander stated what you could do I more worried about property damage.

President Eddings stated we're not going to get it all solved here. Let's just John you get ahold of the right people.

Mr. Toombs stated I have on occasion.

President Eddings stated we don't have enough information to discuss exactly what we're gonna do right now, we're just talking around in circles.

Vice-President Broady stated we need to know what we're gonna do.

President Eddings stated you're right we need to know.

Vice-President Broady stated we need to know who is responsible and what we need to do so maybe if we can't get this resolved.

President Eddings stated what Dave is saying is even if O'Neal's doesn't develop you know this is short term, tapping into the present lift station is short term. If not another thing developers back there, either O'Neal's or somebody has to upgrade that lift station.

Vice-President Braody stated I think they ought to go ahead and do it.

President Eddings stated but they don't have to do it right now.

Vice-President Broady stated no, no.

President Eddings stated but we have to put a time limit on it, we need to talk to Chris.

Mr. Bolly stated John can you talk to Chris?

Mr. Toombs stated I'll call Chris and see what he has to say.

Mr. Bolly stated ok, Thank You.

Vice-President Broady stated Thank You,

President Eddings stated Thank You, ok Bill Voyles.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 15.

Council Member Voyles stated I have nothing.

President Eddings stated eventually there not here, what I have here is there going to put a 6 ft. privacy fence on the property line right that's what Mongold says.

Attorney McCall stated right, I just want to see if, they just want to see if you were willing to sign. See if they show up the next time to see if they agree, Mongold agrees.

President Eddings stated she's on the agenda.

Clerk Treasurer Schafer stated I've got her on it.

President Eddings stated ok, Essroc has a public comment meeting I guess over uh or public notice I guess of uh their publication on their uh Environmental Management to operate the uh lower press system lower press system to construct and operate a lower press system of backhouses as pollution control. Anyway its a public notice so maybe we ought to post it I have a application for us here to register for tax identification number. I guess we have to do that every so often.

Clerk Treasurer Schafer stated I've already done this.

President Eddings stated maybe.

Clerk Treasurer Schafer stated maybe this is Dave's.

President Eddings stated this was sent to me or Charlie Ridenour.

Clerk Treasurer Schafer stated F.C.C.'s I'll check with them because I just filled out a similar identifying our three frequencies with FCC not to long ago and its identical to it.

President Eddings stated it could be a duplicate letter.

Clerk Treasurer Schafer stated ok I'll check with them.

President Eddings stated ok I've got another thing here form the water enforcement section of this has to do with our plans to do away with some of our problems with the wastewater getting down into the sewer system. Evidentially we've got some type of violation.

Vice-President Broady stated is it signed by me.

President Eddings stated it's signed by Dave ok.

Vice-President Broady stated ok it's done.

President Eddings stated ok so this is done, unless we hear from them otherwise. The other thing I have is Kenny has elected to resign from the Planning Commission board and we need to put another town board member on that board. I think that board has to have two town board members.

Council Member Voyles stated what night do they meet.

President Eddings stated they meet the 3rd Monday of every month.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 16.

Council Member Voyles stated I'll do it.

President Eddings stated does anybody have a problem with that or do we need to make a motion to put Bill on that board. Does anybody have a problem with that? Ok Bill's on that board.

Council Member Voyles stated 3rd Monday.

President Eddings stated 3rd Monday at 6:30.

Council Member Alexander stated on those lines, Bob Stewart needs a key to that door here.

President Eddings stated can you give Bob a key.

Clerk Treasurer Schafer stated sure, you want submaster.

President Eddings stated can you give him a key to the front door.

Clerk Treasurer Schafer stated uh.

President Eddings stated is that key different.

Council Member Alexander stated yea, that side foor, my key won't open it.

Clerk Treasurer Schafer stated mine won't either and it's a master.

Council Member Alexander stated can we get this one door rekeyed.

Clerk Treasurer Schafer stated Yea I can get...

Council Member Alexander stated so we can give out a key when we have meeting.

President Eddings stated let's get that door rekeyed.

Clerk Treasurer Schafer stated what you got is a submaster key that opens up several areas.

President Eddings stated ok Linda.

Clerk Treasurer Schafer stated I was asked by the Animal Control Officer to remind all the residents that March 1 through March 31 is the annual registation for cats and dogs for Sellersburg. We have had 17 registations so far this month, so this is a reminder. So if the newspaper would help remind Mark Robertson.

Resident stated where do they come to.

Clerk Treasurer Schafer stated here at the town hall.

Council Member Voyles stated can we fine them.

Clerk Treasurer Schafer stated yea, what we have here is if the animal is not current on its license, a citation may be issued. So there is a fine for not paying for the animal tag. Also I've notified the newspapers that on Memorial Day the Town Council has cancelled their meeting, so there won't be a meeting. And I'd like to present this claim to the Evening News for publication start I.U.R.C.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 9, 1998
Page 17.

President Eddings stated I'd like to entertain a motion to pay the claim to the Evening News for \$20.91.

Council Member Voyles stated I'll make the motion.

President Eddings stated motion made by Bill, do I have a second.

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion, if not all those in favor signify by saying I opposed nay I's have it.

Clerk Treasurer Schafer stated I'd like to present this for Clark County Recorders office uh, in the amount of \$13.00 to get somethings recorded.

President Eddings stated I'll entertain a motion to pay the Clark County Recorder's office \$13.00 for legal recording.

Council Member Voyles stated I'll make the motion.

President Eddings stated motion made by Bill do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion if not, all those in favor signify by saying I opposed nay I's have it.

Clerk Treasurer Schafer stated I like to present a claim for Heckman, McClarnon, Hulett and Cracraft in the amount \$669.92 for legal services rendered and cash disbursements incurred January 1, 1998 through January 31, 1998.

President Eddings stated I entertain a motion to pay the invoice of \$669.92 for council.

Vice-President Broady stated I make the motion.

President Eddings stated motion made by Dave, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated seconded by Bill, any discussion? if not all those in favor signify by saying I opposed nya, I's have it.

Clerk Treasurer Schafer stated I like to present a copy of the bill's.

President Eddings stated everybody's got a copy of the bill's in their mailbox. I'd like to entertain a motion to pay the bill's that presented.

Council Member Fenner stated I'll make a motion to pay the bill's as presented.

President Eddings stated motion made by Gary, do I have a second?

Council Member Voyles stated I'll second it.

President Eddings stated second by Bill, any discussion? if not all those in favor signify by saying I opposed nay I's have it.

President Eddings stated that's it.

Clerk Treasurer Schafer stated ladies.

President Eddings stated I'd like to entertain a motion to adjourn this meeting.

Vice-President Broady stated I'll make it.

President Eddings stated do I have a second?

Council Member Fenner stated I'll second.

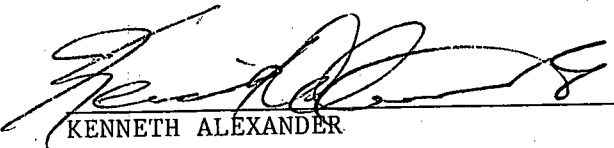
Clerk Treasurer Schafer stated 7:30.

President Eddings stated second by Gary, any discussion? If not all those in favor signify by saying I opposed nay I's have it.

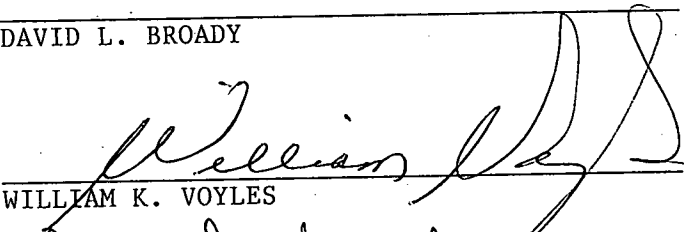
With no further business President Eddings adjourned the meeting at 7:30.

AULTON D. EDDINGS JR.


DAVID L. BROADY



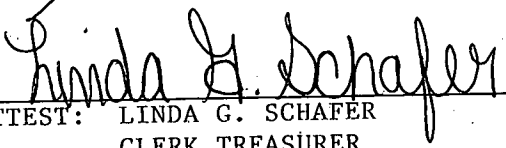
KENNETH ALEXANDER



WILLIAM K. VOYLES



GARY FENNER



ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

March 23, 1998

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings Jr., Council President; William Voyles, Council Member; Kenneth Alexander, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; with David Broady, Council Vice-President; and William P. McCall, Town Attorney being absent.

Called To Order

President Eddings called the regular meeting to order at 6:30 p.m.

Prayer

Rev. Bob Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of allegiance to the flag was recited.

President Eddings stated everyone's had a copy of the minutes of the executive session and the last meeting in their box, and had a chance to review those minutes. I'll entertain a motion to approve the minutes as presented.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill, do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated second by Ken, any discussion? If not all those in favor signify by saying I, I oppose nay, I's have it. Ok petition's from citizen's tonight does anyone here from the Personal Touch Beauty Salon? You know you might want to call them.

Mr. Coleman stated I'll call them.

President Eddings stated tomorrow.

Mr. Coleman I'll call them tomorrow.

President Eddings stated ok, the citizen concerning the Lake Pointe apartment uh our attorney not here the reason why we got you all on the agenda the last we, we broke up last time we uh, uh you all wanted us to sign something saying what Mongold and them had agreed to do, they come back and drafted a letter to us and I wasn't sure if that was the way you all wanted it or not. We didn't sign it. Everything looked exactly the way you all wanted it except for the uh privacy fence. They want to put it on the property line and I wasn't sure if was the way it seemed like some of you all wanted it up on the hill, up on the burm. And they do not want to put it on the burm, its gonna be to much trouble to try to keep it up. It would get mixed in with the trees that they're gonna put on top of the burm, uh it would be to much trouble to try to keep up or whatever. They're wanting to drop it down over the hill, and put the privacy fence on the property line. That is the only difference between what I thought you all had wanted and what they're willing to agree to sign to do.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 23, 1998
Page 2.

CITIZEN'S CONCERNING LAKE POINTE ESTATES.

Mr. Imhoff stated ok where are they wanting to put the burm? On their side or on our side.

President Eddings stated their side.

Mr. Imhoff stated ok.

President EDDings stated then they...

Mr. Imhoff stated then they'll have a 4 ft. burm and a 6 ft. fence, anybody standing on the burm can look in the back yard. So what is the purpose is the fence, you won't have any privacy.

President Eddings stated will, you're gonna have the trees on top of the burm.

Mr. Imhoff stated yea, but its gonna be awhile before those trees get big enough to make any difference.

President Eddings stated I think they're gonna plant 6 ft. trees to start with...

Mrs. Imhoff stated the burm's gonna be 4 ft.

President Eddings stated it states in the minutes that this would invent, invent a ten foot barrier.

President Eddings stated yea, 4 ft. burm, 6 ft. trees.

Council Member Alexander stated 6 ft. trees.

Mrs. Imhoff stated 6 ft. trees.

President Eddings stated yea, on their side.

Mrs. Imhoff stated on their side.

President Eddings stated they do not want to put the fence up there with it. They want to put on the property line.

Mrs. Imhoff stated who would be responsible for maintaining the up keep of this fence.

President Eddings stated well, if they put it on the property line, I'd say it just be like anybody else's property line. You know if you got a fence shared with your neighbor, he takes care of one side and you take care of the other.

Mrs. Castell stated what about that drainage ditch there. Will that put the fence right in the middle of the drainage ditch.

President Eddings stated uh, I sure they would have to put the fence on one side or the other wherever the property line would be I'm, the property line doesn't run on the drainage ditch does it? Is it on the neighborhood side or on the constructions side.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 23, 1998
Page 3.

Mrs. Imhoff stated I don't know. I thought that was something that was, from my understanding, was that, I thought it was wrote up, the town was responsible, the town's responsibility I think that is what was indicated to us in one of the meetings. That area has grown up some, so I really don't know, maybe someone here can help us out.

President Eddings stated I don't know.

Mrs. Imhoff stated who's line, do you know Kenny?

Council Member Alexander stated as far as the ditch running in back that would just be a natural drain it would be the responsibility of wherever that drain is.

Mrs. Imhoff stated so wherever that drain is.

Council Member Alexander stated the proper way to do it would be to we would have to work it out would be to bring in the purposals as far as approval for sewer, water and uh the drainage.

Mrs. Imhoff stated would it be on that side of the drainage?

Council Member Alexander stated it would depend on who's property the ditch is on. If the creek runs through somebodys property, they're actually responsible for the creek. Ok, so if the ditch runs on...

Mrs. Imhoff stated on your property, who's property is the creek on?

Council Member Alexander stated without a flat map I couldn't tell you.

President Eddings stated I wouldn't either, I couldn't began to, yes sir.

Mr. Booth stated I have a question, is there an electric right of way there. Could that interferes with that?

President Eddings stated I wouldn't know.

Council Member Alexander stated the way an easement works is, electrical or any kind of easement they can put a fence up. It's just they uh go in and put a fence up with the understanding that of the electric company can come in take it down, the electric company, water, gas or whatevers not responsible for uh putting it back up.

Mr. Booth stated why should they put it right there in the way?

Council Member Alexander stated well I really don't, I don't think they're gonna put it on, they're not gonna put it in any way where there gonna have any maintenance or, or any problems. Most apartment complexes do. The reason they don't want the fence on top of the burm uh is basically because of landscaping, trimming aspect it makes it easier, more affordable, as far as doing the landscaping, I mean I'm sure that's the uh, uh problem, the reasoning behind that uh I think they would use common sense as far as a drainage ditch, and how the fence is so it doesn't affect them as far as future cost. But I think the best thing to do would be probably contact Mr. Mongold and uh...

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 23, 1998
Page 4.

Mrs. Imhoff stated I think Mr. Rawlings up here, let's ask him.

Mr. Rawlings stated I don't...

Clerk Treasurer Schafer stated here is Mr. Rawlings, yea right here.

Council Member Alexander stated I didn't see Mr. Rawlings.

Clerk Treasurer Schafer stated yea right here.

Mr. Rawlings stated we have not proposed to do anything that we hadn't already purposed to do.

President Eddings stated right.

Mr. Rawlings stated uh the only thing in question is where, uh the fence should be located and in the town board we just simply stated, instead of putting the fence on the burm, put it down on off the burm, so that we could maintain uh the side of the burm closer to the subdivision, uh everything will be in the confines of our property and therefore we would be responsible for the maintenance of and care of fence, burms, trees, landscaping, seeding, fertilizing anything to that nature.

President Eddings stated you just don't want to put it on top of the burm.

Mr. Rawlings stated we'll put it on top of the burm, but I don't believe that's the best place for it, it, if you say put it on the burm, we'll put it on the burm, uh we still would like to consider off the burm, you would have a fence, a burm, trees and uh it uh would be easier to maintain inside the burm.

Mr. Imhoff stated so you're saying that though really would put it on the burm.

Mr. Rawling stated will put it wherever, will put the fence wherever you wish the fence, wherever the Town Board thinks it needs to be wherever they dictated it should be.

Mrs. Imhoff stated that would put it then for us, the residents, that would give us a little more privacy. If the fence is up on the burm with the trees up flush against the fence line. I mean thats how it is in my mothers neighborhood that provides fairly accurate privacy.

Mr. Imhoff stated could you not put the burn with a 6 ft. fence, if somebody stands on the burm thats what we don't like. Not that I'd like prople to see back there but...

Council Member Alexander stated will the top of the burm be wide enough for the privacy fence and mature trees.

Mr. Rawlings stated yes, and no it's gonna be ok for 6 ft. pine tree, but when it gets bigger I mean its gonna start, its gonna be a problem cutting around it, to maintain the side uh you know out of site, out of mind. The fence is there it's best to...

Mrs. Imhoff stated what about puttin the trees and instead of puttin the trees actually on the burm putting the trees out more on the flat area were they'll just grow up, but yet they'll still be on the burm then they'll grow height from the very beginning.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 23, 1998
Page 5.

Mr. Rawling stated were really not suppose, we just feel like that, we feel like the way we've done it in the past the best way we've done it.

Mrs. Castell stated I guess my question would be if you've got the fence on the property line and you've got the burm on the apartment side that's of no benefit to us. The burm would not be that's why we had thought the burm and then the fence on top would give us that much more privacy. I mean we won't even see that burm if the fence is there.

Mr. Rawling stated no, but you'll see the trees I mean, I'm trying just totally block out the vision totally with the fence uh on top of the burm, just to look nice, to stop traffic from coming on our property at the property line, then the burm would match as a edge really as a natural barrier for the property line. It depends on how the burm is just if it's a maintenance problem and like I said if its outside and we don't see it outside the burm we're not likely to maintain it. If we see it we know it needs to be mowed and fertilized and whatever.

Mrs. Castell stated if it's on the line like that, lets say wind damage or anything, that fence is destroyed or just needs to be fixed then whose expense is that?

Mr. Rawlings stated it's our fence, it's on our property.

Mrs. Castell stated it's on our property too.

President Eddings stated no it isn't.

Mr. Rawling stated will...

Mrs. Imhoff stated when you meant on your property do you mean on the property line itself?

Mr. Rawlings stated if you want the fence on our property then all the burm, we'll be glad to move it in 6 inches and then its all ours. We'll maintain both sides you're just gonna have to let us get over on the other side.

Mrs. Imhoff stated oh that's fine, we'll maintain our side anyway.

Mr. Rawlings stated yea, but the fence is our responsibility anyway.

Mrs. Imhoff stated have you thought about maybe instead of the burm, maybe just making the fence taller?

Clerk Treasurer Schafer stated the fence can't be 10 feet, Bob?

Mr. Stewart stated the fence can be only 6 ft. by city ordinance.

Mrs. Imhoff stated wouldn't it be 10 by city ordinance with the fence on top of the burm then.

Mr. Stewart stated no, its on top of the burm.

President Eddings stated so do you want it on top of the burm or on the bottom?

Mr. Imhoff stated on top.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 23, 1998
Page 6.

President Eddings stated on top, You all don't have a problem with putting it on top of the burm?

Mr. Rawling stated no sir.

President Eddings stated we'll draft it up that way and sign it next meeting.

Clerk Treasurer Schafer stated is this gonna be a wooden fence or a chain length or what.

Mr. Rawling stated it's my understanding its gonna be a wooden fence.

Clerk Treasurer Schafer stated a wooden fence.

President Eddings stated ok, uh did any of the new people com in? Anybody here from Personal Touch Beauty Salon? Ok uh this Girten?

Clerk Treasurer Schafer stated oh, he was not able to make , he dropped these off uh for the council. I told him I would be more than happy to give these to you.

President Eddings stated ok, Mr. Joe Olson.

JOE OLSON ADDRESSES THE COUNCIL ON/INSURANCE.

Mr. Olson stated ok, uh, I just want to pass these out. It looks like you got enough there to keep you busy for awhile and uh here's one for Dave. Here's the directory, that one directory goes along with the purposal. First of all, I appreciate the opportunity to uh bid on the Town Of Sellersburg employees uh insurance program. Uh before you, you have a purposal from Humana employees, also a copy of my resume for the applications for ading the records for the Town Of Sellersburg that I submitted several weeks ago. Uh I ask that you consider, if you'll consider my application however, after looking at the current plan that you have. its my opinion you shouldn't go anyplace. Uh the company, A.H.D.S. plan is a 100% plan uh, the purposal I have will not compare with it. The rates you have are very competative and uh I just wanted to let you know I was interested and I wanted to submit this purposal tonight. But it is my opinion after looking at all the coverages, rates, and so forth, to stay where you're at. It's the best thing for the employees ok.

President Eddings stated Thanks a bunch, Pauline or Nina, do you have anything tonight?

PAULINE PIXLEY ADDRESSES THE COUNCIL ON/I.U.R.C.

Mrs. Pixley stated uh yea, I've got a question, have you heard anything on the meeting yet?

President Eddings stated there was supposed to be a hearing today but I'm not sure if it wasn't posponed or not.

Mrs. Pixley stated when?

President Eddings stated today I thought the 23rd.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 23, 1998
Page 7.

Mrs. Pixley stated how come we didn't hear on it.

President Eddings stated we've been announcing it in the meetings every Monday night. Perry sat over here and explained it. But I'm not sure, it might of got cancelled.

Mrs. Pixley stated I've not heard a word about it, has anybody else?

Clerk Treasurer Schafer stated was that the informal meeting that no one from the Town Council had to go to.

President Eddings stated yea, we didn't have to go to it.

Clerk Treasurer Schafer stated that's the only one that there has been.

Mrs. Pixley stated the one that was up there in Indianapolis, there hasn't been another one?

Clerk Treasurer Schafer stated no.

Mrs. Pixley stated well, I'm talking about the one that there suppose to be holding down here.

President Eddings stated no, no those aren't scheduled yet.

Mrs. Pixley stated ok Thank You.

President Eddings stated ok Mr. Kinder.

Chief Kinder stated nothing.

President Eddings stated ok EMC.

EMC/KENDALL COLEMAN ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE REPORT.

Mr. Coleman stated first item handed out to you was the water and sewer revenue report for the previous two weeks, uh total amount received was \$100,604.53 uh monthly report that I give to you each month at this meeting uh details the operation of both water and sewer wastewater and billing operations. I ask if there's ever anything that uh you have a question on in these reports since I really don't do a formal report each month, if there's something other information you'd like to see in the report each month you'd like to be given to you please let me know, uh we're always add in something different, particular little bits, anything that matters to you please let me know and we'll get it in the report. The last item I handed over to you is a request for capital expenditures and that is for installation of a 2 inch water line casing and that is for Lakeside Subdivision the new subdivision. And the purpose of that expense is uh, Dan Christiani Ex. was contracted to install 2 inch water line casing, the purpose of that was part of the subdivision was built in alot of shell and uh Clark had notified the previous facility manager that once they get that completed our boring equipment if we had bored that where the installation of the services being built we'd proply tear up the boring equipment and that would be very expensive uh plus if we could'nt bore, which Clark felt that we probably would not be able to do, that means we would have to cut the streets, when we did not want to cut the streets in a new subdivision uh so the previous facility manager asked Dan Christiani to install these 2 inch casing and

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 23, 1998
Page 8.

thats so we can push the services through those 2 inch casings and services the homes thats on the opposite of the side of where the water main and Dan Christiani did that for a total cost of \$2,948.45. This will be recovered this will be charged off in the tap fees. This will be part of each homes as, the homes that the casings will uh installed for as they come in and request water tap for these homes, we're gonna divide that cost up and that will be part of the tap fee. That's how that money will be recovered.

Council Member Alexander stated you're gonna charge them extra for the water tap. Can you do that?

Clerk Treasurer Schafer stated um...

Mr. Coleman stated we charge for meter tap.

Clerk Treasurer Schafer stated as payment, we can't charge a meter tap for that amount.

President Eddings stated but we could a water tap? Right.

Clerk Treasurer Schafer stated a water tap.

Council Member Alexander stated a water tap is governed by the I.U.R.C.

Clerk Treasurer Schafer stated they could make seperate payments with their tap.

President Eddings stated I'll tell you there's something we should of done.

Mr. Coleman stated I thought commerical was...

Clerk Treasurer Schafer stated there's one set rate by the I.U.R.C.

Council Member Alexander stated right, you cannot.

Clerk Treasurer Schafer stated they can make payment on this if they want.

Council Member Alexander stated I confused on why the developer wasn't uh required to do, I mean we're talkin about...

Mr. Coleman I asked the same question.

Council Member Alexander stated we're not talkin about a previous or existing.

Mr. Coleman stated I asked the same question. I don't have a answer for you.

President Eddings stated I think we're talkin about, I think what happened back then Ken, was he didn't have to put those water casing in it was our idea, so we would have it easier.

Council Member Alexander stated right, but under new development we have the right to require what makes it easier for us.

President Eddings stated yea, but we...

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 23, 1998
Page 9.

in my opinion that's the way it should of been done. But that was before me, and I don't know what the agreement was and I don't know what was worked out with the developers and with the town that was the previous facility manager overseeing that. This was something I think the previous facility manager did bring to uh Doug's attention since he's ahead of water utility and it was decided to go ahead and install the casings. Great idea, I mean I think possibility it should of been done by the developers.

Council Member Alexander stated I mean, I know to break the actual cost down without having something in writing from the uh.

Mr. Coleman stated could it be put in cost of tap fees.

Council Member Alexander stated I mean the easiest way to do this is let Mr. Sprigler recover the amount of the money on those certain properties.

President Eddings stated I don't know if we can go back and do that now. I think the problem was we didn't spec it that way, they could of put it in the cheaper way, we told them to put it this way, that's the way we wanted it, their charging us for it.

Council Member Alexander stated right.

Clerk Treasurer Schafer stated Capital Improvement Fund?

President Eddings stated yea, thats what I would say, I'll make a motion we pay Dan Christiani the \$2,948.45 for water casing.

Council Member Fenner stated that's with the understanding we're gonna recover some of the cost somehow.

President Eddings stated may try to, but were not able to recover the cost.

Mr. Coleman stated even with that, even if we divided it amoung each lot, the material that is gonna go in to install that water service, uh that cost probably still will now how amounted to the cost of the tap in fee. And that's the tap fee pays for the labor and materials that goes into the service.

Council Member Fenner stated I'll second that motion.

President Eddings stated motion made by me, second by Gary, any discussion, if not all those in favor signify by saying I, opposed nay, I's have it.

Mr. Coleman stated Thank You.

President Eddings stated ok, any report from the building commissioner.

Mr. Stewart stated nothin new, unless you have some questions.

President Eddings stated ok, Bill do you have anything?

WILLIAM VOYLES ADDRESSES THE COUNCIL ON/GARBAGE PICK UP.

Council Member Voyles stated I wanted to bring up about garbage pick up for apartments, but since our legal council is not here and we're one short, I'd like to put off till

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 23, 1998
Page 10.

our next meeting. But its something we've been kicking around for a year and we need to talk about it. So uh get some action, so I guess I'll put it off till next meeting.

President Eddings stated ok, Gary.

Council Member Fenner stated Un one thing I want to emphasize just for publication maybe is, we're looking for lifeguards for the town pool and applications are being given out and accepted at the town hall and the applications due date is April 13. So I have flyers up if anyone wants to see them. The other thing I had spoken to the facilities manager of the billing office previously and also I mentioned to Kendall just recently is a possibly updating the phone system in our, in the town hall to have an answering system with voice mail uh, seems like in this day and age it would be alot more effective and efficent and instead of the girls in the office having to answer the phones and transfer it all over the place that it could be done automatically and save alot of time and alot of loss of communcation. Uh so I'd like for us to start investigating that and shareing the cost with EMC if they're willing to share the cost. Uh, but to go for it.

President Eddings stated Kendall can you look into some pricing on that?

Mr. Coleman stated yea, I'm playing phone tag with their representative right now. It's not cheap but its gonna save some time.

President Eddings stated ok.

Council Member Fenner stated is that all you need.

President Eddings stated yes, that's all for tonight, ok Kenny.

Council Member Alexander stated nothing.

President Eddings stated you don't have anything, I waited on you to get done signing that thing. Linda do you have anything?

CLERK TREASURER SCHAFER ADDRESSES THE COUNCIL ON/BILL'S

Clerk Treasurer Schafer stated yes, uh I need the council to sign the agreement with...

President Eddings stated uh, ok.

Clerk Treasurer Schafer stated there evidently was one before and it got misplaced.

President Eddings stated ok before you go on to the bill's let me check couple more things.

Clerk Treasurer Schafer stated ok.

President Eddings stated ok I've got uh we got contract negotiations or uh end of our contract with EMC coming up shortley and we need to notify them according with them 120 days ahead of the expiration uh which would be today uh unfortunatly with Perry out Dave out, we would like to put that off and this is a letter.

Council Member Alexander stated that's May 1st..

SELLERSBURG TOWN COUNCIL
REGUALR MEETING
March 23, 1998
Page 11.

President Eddings stated May 1st.

Council Member Alexander stated we have till May 1st.

President Eddings stated ok.

Mr. Coleman stated if you'r gonna terminate we have to notify by May 1st if you're gonna exercise one of the options of the contract, extend the contract for 1 or 2 years it's 120 day notification.

President Eddings stated which is today.

Mr. Coleman stated April 1st.

Council Member Alexander stated April 1st.

President Eddings stated April 1st ok.

Mr. Coleman stated this is the only meeting you're gonna have the opportunity to do that.

President Eddings stated right, what we're asking to do is for me to draft a letter to the uh Vice-President asking for additional that we can do it next meeting or uh...

Mr. Coleman stated you just want to extend the notification period by 30 days.

President Eddings stated 30 days.

Mr. Coleman stated May 1st.

President Eddings stated so would somebody like to make a motion.

Council Member Alexander stated I'll make a motion that we allow Doug to draft a letter to allow Doug to draft a letter to allow us to have 30 days in addition for EMC.

President Eddings stated motion made by Ken, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion, if not all those in favor signify by saying I, opposed nay, I's have it. Ok now you can, that's all I have.

Clerk Treasurer Schafer stated I have the bills at this meeting.

President Eddings stated ok everybody has a copy of the bills in their mailbox, had a chance to review them, I'll entertain a motion to pay the bills as presented.

Council Member Alexander stated I'll make a motion to pay the bills as presented.

President Eddings stated motion made by Ken, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion, if not, all those in favor signify

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
March 23, 1998
Page 12.

by saying I, opposed nay, I's have it. Do you have anything else.

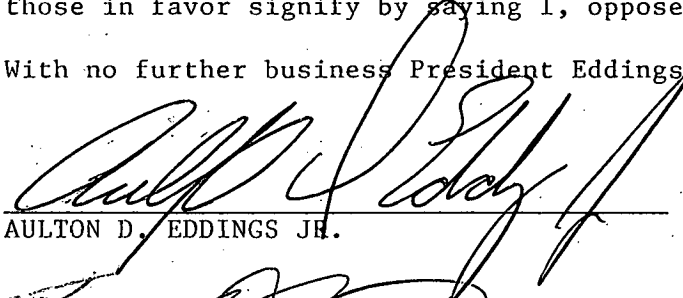
President Eddings stated I entertain a motion to adjourn.

Council Member Alexander stated I'll make it.

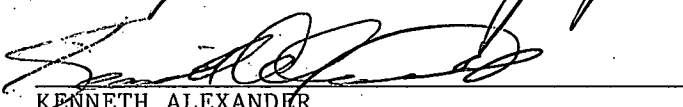
Council Member Voyles stated I'll second.

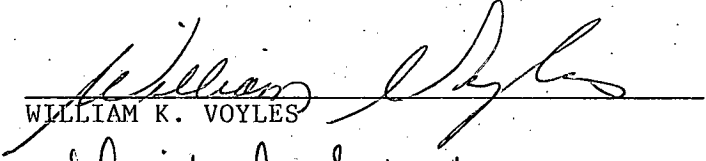
President Eddings stated motion made by Ken; second by Bill any discussion, if not all those in favor signify by saying I, opposed nay, I's have it.

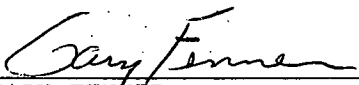
With no further business President Eddings adjourned the meeting at 7:00.

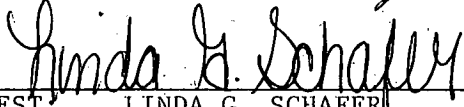

AULTON D. EDDINGS JR.

Absent
DAVID L. BROADY


KENNETH ALEXANDER


WILLIAM K. VOYLES


GARY FENNER


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

April 13, 1998

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; Gary Fenner, Council Member; William Voyles, Council Member; Kenneth Alexander, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

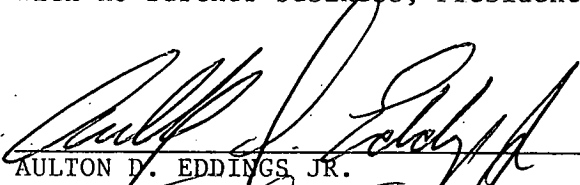
President Eddings called the Executive Session to order at 6:05.

Topics Of Discussion


Cracker Barrel
Rite Aid Drug Store
O'Neal/Comfort Inn
Maple Manor/Sewer's
Hamstead Heath
Grey Fox/Storm Sewer Project
Team Contracting
Bond Ordinance
Yard Waste
Michael Gentry/Ky. Claim Services
Collier vs Town of Sellersburg
New Albany Tractor vs Town of Sellersburg
Clark County Regional Water/Sewer
Flood Plain Ordinance
Ivy Tech/Basin
Annexation

Adjournment

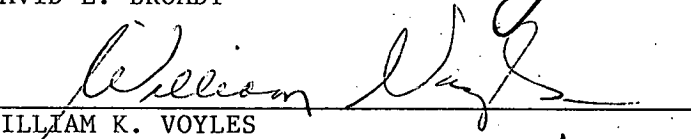
With no further business, President Eddings adjourned the Executive Session at 6:35 p.m.


AULTON D. EDDINGS JR.


KENNETH ALEXANDER


GARY FENNER


DAVID L. BROADY


WILLIAM K. VOYLES


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

April 13, 1998

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; William Voyles, Council Member; Kenneth Alexander, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

President Eddings called the regular meeting to order at 6:40 p.m.

Prayer

Rev. Bob Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

President Eddings stated ok are we ready ok. We're going to call the regular meeting to order. Mr. Hauselman would you lead us in prayer. We have a copy of the minutes in our mailboxes and had a chance to review it. Minutes for the last meeting on March 23, I'll entertain a motion to accept the minutes from March 23rd.

Council Member Alexander stated I'll make a motion to accept the minutes from March 23rd.

President Eddings stated I have a motion from Ken, do I have a second?

Council Member Fenner stated I'll second.

President Eddings stated second by Gary, any discussion on the minutes if not, all those in favor signify by saying I, opposed nay, I's have it. Ok while we're starting this, we'll have the petitions from the citizens. Is someone here from the Harrison Group? Virgil is that you?

Mr. Bolly stated for Cracker Barrel.

President Eddings stated yes sir.

Mr. Bolly stated I didn't expect to be...

President Eddings stated your first.

Mr. Bolly stated very good, thank you very much I've been asked to come in and present the remainder of the request for a tax abatement and uh, here with me is Clair... There we go, she got it. Um, first I would like to submit to you the, a purpose, a statement of benefits. Basically what this shows at the present time, they anticipate that the real estated improvements will be roughly 1.3 million dollars, there will be a deduction of the present evaluation of the real property of 141 which will leave them with roughly 1.190 uh in investment in new investment in the real improvements. The equipment, there is none there and they anticipate something like 413,000. On these I'll come back to these if I may but that is the petition signed and I got one other thing. It, of course it is for the Cracker Barrel, its approximately 11,000 square feet and approximately 200 parking spaces. The area that we're talking about is more unconfereced than just the Cracker Barrel. But I also believe the Cracker Barrel's

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 2.

VIRGIL BOLLY ADDRESSES THE COUNCIL ON/CRACKER BARREL.

operation change the complexion of that whole corner and the interstate there and attract many tourist in the community and bringing other growth in the area. We'll need to come back to that because, assuming everything is ok there is some information on the back we'll have to fill out. The next item, I have a faxed copy of this, the actual document itself was not available and that, they'll get it to us very shortly and I will see that the town get's it, it's the faxed copy of the legal notice this was the faxing of the notice you all passed back in July of last year. But it was never acted on, nor was there a meeting determined. This has been published on the uh 27th of March and April the 6th. The law requires 10 days and this is a faxed copy of it, you'll have the final copy of it as soon as it gets to the office. Those 2 documents are what is necessary for you to conduct a hearing to determine. I think more than anything, the way the hearing is set up. You have passed the resolution indicating you had wanted to do this, but that also this now is the opportunity for the public to object to it, modify it, or do anything of that nature. Uh from that stand point I would say if you have questions, want to go back through this, I will add to this, but your tax abatement, your resolution back in July, purposed was 6 years for the real estate and 5 years for any equipment. And uh I guess it might be appropriated first. I ask you all have any questions I don't want to take away from however you want to proceed with that.

President Eddings stated ok we discussed this earlier today among ourselves, we were confused as to the agreement done back in July. We got copies of the minutes it states the tax abatement would befor the hotel property or the Harrison Group.

Attorney McCall stated let's back up a second, I guess in order to consider the hotel, I mean dispute over whether to give the tax abatement or who it should go to, it first has to be determined a revitalization area in order to be granted a tax abatement regardless who it goes to. Number one is Virgil's done the publication you prepared this particular request or did I...

Mr. Bolly stated no, that was done last year.

Attorney McCall stated yea, but I'm sayin did we do it in conjunction with this, did we not...

Mr. Bolly stated right.

Attorney McCall stated right, right, so what you need to do is, uh, deal with determining whether or not you want this to be a revitalization area, its been published, properly published it appears, and consider a vote on it tonight and then, the next part would be taking up the applications that would come to this area for a tax abatement.

President Eddings stated which area are we talking about we're talking about the whole property encompassing all the property or are we talking about Cracker Barrel or just the hotel?

Mr. Bolly stated as far as the revitalization area we're talking about the whole roughly eight areas on the properties and uh from that stand point primarily the building drawing here and then I have one of these to be attached to the all of the ordinances and let me pull out one of the ordinances that might help to, I didn't think I would pull out a number of them. I don't think I made enough of them. You all can share a little bit this will help. We basically are two steps tonight one to determine that area as a revitalization area. Then after you have done that, then we would come back to the

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 3.

statement of benefits which would be strickly for uh Cracker Barrel.

Attorney McCall stated thats right, I guess that's what I was pointing out is that in order to consider any of it, you'd have to make a determization on whether its a revitalization area. And uh, uh act on the resolution thats been put here before you.

President Eddings stated just because its been claimed or revitalization area doesn't necessarily mean you're gonna give tax abatements.

Attorney McCall stated no, no they take them on a case by case basis.

President Eddings stated case by case basis.

Attorney McCall stated and uh then the, on what they have to offer, you know the criteria.

President Eddings stated is there a reason why you've included Dairy Queen and State Farm Insurance building in this?

Mr. Bolly stated it just seemed appropriate to do it. Although I don't know really.

Attorney McCall stated we still get to choose which ones get the tax abatement.

President Eddings stated there's no major ratification to that.

Attorney McCall stated no, no, I mean its in the, it could always be that Dairy Queen and the Insurance Company could be leveled and they could start up a new project and you would want to be able to consider that. I think as far as considering Dairy Queen coming to you now and saying "Hey I mean this is a revitalization area can you give me a tax abatement." Well, you know that would be...

Mr. Bolly stated it just seemed a clean way to do it but I think that area but I think that area is going to grow tremendously with Cracker Barrel coming in.

Council Member Alexander stated I'll make the motion to approve resolution #1998-46.

Mr. Bolly stated first you should ask is they're in terms of a public hearing whether there's any opposition.

Attorney McCall stated you've gotten the notice for public hearing. You need to ask if theré's anyone, open the public hearing. Have Doug announce...

President Eddings stated you want me to go ahead.

Attorney McCall stated have him...

President Eddings stated ok for everybody out there thats just as confused as I am, what we just, what I have to do is in order for us to have close the regular meeting, we have to open a public hearing, so we can publically discuss taking this area where the Cracker Barrel will be located at or maybe located at. I guess everyone in the room is familar with the project that is going on, its up there where the Dairy Queen and the uh Stated Farm Insurance building where Broady's used to be. Uh Sellersburg Auto is that it?

Vice-President Broady stated uh Sellersburg Motors...

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 4.

President Eddings stated anyway that whole area, what we're gonna be doing tonight, we're gonna have a public hearing to consider making that a revitalization area. We have to do that in order to be able to grant tax abatement, if we wish to do so. It don't mean any business going in there automatically gets a tax abatement they delt with on a case by case basis. You can't give any tax abatement unless you declare it a revitalization area, so we're going to open a public meeting to do that. So the regular meeting is now closed at 6:49 p.m. and we'll be opening a public hearing on resolution number 98046 declaring the property in question a revitalization area. Does anyone have any input. Yes sir...

PRESIDENT EDDINGS OPEN'S THE PUBLIC HEARING MEETING AT 6:49 P.M.

Resident stated I have a question has this already approved that they're gonna go in there no matter what happens?

President Eddings stated well a lot of negotiations have went forward, you can see that the Broady property beens leveled, but I haven't seen anything written in writing that the first brick gonna go in. So...

Resident stated before, I mean I like Cracker Barrel as well as the next guy. Before uh one is approved, I want everybody on the Board to think about why you live in Sellersburg. Ok I'm sure one of the reasons you live here is because you like the small town feel, and they're talking about 200 parking space to put around this. Which means you're gonna have a awful lot of expressway traffic, right up there at the Dairy Queen intersection its already kinda nasty up there. Even on a good day, and uh if you put in a Cracker Barrel up there its gonna be even worse and you kinda loose the small town feel and this goes also for the hotel. Uh I'm not sure where the plan is for the hotel, but keep in mind we live here because we like the small town. If we didn't like it we'd live over on Blankenbaker Rd. over in Louisville. It's where another Cracker Barrel is. It's kinda ugly over there.

President Eddings stated alright, thanks, anyone else have a comment.

Mrs. Diefenbach stated I would like to see you develop some type of criteria, by which you develop this, to be used and I'd like to see it used. One, two, three you know like all of it. Just what do you go by, what are your criteria?

President Eddings stated as far as...

Attorney McCall stated tax abatement.

President Eddings stated for tax abatement.

Mrs. Diefenbach stated no.

President Eddings stated for tax abatement, yea we do lack in that area. Now criteria as far as specifications on how somethings to be built we've got very good criteria on that.

Mrs. Diefenbach stated no, we're not to that yet. The criteria for which...

President Eddings stated thats something we need.

Mrs. Diefenbach stated remember we're all taxpayers, and you should be for the taxpayer's.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 5.

President Eddings stated uh...

Mrs. Diefenbach stated even though you're one yourself you're spending everybody's money too.

President Eddings stated uh, you're right.

Mrs. Diefenbach stated right.

Council Member Alexander stated well, on that note I'd like to say and I am on record on previous tax abatements that a tax abatement should be given if a company or development is coming into town and its going to enhance or draw other business thats going to do that. We will collect taxes from, now I will have to admit some of the concerns the resident in the rear had to say. But Cracker Barrel will bring revitalization to an area. I mean already there's an old building thats been torn down, uh it will give a new look to the intersection coming off the Sellersburg exit. I believe that, that is just worthy of a tax abatement in order to spark and uh renew some of the down town.

Mrs. Pixley stated well in the paper, in the area where it is described, it sounds like it was a manufacturing area. And we can't figure out how it is a manufacturing area.

President Eddings stated I never read that..

Mrs. Pixley stated thats the way it was written in the paper, not a restaurant.

President Eddings stated I'm looking, I can't make it out that well. Would you like to hear the legal description?

President Eddings stated have you got a copy?

Mrs. Pixley stated right here.

President Eddings stated go ahead.

Mrs. Pixley stated (Reads legal notice in paper) It all reads like its a manufacturing place going in.

Attorney McCall stated actually it doesn't. It reads like it reads. Uh manufacturing if you you've got that particular kind of notation of what that means but manufacturing equipment uh can be construed under the statute to include those things. You're gonna have to have ovens and other things. You're gonna be making products that are going to be sold. While they are food, they still fall under that category for purposes of revitalization.

Mrs. Pixley stated it doesn't look to me like that's what it meant. Uh I wanted to ask to, if Cracker Barrel are planning or bringing in their own contractors from out of state or are they going to be buying from our people in Sellersburg, using their labor, such as roofing or uh glazing or all this. Are they going to be using our people from Sellersburg area to do this or are they bringing in people from out of state.

President Eddings stated we wouldn't have an answer to that question.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 6.

Mrs. Pixley stated well I think you should look into it. You know when uh Days Inn came in over here on 60, they brought everything that they put up from Georgia. There was not a person employed there from this area.

President Eddings stated un...

Mrs. Pixley stated I think Cracker Barrel does the same thing. They bring their own. They don't buy from anybody in town, they don't buy from anybody in town, they don't employ anybody from in town. The only people they employ are the waitresses. They put them on minimum wage. They give them part-time work. They're not really gonna be that cantankerous to us.

President Eddings stated Thank You.

Mr. Bolly stated I would like to address one thing the statement of benefits does assume that they are going to have 1.1 million dollars in salaries.

President Eddings stated anyone else, anything...

Mrs. Pixley stated uh...

President Eddings stated go ahead.

Mrs. Pixley stated I have another thing.

President Eddings stated wait I have another.

Resident stated Ken, I'm sorry Ken I can't see your last name. I just, you said its going to change the complexion of that intersection.

Council Member Alexander stated yes.

Resident stated uh, with most interstates restaurants there's an enormous sign that goes with it. Is it zoned for something like that.

Council Member Alexander stated the one on the interstate did go through the zoning appeal and it was changed to the one on the interstate will be uh an extra I guess 110-115 ft. But they didn't change anything as far as the uh sign close to uh the Dairy Queen looking to the town, just from the interstate was the only one passed for a variance.

President Eddings stated Mrs. Pixley you got one more thing.

Mrs. Pixley stated yes, I wanted to uh ask you about those meter deposits. See they've not held true to their word. They were suppose to put those meter deposits up by Dec. As of the last time that I asked you, you said no, they've gotten a couple of put-offs. Well you know you don't do that for the citizens of Sellersburg. Is there one citizens of Sellersburg. Is there one citizen here who can say I want the low price meter give me a rate I need it. I just don't approve of it.

President Eddings stated anyone else, ok we're gonna close the public hearing is now closed. Do we do that after we close, Perry do that during the public hearing ok.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 7.

Attorney McCall stated see what your note says.

President Eddings stated ok the public hearing is not closed.

Attorney McCall stated resolution 98-46, final resolution of the Town Council of Sellersburg is economic revitalization area for the purpose of real and personal property tax abatement.

President Eddings stated and that motion was made by...

Attorney McCall stated it was published by the dates by Mr. Bolly.

President Eddings stated ok the public hearing was published on April 13, 1998.

Attorney McCall stated it was published on March 27 and April 6, 1998, two times which is in The Evening News and this is the 13th day in which it was certified.

President Eddings stated ok, do we need to have another motion? Or was the previous motion..

Attorney McCall stated Ken needs to make...

President Eddings stated ok Ken would you please reinstate your motion.

Council Member Alexander stated I'd like to make a motion to approve resolution 98-46.

President Eddings stated motion made by Ken, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any further discussion?

Mrs. Pixley stated what was that motion about, I can't hear that.

President Eddings stated we are fixing to vote on making it a revitalization area or not. Keep in mind this does not mean we're giving a tax abatement to any business what so ever. This gives us the ability to do so if we choose. Any further discussion? If not all those in favor signify by saying I, opposed nay, I's have it.

PRESIDENT EDDINGS CLOSES THE PUBLIC HEARING.

President Eddings stated ok the public hearing is now closed and the public meeting is now open again. Ok, Virgil you can continue.

Mr. Bolly stated ok, if I may, I think we're at the next step which is the statement of benefits. As I mentioned to you earlier they are anticipating roughly 1.1 million dollars in salaries. Uh they're anticipating an increase in the building and structures and so forth. Roughly 1.194 million and the uh equipment, machinery or what ever you want to call it of about 413,000 dollars. Uh with that in mind uh the statement of benefits has on the back of it, its the second page. I don't have a bunch of copies of it, I'll just pass a few of them out if I might. Primarily on the front of the...

Resident stated talk in the speaker.

Mrs. Diefenbach stated we can't hear back here.

RESOLUTION NO. 98-46

FINAL RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF SELLERSBURG,
INDIANA, DESIGNATING A CERTAIN AREA WITHIN THE TOWN
OF SELLERSBURG AS AN ECONOMIC REVITALIZATION AREA
FOR THE PURPOSES OF REAL AND PERSONAL PROPERTY TAX ABATEMENT

WHEREAS, a Petition to determine the following area to be an area desirable for an Economic Revitalization Area has been filed with the Clerk of the Town of Sellersburg, Indiana, for consideration by the Town Council for the Town of Sellersburg, Indiana, hereinafter called Town Council, said area is located in the Town of Sellersburg, and is more particularly described as follows:

(See attached Exhibit "A")

Along with a plat thereof (see attached "Exhibit B").

The foregoing area is eligible for designation as an economic revitalization area under provisions I.C. 6-1.1-12.1-1 et. seq.; and,

WHEREAS, the Town Council has concluded pursuant to an investigation and other information provided that the area qualifies as an economic revitalization area under I.C. 6-1.1-12.1-1 et. seq., and has further created a map and plat showing the boundaries and such other information regarding the area in question as required by law.

WHEREAS, the Town Council has determined that additional value will be added to the tax rolls by the redevelopment and rehabilitation that can be reasonably expected to occur by the projects that will result in the area so designated. Additionally, an increase in numbers of individuals will be employed or whose employment will be retained can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

That additional annual salaries of those individuals or whose employment will be retained can reasonably expected to result from the proposed redevelopment or rehabilitation;

That the other benefits about which information was requested of benefits that can be reasonably be expected to result and proposed described redevelopment or rehabilitation; and

WHEREAS, the Town Council for the Town of Sellersburg, hereby finds that the area described is an economic revitalization area in accordance with I.C. 6-1.1-12.1-2.

WHEREAS, the totality of benefits is sufficient to justify the deductions, all of which satisfy the requirements of I.C. 6-1.1-12.1.3, and can be reasonably expected to result in the

rehabilitation of real property or the redevelopment thereof and the installation of new manufacturing equipment.

WHEREAS, the Town Council hereby determines and finds that the proposed redevelopment and rehabilitation of real estate and installation of new manufacturing equipment can be reasonably expected to yield benefits and is sufficient to justify the deductions granted and made available under I.C. 6-1.1-12.1-4.5 and I.C. 6-1.12.1-3 of the Indiana Code.

WHEREAS, the Town Council hereby designates the area heretofore set out, an economic revitalization area for the purposes of real and personal property tax abatement and hereby makes such a designation.

The Town Council hereby determines that the property owner who qualifies for and is granted property tax deductions will be for a period of five years for manufacturing equipment and ten years for real property.

WHEREAS, the Town Council for the Town of Sellersburg has in accordance with Indiana Law published a notice of public hearing, conducted a hearing to hear all remonstrances and objections from interested persons, and after considering the evidence hereby modifies and confirms the resolution as previously adopted on July 28, 1997, and as finally set out herein.

BE IT RESOLVED, by the Town Council as follows:

1. The Town Council hereby determines and finds that application/applications for real and personal property tax abatement shall be accepted by the Town Council for the Town of Sellersburg and determined under the provisions of I.C. 6-1.1-12.1-1 et. seq.; and,

2. The Town Council hereby determines and finds that the Petition to designate the foregoing area as an economic revitalization area for the purposes of real and personal property tax abatement shall be, and hereby is, approved; and,

3. The Town Council hereby determines and finds that the purposes of an economic revitalization area as defined by law would be served by allowing deductions; and,

4. That a statement of benefits is not waived and must be submitted to the Town Council and approved by the Town Council.

BE IT FURTHER RESOLVED by the Town Council upon submission of an application for deduction presented by the Statement of Benefits filed by an applicant and approved by the Town Council for the Town of Sellersburg, said applicant shall be entitled to deductions for a period of six (6) years from improvements of real property, pursuant to I.C. 6-1.1-12.1-3(d) and I.C. 6-1.1-12.1-4(d)(3) and five years for new manufacturing equipment pursuant to I.C. 6-1.1-

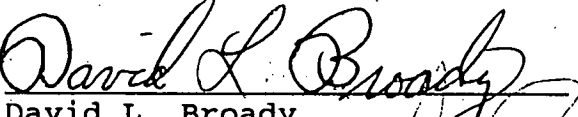
12.1-4.5 with the timely filing and perfection thereof with the Clark County Auditor's Office.

This Resolution shall be in full force and effect from and after the hearing to be conducted as set out herein and the date of its' final adoption by the Town Council.


PASSED AND ADOPTED this 13th day of April, 1998, by the Town Council for the Town of Sellersburg, Indiana.

SO ORDAINED this 13th day of April, 1998.

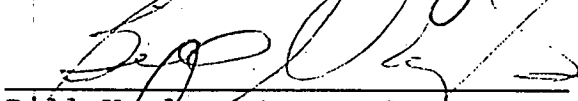
TOWN COUNCIL, TOWN OF SELLERSBURG



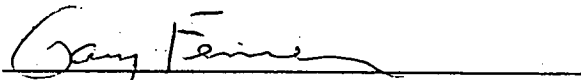
David L. Broady



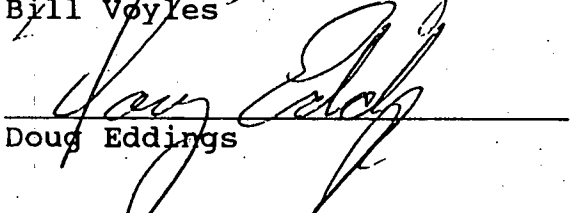
Ken Alexander



Bill Voyles

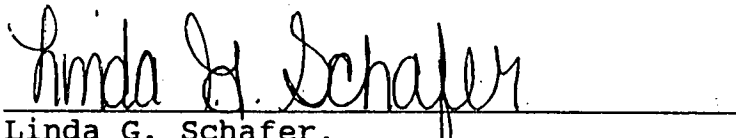


Gary Fenner



Doug Eddings

Attest:



Linda G. Schafer,
Clerk/Treasurer

"EXHIBIT A"

The following described real estate in the Town of Sellersburg, Clark County, Indiana, described as follows, to-wit:

Beginning at the intersection of the westerly right-of-way line of State Road 31E (now S. Indiana Avenue) with the northwesterly right of way of South New Albany Street; thence in a southwesterly direction with the right-of-way line of South New Albany Street to its intersection with the easterly right of way of Triangle Drive; thence in a northwesterly direction to the southwesterly corner of Taylor as set out in Deed Drawer 16, Instrument No. 8441 in the office of the Recorder of Clark County, Indiana and the easterly right-of-way line of Interstate 65 north bound Exit 9 ramp; thence with the said Exit 9 ramp in a northerly direction to State Highway 31-W (now State Highway 311); thence in a northeasterly direction with said right of way to its intersection with the westerly right of way of State Road 31E (now S. Indiana Avenue); thence in a southeasterly direction with the southwesterly line of State Road 31-E (now S. Indiana Avenue) to the place of beginning, containing approximately 8 Acres, more or less.

c:\client\labatement\cracker\descrip

"EXHIBIT B"

SELLERSBURG

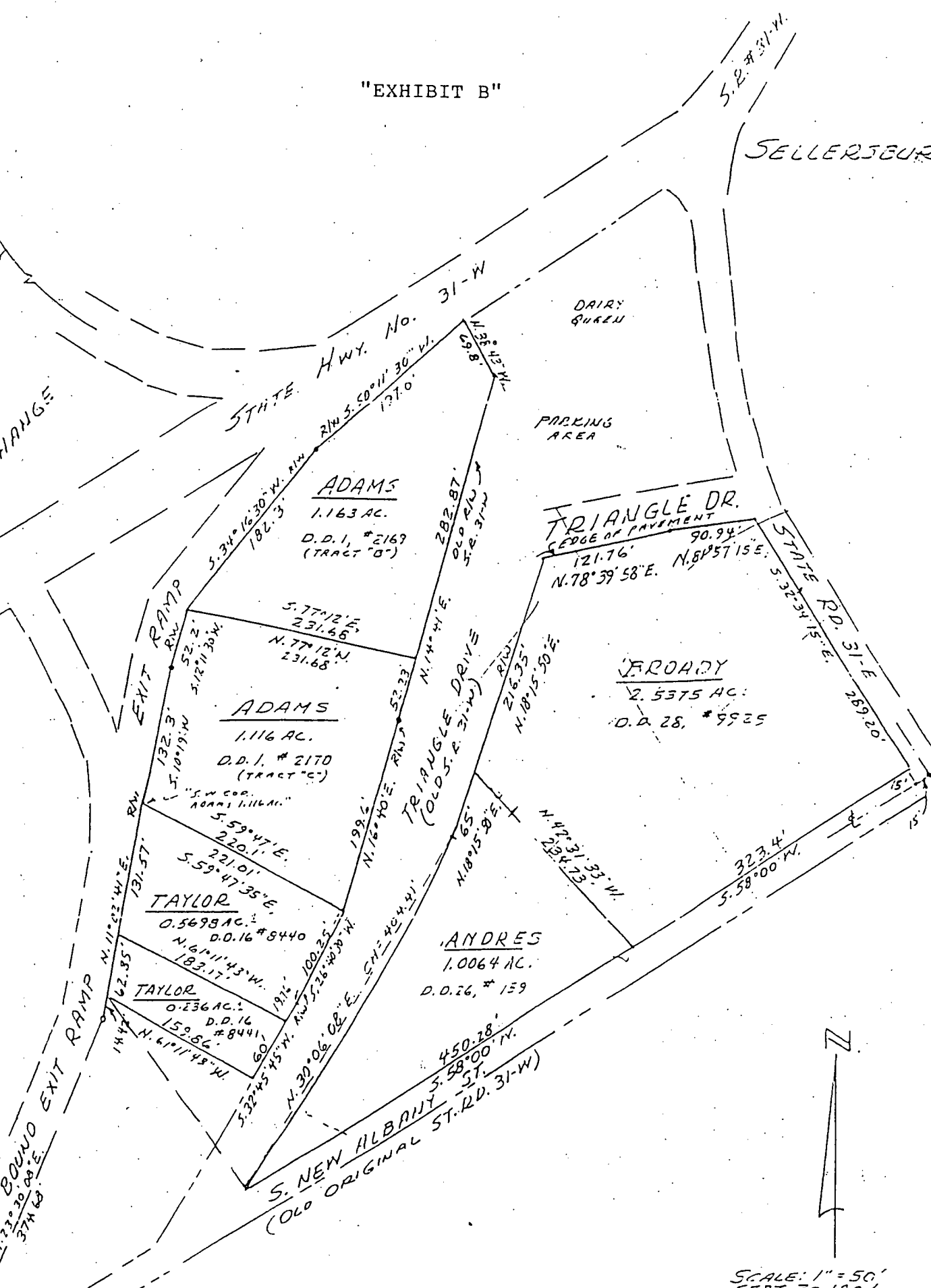
I-65 NORTH BOUND EXIT RAMP

I-65 INTERCHANGE

I-65 E/W

I-65

(I-65) NORTH BOUND EXIT RAMP
N. 22° 30' 00" E.
374.60'



SCALE: 1" = 50'
SEPT. 30, 1996

DRAWING FROM DEEDS
PART OF NO. 110 ILLINOIS GRANT

SELLERSBURG TOWN COUNCIL

REGULAR MEETING

April 13, 1998

Page 8.

Mr. Bolly stated alright, primarily on the back part of your form is going to be signed by the, after the board has approved the request for benefits and paragraph A simply says that you will have a limit of six years and I put the date that it will expire on or before 2006, and that's more than enough time for the six years. Also in paragraph B, is the rehabilitation or redevelopment of uh real estate improvements that's what we're doing. Also #2 installation of new manufacturing equipment which is what we're doing. Paragraph C refers to your 413,000 dollars in personal property with the uh assessed of 134,566. and then of D is the real estate of 1.194 uh 600 with an assessed valuation of 398,299. Now those of course are estimates all those will be subject to approval by the auditor by the county relative to the assessed evaluation of both of those pieces of property. We will not be able to exceed that higher price. And also then for the new equipment it also shows a 5 year period instead of a six year. And thats the difference on the two of them. On the real estate you could of gone to a ten year which is the maximun for that area. I think and you had sought to go to a six instead of a ten year. Thats the last time we ask that you approve it. If you did it with me, I ask that a representative from the board to sign it. And attest by your Clerk Treasurer. Any other questions?

President Eddings stated anybody have any questions?

Council Member Alexander stated the idea is the only thing is Sellersburg Auto they were over thirty years old, I think, weren't they?

President Eddings stated I have no idea.

Council Member Alexander stated pretty close to that.

Mr. Bolly stated I'm satisfied that the motor vehicles is older than that and IGA was close to thirty.

Council Member Alexander stated probably the second year they will be paying, Cracker Barrell alone will be paying the taxes. In the second year of paying it, even with them getting the 80 percent back. Do we need a motion to approve or?

Attorney McCall stated you need to make a ...

Mrs. Pixley stated I think we need to think it over, we've got alot of people here in Sellersburg that are listening to you. I think you ought to really think it over.

President Eddings stated one of the thing that I'm a little bit disappointed in myself. We've had an agreement for the sewer tap and the fact and we've given alot of amount of time for that and you know if it's really going to be a commitment to do this uh it seem like the town keeps committing and we don't see anything.

Mr. Bolly stated the only other thing that I have been informed with, and of course I've only been informed I know some real estate is in the process of being changed and I anticipate to start with them the first of this month. I think we are at a stage now where they're ready to go and it seems to have taken an awfully long time. And I don't know why.

President Eddings stated where did we come up with the six year number? Does anybody know that?

Attorney McCall stated the statute I think that's what we decided to do. Due to what you wanted to do in some to the other areas.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 9.

Mr. Bolly stated I didn't explain this. I assumed that you that you realized that it's a oral reduction. It reduces each year.

President Eddings stated yea, we see the schedule.

Mr. Bolly stated ok I'm sorry.

Vice-President Broady stated I'll tell you what, I think in my personal opinion we should table it till the next meeting.

Mr. Bolly stated I'm concerned that if we delay it any longer any delay at this point will is now going to delay construction more. Of course I know that's too bad for them, I don't think you want to do it any worse than them.

Clair Patenaude stated Claire Patenaude I'm President of the Harrison Group just to kinda of refill a coupla of things if I may. We regret the delays as much as anybody else. Due to the environmental issues, trying to get passed on the property, and some lething of the water on to the property, that had to be addressed before anyone would go forward with the contracts. At this point to answer some of the questions, at this point the tap in fees have been paid at this point. And um to address the ladies question there are, Cracker Barrel has put all of the bids up for public bid, as I understand it.

Mrs. Pixley stated I've not seen any.

Claire Patenaude stated It's been in Dodge reports. And I know they've taken a number of local bids because I have had calls. So I, and it is a general way of doing business because to use as many local contractors as they can. In fact, they hired for permanent position a assistant V.P. level in the development department a permanent position a fellow that is, he lives about 45 miles from here. A fellow named Danny Sanders. And he will be overseeing all of this, and he wants to use as many local people as possible. I think that is one reason we brought him on board because of this Cracker Barrel was doing this general area. They want to come to Sellersburg because of a lot of reasons. One, the traffic count, they found the city warm and inviting and wanting here um they were also relying very heavily on the commitment that this council made back in July, when you did indicate in principle you would go on with the tax abatement. And so that's why when the application was processed, it was processed for the very six years that was recited at that time. Rather than push you all the extra distance and ask for ten. We felt that, that was greedy. And uh brought that to Cracker Barrel's attention for that very reason and they said we don't want to be greedy we would just like what was agreed to. So I think you're going to find them to really stuck to their commintments. And I think from what I have seen in other communities will certainly enhance the growth of the community where there have been some failing businesses on that corner that have been in economic problems.

Council Member Alexander stated I would like, I mean I don't see a problem with a tax, we gave a tax abatement to an area that uh the Comfor Inn that you know there was no revitalization to and uh with what is here and what was there at the existing property now compared with what's going to be there it's ridiculous to say we're taking money out of taxpayers pocket when two years they'll be putting more money in than what's actually there plus the extra traffic coming of to purchase goods at our local stores and so forth and so on. Uh I say we go on, as far as the sewer issue goes I think it can be addressed when the sewer comes in. If they have paid. if they haven't paid that can be addressed then. I'd like to...

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 10.

President Eddings stated they have paid.

Mr. Coleman stated they have paid the fee.

Council Member Alexander stated they have paid.

President Eddings stated they have paid.

Council Member Alexander stated so, I'd like to make a motion to approve the tax abatement for Cracker Barrel.

Council Member Voyles stated I'll second.

President Eddings stated motion has been made and seconded. Any further discussion?

Council Member Fenner stated you know I would like to say as a whole I think the council would for the Cracker Barrel to be here. In the agreement we signed with you the way the wording was concerning the tax abatement it did not specially say the tax abatement was for Cracker Barrel. It mentioned um the hotel.

Claire Patenaude stated I thought we made that correction. I may be mistaken. I thought it goes through the net and it was mentioned.

Council Member Fenner stated this is the agreement that we had signed and it doesn't mention Cracker Barrel at all and the fact of the tax abatement at all. It mentions by the Harrison Group or the owners of hotel, the town shall authorize and approve a tax abatement.

Claire Patenaude stated in the opening paragraph, Mr. Fenner, or the second paragraph on page one doesn't say that Cracker Barrel will help revitalize, are they not mentioned.

Council Member Fenner stated yes, it says the Harrison Group is represented in the town, the Harrison Group is involved in purchases of various parts of real property located in the town for the purpose of development of various commercial businesses including a Cracker Barrel restaurant and hotel.

Claire Patenaude stated I thought so, and I reviewed the minutes recently and I think it was covered pretty carefully.

Mr. Bolly stated I think what was presented I think was presented specially for Cracker Barrel. The minutes might not reflected what they ought to of, I wasn't here when everything was what I was associated with. I was lead to believe that they dealing with Cracker Barrel.

President Eddings stated any further discussion? Ok, we got a motion on the floor and seconded, all those in favor signify by saying I, opposed nay, I's have it three to one.

Mr. Bolly stated this needs to be signed by someone.

President Eddings stated ok.

Mr. Bolly stated sorry we have taken up so much of your time.

President Eddings stated that's ok, I'll entertain a motion for me to sign...

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 11.

Attorney McCall stated you've already given a tax abatement.

President Eddings stated never mind. Ok, next on the agenda is Betty Martin.

BETTY MARTIN ADDRESSES THE COUNCIL ON/WATER LINE LEAK.

Mrs. Martin stated I don't know how I'm gonna follow that.

President Eddings stated you have a tough act to follow.

Mrs. Martin stated I had a water line leak and it's been going on for a few months like 6200 to 20 some thousand. I had a two hundred dollar repair bill in 97 and Dave looked everywhere trying to find the leak and he could not find it under the house or digging so, we let it go and I called other companies and I had problem getting people there and I finally got someone there and they put in new water lines because the leak could not be found and I would like to know if you could possibly give me credit for the water and sewer. Now I came to town the last time I paid my bill and they did give me credit on that one bill and they said that was all they were allowed to do.

President Eddings stated ok on most cases like this we, it is customary we give a credit on sewer. Have you got any of the bills?

Mrs. Martin stated I have them all.

President Eddings stated ok.

Mrs. Martin stated would you like to see them?

President Eddings stated yea.

Mrs. Martin stated let's see, this is the one for March.

Mr. Coleman stated I have a copy for the year.

President Eddings stated I don't need them.

Mrs. Martin stated you don't have the one for last in 97 when it started.

Mr. Coleman stated I have for the whole year.

Mr. Coleman stated you used right around the same amount for so long until September, August and it doubled. September and October are about the same and November it went up dramatically.

President Eddings stated the biggest portion is sewer, Do you have enough information to do an average.

Mr. Coleman stated yea, we can do an average and credit.

President Eddings stated I'll entertain a motion to adjust Betty Martin's sewer bill to an average.

Council Member Voyles stated I'll make the motion...

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 12.

President Eddings stated motion made by Bill, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it.

Mrs. Martin stated Thank You.

President Eddings stated ok St. Paul's Church.
CARL TRUMAN ADDRESSES THE COUNCIL ON/ST. PAUL'S SCHOOL.

Mr. Truman stated I'm Carl Truman attorney appearing on behalf of St. Paul's Elementary School and St. Paul's Church. We were here once before on this issue. In addition we only want the growth in our community, welfare of our children, and future educational needs. We had petitioned the board to vacate St. Paul's Street and next to, between the church and vacant lot, where the church plans and the school plans to expand onto the vacant ground there, for additional classroom space, additional activity buildings. One of the issues we came up against in the last hearing on this matter dealt with the emergency vehicles, I believe everybody has a copy of the letter Mark Ball the Sellersburg Fire Chief, where he had said its actually shorter for him to go up to Schellers Ave. rather than coming around St. Paul St. that issue has been clarified.

Resident stated he's wrong.

President Eddings stated hang on, he's got the floor, then you all can talk.

Mr. Truman stated so I ask that the board approve this vacating of the street and we think that it would be best interest of the community, best interest of the children that have to back and forth across the street there for the classroom instruction. Frances here has been in quite a bit of communication that a lot of work and investigating this, talked with John Toombs, talked with various board members and I would like for Frances to go through the senerio is purposed for a compromise with the town to close the street. And widen portions of the street for traffic and bus traffic in the future.

Mr. Conroy stated Father Paul could not be here, he made a previous commitment and he had to be out of town or he would have been here also. The committee, town board, Ken Alexander, Dave Broady, made purposals to us, this is the existing school here, the property from St. Pauls St. to the red is what we now own, uh they made a purposal to us uh St. Paul's St. Would be left open from Sellers, Schellers down to Oak, would be, they asked if the church would donate, give them an easement to make the street 40ft wide, which we did the same thing on Oak St., if we would give a easement to widen the street that goes down through approximately 35 to 40 ft. We agreed with the stipulation that the easement be equal to each side of the street. In the future this coner lot here will, if we purchase it, that there will be a curb there about a 30 ft. radius which we said we would do, and by the way the process would come in by Utica, down Schellers, around to Oak St. around to Highway 31. We would also agree that we would not allow any parking on St. Paul St. from Schellers to Oat St. without parking on. This was already discussed with the committee and the Church would agree that we would do those things and I also asked that we extend the sidewalk across on 31 and Schellers which we would do and also do it to the other side of St. Pauls too. We would also put a sidewalk over there.

Council Member Alexander stated Basically I sat down there 9 to 10 times, different times, different days, different hours, mainly during the school peak of letting out,

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 13.

CARL TRUMAN ADDRESSES THE COUNCIL ON/ST. PAUL'S SCHOOL.

a lot of cars everywhere I think this will be a benefit in the regards, just as far as the observation as far as having a parking lot uh hoping St. Pauls will have, as far as, rules, and so forth, as far as having cars off the street, in the parking lot where the kinds can come safely to their vehicles and instead of whats going on right now. Uh I see uh, as far as the concerns as far as the actual street my observation was coming out of St. Paul's at these various times. The only time this street was actually safe to come out of was way early in the morning, were late at night. Because of the traffic count between the noon hour rush uh the tree o'clock rush, when school is letting out, the five o'clock rush, people coming through town, all the various times, uh there was so much traffic there, coming out of St. Paul's or Haas without a signal was quite dangerous. So unless you were making a right hand turn.

Resident stated what happen if we have a disaster right at this particular time?

Resident stated we're down in the valley.

Council Member Alexander stated right.

Resident stated what if something happens at that particular time.

Resident stated I took a survey this morning I councted the cars coming off 31 into St. Paul St. and the ones exiting from Sellers back on to 31. I counted 57 cars entering, 44 of them came down around Sellers. Why can't their kids ride the bus like everybody else.

Resident stated this is morning and evening.

Resident stated this happens morning and evening. Six o'clock they come and pick them up. It happens at two fifteen in the afternoon when school let's out. From seven forth-five until two-fifteen until school let's out. From seven forty-five until seven fifteen that's how it was, mark down on that paper that's what we counted. I got a least 50 people on our block who signed the petition that they don't want that street closed. It don't make sense to close it.

Resident stated if we had something to happen no one could get to us.

Resident stated I talked to people all over town, and they said why are they closing it. If I wanted to, I could have gotten 200 people to sign the petition in the town that don't want it closed.

Resident stated St. Paul's is the only one's who want it closed. Everybody else here want's it open. Unless they go to church, that's the people who want it closed. If they went to church there they were afraid to sign it. Afraid the Arch Bishop would get after them. They would not sign it. Mr. President, they don't think you should close a whole street for a certain street.

Resident stated that's what I want to know.

President Eddings stated the purposal is for...

Resident stated are they closing both St. Paul's street.

President Eddings stated the purposal is just for the short street to the highway.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 14.

Council Member Alexander stated but through this the redesign of the street, they will new rules as far as a place to go. When they pick up kids they will have a place to go and park.

Resident stated our property value is going to go down. Our neighbors lost a buyer for her house because they were going to close the street.

Vice-President Broady stated I was on the committee with Ken on this thing and we went through several different options of what we could possibly do and this was one of them was paint a large cross walk across the road, put stop signs on both ends of the street to control traffic. Our main concern was is the safety of the kids. Uh I think the ideal proposal was and I also want to reiterate I was on the committee with Ken and I talked to Frances and the rest of the people and said one of the things we are going to have to do is close St. Paul's street and let the constitutes back you, I they don't object to closing it. That was one of my major concerns. Obviously one of the safety ways was to do it,, to protect the kids was to close it. Let St. Paul's and Frances find alternate ways to widen streets and etc. to make it a better situation to get there. There was other plans that we did discuss and uh options to and for uh like I said one of them was to put a caution light up, one of them was to put a cross walk with stop signs on both ends, to control the traffic because of the, the main thing for all of us no matter who we are, is the safety of the children. Not getting one child hurt. So I just wanted to bring up to the board that there was other things brought up besides just closing the street.

Resident stated how would you feel if you lost other lives due to a disaster?

Vice-President Broady stated like I said there's more to look at than just the...

Resident stated why not build a ramp up over the highway like they did in Clarksville?

President Eddings stated that really costly. That's getting into...

Resident stated let St. Paul's pay for it, they've got the money. They take in alot from bingo.

President Eddings stated can I ask where do you stand on your building plans?

Frances stated building has been designed, Wednesday the Arch Diocese will get the papers on the loan we have requested. And if they give up approval, we will be putting out for bids at the end of this month. Then by September we will be getting ready to build.

Vice-President Broady stated there's on other gentleman back there.

President Eddings stated yes, would you like to speak sir.

Resident stated oh you betcha. Um I'm not in favor of, I live a 415 St. Paul St. I don't own in right now but I uh have every intention of owning it by the fall of the year. Uh I don't think is a good idea at all. Matter of fact each and every one of you are welcome to come and sit on my newly painted front porch and you can watch all of the traffic going through there. And uh you tell me if you would like to live on there, I don't think you would. And the only reason it is bad is because we've got an enterprise that's operating in a residential area. A church is a enterprise no matter what. They're doing business and they're in a residential area. They are trying to change the whole face of my neighborhood.

Resident stated I have something to say.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 15.

President Eddings stated yes maam.

Resident stated I have watched in the summertime and they have daycare there. They have walked the children all the way down to the swimming pool. Isn't that one of the reasons to close down the road too. I've lived there out of I'm 36 years old. There hasn't been many years I haven't lived there, I've been there and would grant a purposal to put speed bumps there. Put speed bumps up so they would have to stop. I'd like to see some stopping on that road. I can't see it being closed down.

Mr. Truman stated this plan is surely going to eleaveate some of the problems. It going to create much more orderly traffic control around by not having the chaos we have had. The traffic problem, the traffic control will be more directed, the extended, the streets, the school buses will be helped out. Once the parking lot gets in that's going to solve a lot of the parking congestion rather than on the street. This is not a Cracker Barrel going in here, it's a local school that's already here. It's here for our children. It's not here, this is not a profit making enterprise. Regarding the status of the project, Frances, haven't already raised half of the funds that have been pledged?

Frances stated right.

Mr. Truman stated very significant progress has been made, and it's already there.

President Eddings stated ok we'll take a few more comments. Anybody else have anything?

Resident stated I refuse to believe that the church is not a money making enterprise.

President Eddings stated that's really not a part of what we are discussing.

Resident stated what I want to know is are you going to zone all of our property commercial.

President Eddings stated no, let's just try to stay on the street.

Resident stated Mr. President, if you found a house and you were going to buy it and that was one of the ways in and they closed it would you buy the property?

President Eddings stated no, before we go any further, uh if anybody up here on the board would like to stated how they feel about coming across uh I'm just like Dave, one of the things we before going into this project we had to have the consent of the surrounding neighbors and it's evident that we don't have consent from the neighbors. I know Mark Ball's letter said he could go faster down Schuler Ave. But I don't feel closing it is a good idea.

Council Member Alexander stated right now we have Sellers, Schellers, St. Paul's and Haas coming in which is four ways and we're closing one which leaves three.

Resident stated so your closing it then.

Council Member Alexander stated excuse me, please I have the floor. You guys can comment and call me what ever you want to after I'm done speaking. Uh with the widening of the street going around and actually after the purchase of the last house as far as over to the pool area, which this widening of the street needs to be done, in general because even when the pool season comes in the streets are inadequate in that whole neighborhood. Uh, it's definitely gonna be a plus, I think the organization uh, the cars pulling into the parking

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 16.

lot, it will have some kind of organization in getting in and out. As far as just parking in front of people's house's or what ever, uh it's not safe for kids, uh coming off the highway 31 making a right turn coming from Essroc it's not safe now. Having the school across the street when your making a right turn in the area your vision is not really not on key until you have already made the turn. To me, this is all going to be a win, win situation as far as it's not going to make everybody happy, but it is going to make everybody safe. And I think as far as my position I feel I will vote for it just because of the safety reasons. There will still be three enterances, the roads will be widened, uh we did look at widening Sellers, Sellers cannot be widened uh there's to many obstructions. Uh Scheller's Ave. is more than adequate with Haas St. eventually after we go around the corner, will be almost a duplicate of what St. Paul's St. is right now. Only it will be one street over.

Resident stated have you been there to watch the big truck's come around through there? You can't get around those street's, they can't make those sharp turns.

Resident stated the garbage truck gets in this boys yard every time it makes the turn.

Council Member Alexander stated that's why this will be a plus as far as being shaped right

President Eddings stated ok, does anybody else want to state their opinion, if not we'll just go ahead and vote on it.

Council Member Fenner stated let me say I think that St. Paul's school is an excellent school. I'm glad that it's here, I mean that I think they do a great job, I think they're part of the community, I think that we need to do everything we can to work with them and to help them in what they're doing to provide a good environment for those kids, and a safe environment I have a great sympathy toward a church school. But closing a street that opens onto a main thoroughfare is a very serious matter in my eyes. Um, and I'm not convinced, now I, I think that alot of what you suggested is going to take place anyway, whether we close that street or not. When you put a parking lot in you're going to do some great improvement it'll take care of alot of the problems anyway. And I'm not convinced that it's necessary to close the street in order to make it safe. Um, know if I'm going to vote to close the street.

Council Member Voyles stated is there a way to close the street and be able to have emergency vehicles on to go on it? Instead of closing it leave it open. But if you have a fire, or if you have to have an ambulance, they can get down to the neighborhood, is it possible that, that street could be used for emergency only.

Resident stated no way, we use it so much, if you try to go out the other way the hill gets in your way and you can't see.

Council Member Alexander stated one suggestion was made, even with the uh school buses even with a four way stop could be put on Sellers. Which would eleminate which they do have a legitimate complaint, with the hill and little parking, uh coming out. I mean there were one way we looked at and two ways we looked at everything was looked at and...

Resident stated have they looked into a full time crossing guard?

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 17.

Council Member Alexander stated it doesn't stop the fact that one person making a turn, you are approximately 25 ft. from a crossing where kids will be coming out. The time they make that corner, I know most of us really pay attention but it only takes that one person to make that one turn that's not paying attention not to see that little 3 ft tall girl that's walking across that street to go play in the gym. To me it's not worth it. The road need to be closed, it needs to be made into a safe environment uh, there are still three enterances. For upgrading the roads, there are other things we can do, as far as no parking across from Scheller's, we can also look at a three way stop and Sellers not Scheller's but Sellers to where the, I do believe we meet the distance requirements from the light. Uh, eventually, hopefully, the rest of coming around Haas will be purchased and widened and we'll be able to see better as far as trucks coming down. The only street over there that cannot be developed any wider without a lot of money, time, or whatever is Sellers. Everything else can be opened up.

Resident stated they've got the widest street in Sellersburg anyway.

Council Member Alexander stated I'd like to call for a vote. I'd like to make a motion that we vacate St. Paul's St.

President Eddings stated motion made by Ken, do we have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any further discussion?

Vice-President Broady stated what was the motion?

President Eddings stated to vacate the street. As purposed, motion made and seconded, no further discussion if not all those in favor signify by saying I, opposed nay, nay, three to two. Let me clarify, we voted not to close the street. The street will remain open.

Mr. Truman stated wait a minute, I have another question for the town council. Would the council consider allowing the church and the school to put up a gate so the street would be closed only during school hours. Where we could, like a six o'clock in the morning, have a gate that would swing over and close it and whenever at the end of the day open it up.

President Eddings stated as far as I'm concerned if you get the response from the people around you...

Mr. Truman stated do you all have a problem with that.

Residents stated no, no, we want that road open eight hours a day.

Mr. Truman stated it would only be during school hours. Don't you work during the day.

Residents stated no, no.

Mr. Truman stated so you're not willing to discuss any compromise at all.

Residents stated no, no.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 18.

Mr. Truman stated Thank You.

President Eddings stated all right, where are we at. Personal Touch Beauty Salon, do we have anyone here from Personal Touch? Belinda Bartley? Pauline and Nina do you have anything else to add tonight? Dave Kinder?

Chief Kinder stated Nope.

President Eddings stated Mark or EMC.

EMC/KENDALL COLEMAN ADDRESSES THE COUNCIL ON/FLUSHING FIRE HYDRATES/MONTHLY REPORTS.

Mr. Coleman stated several items, I'll try to be brief. First I'd like you to know we are flushing fire hydrates flushing the water system out, it will start on April 19th and run through April 24th. We will be doing that from 12:00 a.m. through 6:00 a.m. Residents need to be aware of that. And when we do that there are time that there will be discoloration with the water. So you want to be careful with your laundry. It's safe to drink, there's no problem there, it's just with settlements the color will not be good. When we are in your area when you wash your white's there might be discoloration.

President Eddings stated what was the date again?

Mr. Coleman stated the 19th through 24th. The next item I have is the revenue report. For the water, sewer and civil accounts. This covered a three week period. The total money collected during that period was 102,886.49. The next item I have is the invoice that is the one that needs to be signed. This is the invoice for non-sufficient funds, meter deposit refunds and monthly sales tax.

President Eddings stated I entertain a motion to pay the invoice for the non-sufficient funds, meter deposit refunds and monthly sales tax. The total sum of 3,201.50.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill, do I have a second?

Council Member Fenner stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it.

Mr. Coleman stated the next item I have is you all are aware we had a major water break on Holman Lane in Jeffersonville, uh, it was considerable expense incurred during that break. And what I have is a request since the expense was over 3000.00 for payment. Payment the majority, uh the city of Jeffersonville was a big help, uh that's one of their busier streets in Jeffersonville. The Mayor wanted to make sure that we got it opened back up, there's about three churches in that area, and it was on a Saturday night, and we needed to make sure that, that street was open for those churches for Sunday morning. The City of Jeffersonville for equipment for 1921.00, Sellersburg Stone 272.76, 199.92 Water Supply, 266.40 Water Supply, for cupplings and sleeves, 588.80 and the total cost was 3248.88.

President Eddings stated ok, I'll entertain a motion to pay the expenses for the water main break 3248.88.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 19.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated seconded by Dave, any discussion?

Clerk Treasurer Schafer stated I have a question? Who is this payable to? Is this payable to you or all these people here?

Mr. Coleman stated the City of Jeffersonville, Sewer Utilities and the vendors. And I got all the vouchers in their names. I've got it in a packet with their names on it.

President Eddings stated did we vote?

Council Member Fenner stated no.

President Eddings stated all those in favor signify by saying I, opposed nay, I's have it.

Mr. Coleman stated next item is a request for a water capital expenditure out of the water utility. This is for a mower equipment. The reason for this request is the mower we have is 12 years olds. Jacobi looked at it and it need some minor maintenance work on it and a new deck and uh, the cost this year would be any where from 550.00 to 600.00. Next year we know we will have to have the engine overhauled. And that will be over 1000.00. Right now it has over 850 hours on it and uh, he did offer, Ray's Lawn and Garden and Jacobi did offer a good incentive on turning the mower in. And they gave us a pretty good break on that, right at 3000.00 is what they are going to give us for the mower. We can get a 96 model John Deere or Cub Cadat. I'm recommending we go with the Cub. That mower cost us 3800.00. It's the town's option, we pay the maintenance repair under our contract and we'll continue paying that. We'll pay the repair and maintenance this year and next year uh, the mower is 12 years old and you guys know the life expectancy is running out. It's going to be shot in a few years and we put a coupla thousand dollars and we try to get 3 or 4 more years out of it, we won't get a good trade in on it then.

President Eddings stated would anybody like to make a motion to by it or...

Mrs. Diefenbach stated have you considered jobbing that out to someone who does that kind of work?

Mr. Coleman stated you mean all the mowing?

Mrs. Diefenbach stated yes, yes.

Mr. Coleman stated that's not cost effective for us.

Mrs. Diefenbach stated have you looked at it?

Mr. Coleman stated yes, and it's not cost effective for us.

President Eddings stated that's a full time job, is it not?

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 20.

Mr. Coleman stated you are talking the well fields, storage tanks and plant, the amount of acreage we have there, someone that does it commercial you're probably looking at 8 to 10,000 a year.

Council Member Fenner stated would this come out of the water utilities?

Mr. Coleman stated right now the water is the only one whos uses that. We have used it, we haved used it at both locations. The mower is not in bad shape, that's why we're getting such a good trade in on it.

President Eddings stated do you want to make a motion to table it?

Mr. Coleman stated we know the life expency is running out, it has 12 years on it and right now we are getting a good trade in on it. Jocabi and Ray's Lawn and Garden said a year or two years from now they probably won't offer you that trade in.

President Eddings stated well two or three week from now if we thin for awhile we may be able to get the same trade in. Do you have a certain mower in mind?

Mr. Coleman stated right now he's holding a certain mower for us. He only has one unit left. Ray's has none.

President Eddings stated so if we buy one we lose the deal with...

Mr. Coleman stated I wouldn't want to ask Jacobi to hold it for two weeks. He might be gracious to hold it for 2 more weeks.

President Eddings stated if Jacobi sells it you can buy the John Deere for 200.00 higher. If we buy one at all.

Council Member Voyles stated let's wait.

President Eddings stated we are going to wait.

Mr. Coleman stated wait, ok. The next item if for the wastewater utility we have a meter out at the wastewater plant. It is a meter that we record our return flow rate, that meter is necessary for process control. It helps us control the processes more. It's an orgional piece of equipment. This meter is for right accurate measurer for the ratio for what is coming into the plant and we need to know that ratio for what we return back. To help estimate the sludge process. That meter was sent off to Sterling Insurance Co. for inspection and it came back the sensor was damaged, it had a high moisture content, it sets in a manhole and the manhole got flooded and the sensor got wet, and we need to replace the sensor at a reasonable cost. The sensor is destroyed, it is no longer working properly. To replace with the same type of meter is 4725.00 and the total cost to replace would right around 5600.00, we're going to have to have a electrician do some work.

Vice-President Broady stated you don't have a down like meter?

Mr. Coleman stated we can still run, we're still returning, but we're not sure that what we're returning is the right amount. There's a certain ratio, you have to have a 1 to 1 ratio. Without the meter, you don't know it, sometimes it might be 1 to 2 some-times it might be 1 to 3, it dependes on how the flow is fluxating.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 21.

President Eddings stated how old is this meter?

Mr. Coleman stated it came in with the plant, 1992.

Council Member Fenner stated have you fixed the manhole so that it won't flood?

Mr. Coleman stated what happened is, we had a heavy downpour.

Council Member Alexander stated didn't the flood have something to do with it?

Mr. Coleman stated it damaged it then, but after that the sensor quit working.

Council Member Alexander stated I'll make a motion that we replace the M655 magnetic flow meter.

President Eddings stated motion made by Ken, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill any discussion? If not, all those in favor signify by saying I, opposed nay, I's have it.

Mr. Coleman stated the last thing is you asked me to check in voice mail for the billing office. I had a representative from voice mail come in and she would like to be on the next agenda.

Clerk Treasurer Schafer stated what's her name?

Mr. Coleman stated Fran Phillips and she will make a presentation on it. It depends on how many people want to be on it, but she said it would be around 850 a person.

Clerk Treasurer Schafer stated I have one comment on that, I do not want my office on voice mail, when the residents call I want to be able to answer my calls as they come in.

Mr. Coleman stated you can still answer your calls.

Clerk Treasurer Schafer stated I don't want it.

President Eddings stated that would be for the ones of us that are not here. Ok, Building Commissioner.

Mr. Stewart stated I'm not gonna open my mouth tonight.

President Eddings stated Thank You Sir, Dave Broady.

VICE-PRESIDENT BROADY ADDRESSES THE COUNCIL ON/BILL'S.

Vice-President Broady stated yes, I have some bills here. First of all I have a bill from Jacobi, Toombs and Lanz for 1800.00 for storm drain work, retention basin project, for the plan commission for 900.00 for project and 3571.75 for drain improvements, project that we've got on going. I'd like to make a motion that we approve the claims for these amounts.

President Eddings stated motion made by Dave, do I have a second?

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 22.

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not, all those in favor signify by saying I, opposed nay, I's have it.

Vice-President Broady stated uh, I have a claim from Team Contracting Co. for 41083.43 in reference to standing water retaintion project that we have on going. I'd like to make a motion we approve that.

President Eddings stated motion made by Dave, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it.

Vice-President Broady stated Ok, I have a claim by Gary Fox for 5438.36 for the project that we have on going. Also for 38023.70 for the storm drain project. I'd like to make a motion we pay these claims.

President Eddings stated motion made by Dave, do I have a second? Second by Ken, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it.

Council Member Fenner stated nothing.

COUNCIL MEMBER VOYLES ADDRESSES THE COUNCIL ON/GARBAGE PICK-UP/APARTMENT'S.

Council Member Voyles stated I know we are all tired, but there's a gentleman sitting in here that has been trying to get an answer for about a year about apartment garbage pick-up. And I'd like to bring it up. We need to find out about the ordinance and bring it up and what we can do for a six plex on down. I know that right now we got some of them that are using dumpsters, some of them are not, some are using garbage cans and I think we need to make it where as it's universal. If you have a six-plex...

Mr. Long stated when if first changed over it was about nine months before I got you to stop charging my people and now I'd like to get you to do it, it's been a year trying to get you to do it. I couldn't get you to stop and now I can't get you to start. I've only got six people is not going to produce that much garbage and your're charging three dollars a piece.

Attorney McCall stated well this is...

Mr. Long stated you've got alot of people your picking up now that is not paying and your picking up and that is against the rules.

Attorney McCall stated the thing is, is that the ordiance is has not been ammended in here and I think a coupla of times we have put together, I have put together a new trash ordiance which has been uh presented and considered and looked at and discussed and tabled and rediscussed and looked at again. It's not my decision. I'll draft what wver they want to do.

Mr. Long stated you are picking up for the other people, why don't you pick up for me?

Attorney McCall stated I don't have a vote. Now if you want to talk to these guys.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 23.

Mr. Long stated I do have a vote. That's what I am saying.

Attorney McCall stated it has been discussed, I'll draft whatever you guys want.

President Eddings stated do you have a recommendation.

Council Member Voyles stated I don't have a recommendation.

Attorney McCall stated I guess the problem had been, I don't know if it has been a problem, but picking up for six-plex you then have to open it up to where if it's a bigger apartment complex you have a bigger problem enforcing it.

Mr. Long stated I have no problem doing it.

Attorney McCall stated there was some concern with billing, not with you, we're talking about those other areas, who would be uh, six-plex who would be sit up differently, meter-wise, because of the six-plex would be demanding to be picked up where it wasn't supplied, and they will point to you and say you're picking up Mr. Long out here.

Mr. Long stated I can point out a half dozen up the street here, all I'm asking is give me the same rights as you give the other people. Make up your mind.

President Eddings stated can you...

Attorney McCall stated if it is happening is shouldn't be, because the ordinance doesn't say to.

President Eddings stated Don you're saying we are picking up for more than a duplex?

Mr. Long stated yes, I can point you out 2 or 3 places, you're doing now for them. If you're going to do it for them do it for me. If not, stop for all of us.

Attorney McCall stated there's no special deal that I know of that goes on between...

Mr. Long stated it took you nine months to a year to stop charging me. You used to pick them both up, the dumpsters and cans. Then you just quit doing it and you started charging for the other. At the time the charge wasn't that much out of line for what you were charging.

Council Member Alexander stated I think we were picking up for old houses that had three units in them. If the drivers are doing tha, all we need to do is say this is a three plex, don't pick it up. And they'll stop picking them up. There's alot of houses around here that are apartment's. The biggest thing is I went over this 100,200.300 times are you allow all the four-plexes, you allow a property that has 4 four-plexes on it or you allow a property that has ten six-plexes on it.

Mr. Long stated well you have property now that have two or three six-plexes on it and you pick them up.

Council Member Alexander stated duplex was, I mean they conform the rules that we set down,

Mr. Long stated there's property right down there by me now that has 3 duplexes on it sitting on the same side of the lot. I know they have more than six people in them. All I'm saying is let me do it until you decide what you're going to do with the other people.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 24.

Attorney McCall stated I understand what you are saying. Anyone should be picked up if they are paying.

President Eddings stated you only have one six-plex, that it's ...One on a property, what would happen if we said that...

Attorney McCall stated I put that together on time.

President Eddings stated when you put it together did you have more than one six-plex on the property has to be a dumpster?

Attorney McCall stated but you're dealing with not only a six-plex was it, if they had individual meters on the property. Rather than it going to Mr. Long as one meter it should go for the entire six-plex.

Council Member Fenner stated here it is, let me read what it says. The town code should be amended as follows: For any mutipial housing unit a fee of three dollars per dwelling unit per month should be accessed for garbage can pick-up only. It is understood by the town council that many of the mulitile units within the town are not on seperate meters. Therefore, if the owner of multiple housing until request garbage pick-up the town will bill the owner of the multiple housing unit at a rate of three dollare per dwelling unit. Said owner shall be directly responsible for payment of the fee for each of the dwelling units. This fee will be accessed each month regardless if the unit is occupied or vacant. And the owner of any such multiple unit shall be responsible of notifying the town, the Sellersburg Billing Office of the number of such units, the number of such unit, which will be varified by the town. All the dwelling units in a mulipile housing unit must be included. An owner of a multiple dwelling unit shall not be allowed to choose which dwelling unit will be included in the garbage pick-up.

Attorney McCall stated it's basically all or nothing.

Council Member Voyles stated he has separate meters.

Mr. Long stated yes.

Attorney McCall stated then there you go.

Council Member Alexander stated with separate meter with a limit of no more than 10 cans to a bulding.

Attorney McCall stated try to sit down with Mr. Long sometime and work this out..

President Eddings stated we're not going to be able to work this out tonight. I'll tell you what does anybody want to meet with Mr. Long and work this out.

Council Member Voyles stated I will, I know what he wants.

SELLERSBURG TOWN COUNCIL

REGULAR MEETING

April 13, 1998

Page 26.

Attorney McCall stated Ok, while I'm doing that, I have for your consideration uh ordinance number 98-, Linda munber...

Clerk Treasurer Schafer stated number 98-689

Attorney McCall stated number 98-689.

ORDINANCE NO 98-689

An Ordinance of the Town of Sellersburg authorizing the issuance of waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said Town, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith

WHEREAS, the Town of Sellersburg (the "Town") now owns and operates an unencumbered municipal waterworks in accordance with the provisions of Title 8, Article 1.5 of the Indiana Code, as in effect on the date of delivery of the bonds herein authorized (the "Act"), furnishing the public water supply to said Town and its inhabitants; and

WHEREAS, the Town Council of the Town now finds that certain improvements and extensions to said works are necessary; and that plans, specifications, and estimates have been prepared and filed by the engineers employed by the Town for the construction of said improvements and extensions, as more fully described on Exhibit A attached hereto (the "Project"), which plans and specifications have been or will be approved by the Town Council and by all governmental authorities having jurisdiction; and

WHEREAS, the Town has obtained engineers' estimates of the costs for the construction of said Project and will advertise for and receive bids for the Project, which bids will be subject to the Town's obtaining funds to pay for said Project; that on the basis of said estimates, the cost of the Project, including incidental expenses, is in an amount not to exceed \$1,325,000; and

WHEREAS, the Town Council expects that the costs of the Project will be financed through the sale of waterworks revenue bonds in an amount not to exceed One Million Three Hundred

ORDINANCE NO. 98-689

An Ordinance of the Town of Sellersburg authorizing the issuance of waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said Town, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith

WHEREAS, the Town of Sellersburg (the "Town") now owns and operates an unencumbered municipal waterworks in accordance with the provisions of Title 8, Article 1.5 of the Indiana Code, as in effect on the date of delivery of the bonds herein authorized (the "Act"), furnishing the public water supply to said Town and its inhabitants; and

WHEREAS, the Town Council of the Town now finds that certain improvements and extensions to said works are necessary; and that plans, specifications, and estimates have been prepared and filed by the engineers employed by the Town for the construction of said improvements and extensions, as more fully described on Exhibit A attached hereto (the "Project"), which plans and specifications have been or will be approved by the Town Council and by all governmental authorities having jurisdiction; and

WHEREAS, the Town has obtained engineers' estimates of the costs for the construction of said Project and will advertise for and receive bids for the Project, which bids will be subject to the Town's obtaining funds to pay for said Project; that on the basis of said estimates, the cost of the Project, including incidental expenses, is in an amount not to exceed \$1,325,000; and

WHEREAS, the Town Council expects that the costs of the Project will be financed through the sale of waterworks revenue bonds in an amount not to exceed One Million Three Hundred

Twenty-five Thousand Dollars (\$1,325,000) and, if necessary, bond anticipation notes (the "BANs");
and

WHEREAS, the Town Council finds that there are certain outstanding bonds of the waterworks designated "Waterworks Refunding Revenue Bonds of 1993," dated July 1, 1993 (the "1993 Bonds"), now outstanding in the principal amount of \$2,715,000 and maturing annually over a period ending December 1, 2010, which 1993 Bonds constitute a first charge against the hereinafter defined Net Revenues; and

WHEREAS, the ordinance authorizing the issuance of the now outstanding 1993 Bonds permits the issuance of additional bonds ranking on a parity with said 1993 Bonds provided certain conditions can be met, and the Town finds that the finances of said waterworks will enable the Town to meet the conditions for the issuance of additional parity bonds and that accordingly, the revenue bonds authorized herein shall be on a parity with the 1993 Bonds; and

WHEREAS, the bonds to be issued pursuant to this ordinance will constitute a first charge against the Net Revenues of the waterworks on a parity with the 1993 Bonds, and are to be issued subject to the provisions of the laws of the State of Indiana, including, without limitation, the Act, and the terms and restrictions of this ordinance; and

WHEREAS, the Town desires to authorize the issuance of BANs hereunder, if necessary, payable solely from the proceeds of waterworks revenue bonds issued to finance the aforementioned cost of the Project and to authorize the refunding of said BANs, if issued; and

WHEREAS, all conditions precedent to the adoption of an ordinance authorizing the issuance of said bonds and BANs have been complied with in accordance with the provisions of the Act; now therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG,

INDIANA THAT:

Sec. 1. Issuance of Bonds and BANs.

(a) The Town, being the owner of and engaged in operating a municipal waterworks furnishing the public water supply to said Town and its inhabitants, now proceed with the Project, the cost of which shall not exceed \$1,325,000, plus investment earnings on the BAN and bond proceeds, without further authorization from the Town Council, and the financing thereof by the issuance of revenue bonds pursuant to and in the manner prescribed by the Act, which revenue bonds shall be payable solely out of the Net Revenues of said waterworks (defined as gross revenues of the waterworks of the Town remaining after the payment of the reasonable expenses of operation, repair and maintenance) of the waterworks, on a parity with the 1993 Bonds. The terms "waterworks," "waterworks system," "works," "system," and words of like import where used in this ordinance shall be construed to mean and include the existing waterworks system and all real estate and equipment used in connection therewith and appurtenances thereto, and all extensions, additions and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired.

(b) That the Project shall be constructed and installed in accordance with the plans and specifications heretofore prepared by the engineers employed for the Project, which plans and specifications are hereby approved and which plans are by reference made a part of this ordinance as fully as if the same were attached hereto and incorporated herein and two copies of which are now on file in the office of the Clerk-Treasurer and are open for public inspection.

(c) The Town shall issue, if necessary, its BANs for the purpose of procuring interim financing to apply on the cost of said Project. The Town shall issue its BANs, in an amount not to

exceed One Million Three Hundred Twenty-five Thousand Dollars (\$1,325,000) to be designated "Waterworks Bond Anticipation Notes." Said BANs shall be sold at not less than 99.5% of their par value, shall be numbered consecutively from 1 upward, shall be in multiples of \$1,000 as designated in the Purchase Agreement therefor, shall be dated as of the date of delivery thereof, and shall bear interest at a rate not to exceed 6% per annum (the exact rate or rates to be determined through negotiation) payable at maturity or upon redemption. Principal on the BANs will be payable no later than two (2) years from their date of delivery. The BANs are subject to renewal or extension at an interest rate or rates not to exceed 6% per annum (the exact rate or rates to be negotiated). The term of the BANs and all renewal BANs may not exceed five years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof.

The BANs shall be issued pursuant to IC 5-1-5-8-6.1 if sold to the Indiana Bond Bank or pursuant to IC 5-1-14-5 if sold to a financial institution or any other purchaser. The principal of and interest on the BANs shall be payable from the issuance of revenue bonds pursuant to and in the manner prescribed by the Act. The revenue bonds will be payable solely out of and constitute a first charge, on a parity with the 1993 Bonds, against the Net Revenues of the waterworks of the Town.

(d) The Town shall issue its bonds, designated "Waterworks Revenue Bonds of 1998," in a principal amount not to exceed One Million Three Hundred Twenty-five Thousand Dollars (\$1,325,000) for the purpose of procuring funds to apply on the costs of said Project, issuance costs, and refunding the BANs, if issued.

Said bonds shall be sold at a price not less than 98% of the par value thereof, shall be issued in the denomination of Five Thousand Dollars (\$5,000) each or integral multiples thereof, numbered consecutively from 1 upward, dated as of the first day of the month in which they are sold, and shall

bear interest at a rate or rates not to exceed seven percent (7%) per annum (the exact rate or rates to be determined by bidding) and shall be payable semiannually on June 1st and December 1st of each year, beginning on the first June 1st or December 1st following delivery of the bonds, as designated by the Clerk-Treasurer with the advice of the Town's financial advisor, and shall mature annually, or shall be subject to mandatory sinking fund redemption if term bonds are issued, on December 1st of each year, over a period ending no later than December 1, 2018 and in such amounts as will achieve as level annual debt service as possible with \$5,000 denominations and taking into account the annual debt service on the 1993 Bonds.

All or a portion of the bonds may be issued as one or more term bonds, upon election of the successful bidder. Such term bonds shall have a stated maturity or maturities of December 1 in the years determined by the successful bidder, but no later than the final serial maturity date for the bonds, in accordance with the above paragraph. The term bonds shall be subject to mandatory sinking fund redemption and final payment(s) at maturity at 100% of the principal amount thereof, plus accrued interest to the redemption date, on principal payment dates established in accordance with the above paragraph.

Sec. 2. Redemption. (a) The BANs are prepayable by the Town, in whole or in part, at any time upon seven days' notice to the owner of the BANs without any premium. The bonds are redeemable at the option of the Town, but no earlier than December 1, 2006, or on any date thereafter, on thirty (30) days' notice, in whole or in part, in the order of maturity determined by the Town and by lot within a maturity, at face value together with a premium no greater than 2%, plus in each case accrued interest to the date fixed for redemption. The exact redemption features shall be determined by the Clerk-Treasurer with the advice of the Town's financial advisor.

(b) If any bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the Town, any bonds maturing as term bonds which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each bond maturing as a term bond so delivered or cancelled shall be credited by the Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of the bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date.

(c) If less than an entire maturity is called for redemption at one time, the bonds to be redeemed shall be selected by lot within a maturity by the Registrar. Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of optional and mandatory redemption. If some bonds are to be redeemed by optional and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the bonds for optional redemption before selecting the bonds by lot for the mandatory sinking fund redemption.

(d) In either case, notice of such redemption shall be mailed to the registered owner not less than thirty (30) days prior to the date fixed for redemption at the address of the registered owner as shown on the registration record of the Town as of the date which is forty-five (45) days prior to

said redemption date, unless such redemption notice is waived by the owner of the bond or bonds redeemed. The notice shall specify the date and place of redemption and sufficient identification of the bonds called for redemption. The place of redemption may be determined by the Town. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

Sec. 3. Registrar and Paying Agent; Book Entry Provisions. The Clerk-Treasurer is hereby authorized to contract with a qualified institution to serve as Registrar and Paying Agent for the bonds ("Registrar" or "Paying Agent"). Said Registrar is hereby charged with the responsibility of authenticating the bonds. The Clerk-Treasurer is hereby authorized to enter into such agreements or understandings with the Registrar on the date of issuance of the bonds, or at any later date until all the bonds mature or are redeemed, as will enable the institution to perform the services required of a registrar and paying agent. The Clerk-Treasurer is further authorized to pay such fees as the Registrar may charge for the services it provides as Registrar and Paying Agent and such fees may be paid from the Bond and Interest Account, as hereinafter defined in Section 11, to pay the principal of and interest on the bonds and fiscal agency charges.

As to the BANs, the Clerk-Treasurer will be designated the Registrar and Paying Agent and will be charged with the performance of all of the duties and responsibilities of Registrar and Paying Agent.

The principal of the bonds shall be payable at the principal office of the Paying Agent. All payments of interest on the bonds and all payments of interest and principal on the BANs shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof.

as of the fifteenth day of the month preceding such interest payment date (the "Record Date"), at the addresses as they appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the bonds and BANs shall be made in any lawful money of the United States of America, which on the date of such payment, shall be legal tender for the payment of public and private debts.

Each bond shall be transferable or exchangeable only upon the books of the Town kept for that purpose at the principal office of the Registrar by the registered owner thereof in person, or by its attorney duly authorized in writing, upon surrender of such bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the Town except for any tax or governmental charge required to be paid with respect to the transfer or exchange, which taxes or governmental charges are payable by the person requesting such transfer or exchange. The Town, Registrar and Paying Agent for the bonds may treat and consider the person in whose name such

bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

Interest on such bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date of the bonds unless the bonds are authenticated after the Record Date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless the bonds are authenticated on or before the Record Date preceding the first interest payment date in which case they shall bear interest from the original date of the bonds until the principal shall be fully paid.

The Town has determined that it may be beneficial to the Town to have the bonds held by a central depository system pursuant to an agreement between the Town and The Depository Trust Company, New York, New York ("Depository Trust Company") and have transfers of the bonds effected by book-entry on the books of the central depository system ("Book Entry System"). The bonds may be initially issued in the form of a separate single authenticated fully registered bond for the aggregate principal amount of each separate maturity of the bonds. In such case, upon initial issuance, the ownership of such bonds shall be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company.

With respect to the bonds registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, the Town and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner ("Beneficial Owner")) of the bonds with respect to (i) the accuracy of the records of the Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any bondholder (including any Beneficial Owner) or any other person, other than the

Depository Trust Company, of any notice with respect to the bonds including any notice of redemption, or (iii) the payment to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any amount with respect to the principal of, or premium, if any, or interest on the bonds except as otherwise provided herein.

No person other than the Depository Trust Company shall receive an authenticated bond evidencing an obligation of the Town to make payments of the principal of and premium, if any, and interest on the bonds pursuant to this ordinance. The Town and the Registrar and Paying Agent may treat as and deem the Depository Trust Company or CEDE & CO. to be the absolute bondholder of each of the bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such bonds; (ii) giving notices of redemption and other notices permitted to be given to bondholders with respect to such bonds; (iii) registering transfers with respect to such bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the bonds only to or upon the order of the Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the Town's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the bonds to the extent of the sum or sums so paid. Upon delivery by the Depository Trust Company to the Town of written notice to the effect that the Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this ordinance shall refer to such new nominee of the Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any bond is registered in the name of CEDE & CO., as nominee of the Depository Trust Company,

all payments with respect to the principal of and premium, if any, and interest on such bonds and all notices with respect to such bonds shall be made and given, respectively, to the Depository Trust Company as provided in a representation letter from the Town to the Depository Trust Company.

Upon receipt by the Town of written notice from the Depository Trust Company to the effect that the Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of the Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the bonds shall no longer be restricted to being registered in the register of the Town kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, but may be registered in whatever name or names the bondholders transferring or exchanging the bonds shall designate, in accordance with the provisions of this ordinance.

If the Town determines that it is in the best interest of the bondholders that they be able to obtain certificates for the fully registered bonds, the Town may notify the Depository Trust Company and the Registrar, whereupon the Depository Trust Company will notify the Beneficial Owners of the availability through the Depository Trust Company of certificates for the bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the bonds as requested by the Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever the Depository Trust Company requests the Town and the Registrar to do so, the Registrar and the Town will cooperate with the Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the fully registered bonds of any Beneficial Owner's Depository Trust Company account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the bonds.

If the bonds shall no longer be restricted to being registered in the name of a Depository Trust Company, the Registrar shall cause said bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such bonds printed until it shall have received from the Town indemnification for all costs and expenses associated with such printing.

In connection with any notice or other communication to be provided to bondholders by the Town or the Registrar with respect to any consent or other action to be taken by bondholders, the Town or the Registrar, as the case may be, shall establish a record date for such consent or other action and give the Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

So long as said bonds are registered in the name of the Depository Trust Company or CEDE & CO. or any substitute nominee, the Town and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written representation from the Beneficial Owners of the bonds or from the Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the bonds and setting forth the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and the Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the bondholders for purposes of this ordinance and the Town and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the bondholders. Along with any such certificate or representation, the Registrar may request the Depository Trust Company to deliver, or cause to be delivered, to the Registrar a list of all Beneficial Owners of the

bonds, together with the dollar amount of each Beneficial Owner's interest in the bonds and the current addresses of such Beneficial Owners.

Sec. 4. Execution. Each of said bonds and BANs shall be executed in the name of the Town by the manual or facsimile signature of the President of the Town Council, attested by the manual or facsimile signature of its Clerk-Treasurer and the seal of the Town shall be affixed, imprinted or impressed to or on each of said bonds and BANs manually, by facsimile or any other means; and said officials, by the execution of a Signature and No Litigation Certificate, shall adopt as and for their own proper signatures the facsimile signatures appearing on said bonds and BANs. In case any officer whose signature or facsimile signature appears on the bonds or BANs shall cease to be such officer before the delivery of the bonds or BANs, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. The bonds shall also be authenticated by the manual signature of an authorized representative of the Registrar and no bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed.

Said bonds and BANs shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration herein.

Sec. 5. Form of Bonds. The form and tenor of said bonds shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

UNITED STATES OF AMERICA

No. _____

STATE OF INDIANA

COUNTY OF CLARK

Original Date Maturity Date Authentication Date Interest Rate CUSIP

TOWN OF SELLERSBURG
WATERWORKS REVENUE BOND OF 1998

REGISTERED OWNER:

PRINCIPAL SUM:

The Town of Sellersburg ("Town"), in Clark County, State of Indiana, for value received, hereby promises to pay to the Registered Owner named above ("Registered Owner") or registered assigns, solely out of the special revenue fund hereinafter referred to, the Principal Sum set forth above ("Principal Sum") on the Maturity Date set forth above (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest hereon until the Principal Sum is paid at the Interest Rate per annum specified above, from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment date in which case it shall bear interest from such interest payment date, or unless this bond is authenticated on or before _____ 15, 199__, in which case it shall bear interest from the Original Date, which interest is payable semiannually on June 1st and December 1st, beginning _____ 1, 199__.

The principal of this bond is payable at the principal office of _____ ("Registrar" or "Paying Agent"), in the _____ of _____, Indiana. All payments of interest on this bond shall be paid by check mailed one business day prior to the interest payment date to the Registered Owner hereof, as of the fifteenth day of the month preceding an interest payment date, at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the bond shall be made in any lawful

money of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

The Town has designated the bonds as qualified tax-exempt obligations to qualify the bonds for the \$10,000,000 exception from the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986 relating to the disallowance of the deduction for interest expense allocable to tax-exempt obligations.

THE TOWN SHALL NOT BE OBLIGATED TO PAY THIS BOND OR THE INTEREST HEREON EXCEPT FROM THE HEREINAFTER DESCRIBED SPECIAL REVENUE FUND, AND NEITHER THIS BOND NOR THE ISSUE OF WHICH IT IS A PART SHALL IN ANY RESPECT CONSTITUTE A CORPORATE INDEBTEDNESS OF THE TOWN WITHIN THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OF THE STATE OF INDIANA.

The terms and provisions of this bond are continued on the reverse side hereof and such terms and provisions shall for all purposes have the same effect as though fully set forth at this place.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the Town of Sellersburg, in Clark County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of the President of the Town Council and its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Clerk-Treasurer.

TOWN OF SELLERSBURG, INDIANA

[SEAL]

By: _____
President, Town Council

Attest:

Clerk-Treasurer

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Ordinance.

_____, as Registrar

By: _____
Authorized Representative

(To be printed on Reverse Side)

This bond is one of an authorized issue of bonds of the Town, of like date, tenor and effect, except as to numbering, interest rates and dates of maturity in the total amount of \$ _____, numbered consecutively from 1 up; issued for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipally owned waterworks system of the Town [, refunding notes issued in anticipation of bonds] and to pay issuance expenses. This bond is issued pursuant to an ordinance adopted by the Town Council of said Town on the ____ day of _____, 1998, entitled "An Ordinance of the Town of Sellersburg authorizing the issuance of waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said Town, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith" (the "Ordinance"), and in accordance with the provisions of Indiana law, including without limitation Indiana Code 8-1.5 as in effect on the date of delivery of the bonds of this issue (the "Act"), the proceeds of which bonds are to be applied solely to the construction of said additions, extensions and improvements [, refunding said interim notes issued in anticipation of bonds,] and the incidental expenses incurred in connection therewith.

Pursuant to the provisions of said Act and said Ordinance, the principal of and interest on this bond and all other bonds of said issue and any bonds hereafter issued on a parity herewith, are payable solely from the Waterworks Sinking Fund continued by the Ordinance to be provided from the Net Revenues (defined as gross revenues of the waterworks of the Town remaining after payment of the reasonable expenses of operation, repair and maintenance) of the waterworks. This bond and the issue of which it is a part constitute a first charge upon said Net Revenues, on a parity with the 1993 Bonds (as defined in the Ordinance).

The Town of Sellersburg irrevocably pledges the entire Net Revenues of said waterworks to the prompt payment of the principal of and interest on this bond, and any bonds ranking on a parity

therewith, including the 1993 Bonds, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works, and for the payment of the sums required to be paid into its Waterworks Sinking Fund under the provisions of said Ordinance and said Act. In the event the Town or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all of the rights and remedies provided for under Indiana law.

The Town further covenants that it will set aside and pay into its Waterworks Sinking Fund, a sufficient amount of the Net Revenues of said works for payment of (a) the interest on all bonds which by their terms are payable from the revenues of said waterworks, as such interest shall fall due, (b) the necessary fiscal agency charges for paying bonds and interest, (c) the principal of all bonds which by their terms are payable from the revenues of said waterworks, as such principal shall fall due, and (d) an additional amount as a margin of safety to [create and] maintain the reserve required by the Ordinance. Such required payments shall constitute a first charge upon the Net Revenues of said waterworks, on a parity with the aforementioned 1993 Bonds.

This bond is transferable or exchangeable only upon the books of the Town kept for that purpose at the office of the Registrar, by the Registered Owner hereof in person, or by its attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner, or its attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or to the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred or exchanged without cost to the Registered Owner except for any tax or governmental charge required with respect to the transfer. The Town, the Registrar and any paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

[The bonds shall be initially issued in a Book Entry System (as defined in the Ordinance). The provisions of this bond and of the Ordinance are subject in all respects to the provisions of the Letter of Representations between the Town and The Depository Trust Company, or any substitute agreement, effecting such Book Entry System.]

The bonds of this issue maturing on or after December 1, _____ are redeemable at the option of the Town on _____ 1, _____, or any date thereafter, on thirty (30) days' notice, in whole or in part, in the order of maturity determined by the Town and by lot within a maturity, at face value together with the following premiums:

_____ % if redeemed on _____ 1, _____,
or thereafter on or before _____, _____;

___% if redeemed on _____, _____,
or thereafter on or before _____, _____;
0% if redeemed on _____, _____,
or thereafter prior to maturity;

plus in each case accrued interest to the date fixed for redemption.

[The bonds maturing on December 1, _____ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on December 1 in the years and amounts set forth below:

<u>Year</u>	<u>Amount</u>
-------------	---------------

*

* Final Maturity]

If less than an entire maturity is called for redemption at one time, the bonds to be redeemed shall be selected by lot within a maturity by the Registrar. Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of optional [and mandatory] redemption. [If some bonds are to be redeemed by optional and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the bonds for optional redemption before selecting the bonds by lot for the mandatory sinking fund redemption.]

In either case, notice of such redemption shall be mailed to the address of the registered owner as shown on the registration record of the Town, as of the date which is forty-five (45) days prior to such redemption date, not less than thirty (30) days prior to the date fixed for redemption. The notice shall specify the date and place of redemption and sufficient identification of the bonds called for redemption. The place of redemption may be determined by the Town. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the Town may deposit in trust with its depository bank an amount sufficient to pay such bond or the redemption price, as the case may be, and thereafter the registered owner shall look only to the funds so deposited in trust with said bank for payment, and the Town shall have no further obligation or liability in respect thereto.

THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. This bond is subject to defeasance prior to redemption or payment as provided in the Ordinance. The Ordinance

may be amended without the consent of the owners of the bonds as provided in the Ordinance if the Town Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the bonds.

The bonds maturing in any one year are issuable only in fully registered form in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount of the bonds maturing in such year.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____
_____ the within bond and all rights thereunder, and hereby irrevocably
constitutes and appoints _____, attorney, to transfer the within bond in the books
kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

Sec. 6. Authorization for Preparation and Sale of the BANs and the Bonds. The Clerk-Treasurer is hereby authorized and directed to have said bonds and BANs prepared, and the President of the Town Council and Clerk-Treasurer are hereby authorized and directed to execute and attest said bonds and BANs in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver said bonds and BANs to the purchasers thereof after sale made in accordance with the provisions of this ordinance, provided that at the time of said delivery the Clerk-

Treasurer shall collect the full amount which the purchaser has agreed to pay therefor, which shall not be less than 99.5% of the par value of said BANs or not less than 98% of the par value of said bonds, as the case may be, plus accrued interest to the date of delivery. The bonds herein authorized, when fully paid for and delivered to the purchaser, shall be the binding special revenue obligations of the Town, payable out of the Net Revenues of the waterworks to be set aside into the Waterworks Sinking Fund, on a parity with the 1993 Bonds, as herein provided. The proceeds derived from the sale of said bonds shall be and are hereby set aside for application on the cost of the Project, the refunding of the BANs, if issued, and the expenses necessarily incurred in connection with the bonds and BANs. The proper officers of the Town are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance. Distribution of an Official Statement (preliminary and final) is hereby authorized and approved and the President of the Town Council or Clerk-Treasurer are authorized and directed to execute the Official Statement on behalf of the Town in a form consistent with this ordinance. The President or Clerk-Treasurer are hereby authorized to designate the Official Statement as "nearly final" for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission.

Sec. 7. Sale of Bonds; Award of Bonds. Prior to the sale of said bonds, the Clerk-Treasurer shall cause to be published either (i) a notice of bond sale in the *Jeffersonville Evening News*, the only newspaper published in Clark County, Indiana, two times, at least one week apart, the first publication made at least fifteen (15) days before the date of the sale and the second publication being made at least three (3) days before the date of the sale, or (ii) a notice of intent to sell in the *Jeffersonville Evening News* and the *Court & Commercial Record*, all in accordance with IC 5-1-11 and IC 5-3-1. The notice shall also be posted at the Town Hall and post office (or bank if there is

no post office) in accordance with IC 5-3-1. A notice or summary notice of sale may also be published in the *Court & Commercial Record* or in *The Bond Buyer* in New York, New York. The notice shall state the character and amount of the bonds, the maximum rates of interest thereon, the terms and conditions upon which bids will be received and the sale made, and such other information as the Clerk-Treasurer and the attorneys employed by the Town shall deem advisable, and any summary notice may contain any information deemed so advisable. Said notice shall provide, among other things, that bidders for said bonds will be required to name the rate or rates of interest which the bonds are to bear, not exceeding the maximum rate hereinbefore fixed, and that such interest rate or rates shall be in multiples of one-hundredth (1/100) or one-twentieth (1/20) of one percent (1%). The rate bid on a maturity shall be equal to or greater than the rate bid on the immediately preceding maturity. The notice may provide, among other things, that each bid shall be accompanied by a certified or cashier's check, or a financial surety bond to guarantee performance on the part of the bidder. If a financial surety bond is used, it must be from an insurance company licensed to issue such bond in the State of Indiana, and such bond must be submitted to the Town prior to the opening of the bids. The financial surety bond must identify each bidder whose good faith deposit is guaranteed by such financial surety bonds. If the bonds are awarded to a bidder utilizing a financial surety bond, then that purchaser is required to submit to the Town a certified or cashier's check (or wire transfer such amount as instructed by the Town) not later than 3:30 p.m. (Sellersburg Time) on the next business day following the award. In the event the successful bidder shall fail or refuse to accept delivery of the bonds and pay for the same as soon as the bonds are ready for delivery, or at the time fixed in the notice of sale, then said check and the proceeds thereof shall be the property of the Town and shall be considered as its liquidated damages on account of such default. No conditional bids or

bids for less than 98% of the par value of the bonds will be considered. The opinion of Ice Miller Donadio & Ryan, bond counsel of Indianapolis, Indiana, approving the legality of said bonds will be furnished to the purchaser at the expense of the Town.

The bonds shall be awarded by the Clerk-Treasurer to the best bidder who has submitted its bid in accordance with the terms of this ordinance and the notice. The best bidder will be the one who offers the lowest net interest cost to the Town to be determined by computing the total interest on all of the bonds to their maturities, adding thereto the discount bid, if any, and deducting therefrom the premium bid, if any. The right to reject any and all bids is hereby reserved. If an acceptable bid is not received on the date of sale, the sale may be continued from day to day thereafter without further advertisement for a period of thirty (30) days, during which time no bid which provides a higher net interest cost to the Town than the best bid received at the time of the advertised sale will be considered.

Sec. 8. Financial Records and Accounts; Continuing Disclosure. The Town shall keep proper records and books of account, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues received on account of the operation of said waterworks and all disbursements made therefrom and all transactions relating to said waterworks. Copies of all such statements and reports shall be kept on file in the office of the Clerk-Treasurer. The substantially final form of Continuing Disclosure Undertaking Agreement (the "Agreement") attached hereto is hereby approved by the Town Council, and the President and Clerk-Treasurer are hereby authorized and directed to complete, execute and attest the same on behalf of the Town. Notwithstanding any other provisions of this ordinance, failure of the Town to comply with the Agreement shall not be considered a default under the bonds or this ordinance.

Sec. 9. Construction Account. Any accrued interest and any premium received at the time of the delivery of the bonds shall be deposited in the Waterworks Sinking Fund hereinafter defined. The remaining proceeds from the sale of the bonds, to the extent not used to refund BANs, and BAN proceeds shall upon receipt be deposited in a bank or banks which are legally designated and qualified depositories for the funds of the Town, in a special account or accounts to be designated as "Town of Sellersburg, Waterworks Construction Account." The funds in each of such special accounts shall be deposited, secured, and held, or invested in accordance with the laws of the State of Indiana relating to the depositing, securing and holding, or investing of public funds. The funds in such special account or accounts and any income derived from the investment hereof shall be expended only for the purpose of paying the cost of the Project, refunding the BANs, if issued, and the incidental expenses incurred in connection therewith and with the issuance of bonds and BANs. Any balance or balances remaining unexpended in such special account or accounts after the completion of the Project, which are not required to meet unpaid obligations incurred in connection with the construction of the Project, shall either (1) be deposited in the Waterworks Sinking Fund and used solely for the purposes of said Fund or (2) be used for the same purpose or type of project for which the bonds were issued, all in accordance with IC 5-1-13, as amended.

Sec. 10. Revenue Fund and Operation and Maintenance Fund. All revenues derived from the operation of the waterworks and from the collection of water rates and charges shall be deposited in the Waterworks Revenue Fund ("Revenue Fund") hereby continued. Said Revenue Fund shall be maintained separate and apart from all other accounts of the Town. Out of said Revenue Fund the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid, the

requirements of the Sinking Fund shall be met, and the costs of replacements, extensions, additions and improvements to the works shall be paid.

There is hereby continued the fund known as the "Operation and Maintenance Fund" ("O&M Fund"). On the last day of each calendar month, a sufficient amount of moneys shall be transferred from the Revenue Fund to the O&M Fund so that the balance maintained in the O&M Fund is sufficient to pay the expenses of operation, repair and maintenance of the works for the then next succeeding two calendar months. The moneys credited to this Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the waterworks on a day-to-day basis. Any monies in said Fund may be transferred to the Waterworks Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the waterworks.

Sec. 11. Waterworks Sinking Fund. There is hereby continued the special fund designated "Waterworks Sinking Fund" ("Sinking Fund") for the payment of the principal of and interest on all outstanding waterworks revenue bonds and the payment of any fiscal agency charges in connection with the payment of bonds. There shall be set aside and deposited in said Sinking Fund, as available, and as hereinafter provided, a sufficient amount of the Net Revenues of said waterworks to meet the requirements of the Bond and Interest Account and Reserve Account hereby continued in said Sinking Fund. Such payments shall continue until the balances in the Bond and Interest Account and the Reserve Account hereinafter described equals the amount needed to redeem all of the then outstanding bonds of the waterworks to their final maturity and provide for payment of all fiscal agency charges.

(a) Bond and Interest Account. There is hereby continued, within said Sinking Fund, the Bond and Interest Account. There shall be credited on the last day of each calendar month to the Bond and Interest Account an amount of the Net Revenues equal to at least the sum of one-sixth ($1/6$) of the interest on and at least one-twelfth ($1/12$) of the principal payable on all then outstanding bonds payable on the then next succeeding principal and interest payment dates until the amount of interest and principal payable on the then next succeeding interest and principal payment dates shall have been so credited. There shall similarly be credited to the Account any amount necessary to pay the bank fiscal agency charges for paying principal and interest on the bonds as the same become payable. The Town shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of bank fiscal agency charges.

(b) Reserve Account. There is hereby continued, within the Sinking Fund, the Reserve Account. Upon the issuance of the bonds, the Town may deposit on the date of delivery of the bonds, into the Reserve Account, funds on hand, bond proceeds or any combination thereof. The balance in the Reserve Account shall equal but not exceed the least of (i) the maximum annual debt service on the 1993 Bonds and the bonds issued hereunder, (ii) 125% of average annual debt service on the 1993 Bonds and the bonds issued hereunder, or (iii) 10% of the proceeds of the 1993 Bonds and the bonds issued hereunder plus a minor portion thereof as defined in the Internal Revenue Code of 1986 (the "Reserve Requirement"). If no initial deposit is made or the initial deposit does not cause the balance in the Reserve Account to equal the Reserve Requirement, monthly deposits of Net

Revenues shall be made, equal in amount and sufficient to accumulate the Reserve Requirement within five (5) years of the date the bonds are issued.

The Reserve Account shall constitute the margin for safety and a protection against default in the payment of principal of and interest on said bonds and the 1993 Bonds, and the moneys in the Reserve Account shall be used only to pay current principal and interest on said bonds and the 1993 Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiencies in credits to the Reserve Account shall be promptly made up from the next available Net Revenues remaining after credits into the Bond and Interest Account. In the event moneys in the Reserve Account are transferred to the Bond and Interest Account to pay interest and principal on the bonds or 1993 Bonds, respectively, then such depletion of the balance in the Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account. Any moneys in the Reserve Account in excess of the Reserve Requirement shall be considered as revenues of the waterworks. The Town Council has determined, based upon the advice of its financial advisor, that the Reserve Account is reasonably required and that the Reserve Requirement is no larger than necessary to market the bonds. The Town Council further finds that the Reserve Account is directly related to the Project since the bonds could not be issued to fund the Project without the Reserve Account.

Sec. 12. Waterworks Improvement Fund. There is hereby continued the special fund designated the Waterworks Improvement Fund ("Improvement Fund"). In the event all required payments into the O&M Fund and the Sinking Fund have been met to date, then any excess Net Revenues may be transferred to the Improvement Fund and used for improvements, replacements, additions and extensions to the works.

All or any portion of the funds accumulated and reserved in the Improvement Fund shall be transferred to the Sinking Fund, if necessary, to prevent a default in the payment of principal or interest on the bonds or to eliminate any deficiencies in credits to or minimum balance in the Reserve Account. Moneys in the Improvement Fund also may be transferred to the O&M Fund to meet unforeseen contingencies in the operation and maintenance of the waterworks.

Sec. 13. Investment of Funds. The Sinking Fund shall consist of at least one separate account of the Town. The O&M Fund and the Improvement Fund may be maintained in one account, or accounts, but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the Town and apart from the Sinking Fund account or accounts. All moneys deposited in said accounts shall be deposited, held, secured and invested as public funds in accordance with the public depository laws and investment laws of the State of Indiana as now in effect or as hereafter amended, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this ordinance.

Sec. 14. Defeasance of the Bonds. If, when the bonds issued hereunder or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the bonds or any portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the bonds or any portion thereof then outstanding shall be paid; or (i) sufficient moneys or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the

redemption, then and in that case the bonds issued hereunder or any designated portion thereof shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the Town's waterworks.

Sec. 15. Rate Covenant. The Town shall by ordinance establish, maintain and collect just and equitable rates and charges for facilities and services afforded and rendered by said waterworks, which shall, to the extent permitted by law, produce sufficient revenues at all times to pay all the legal and other necessary expenses incident to the operation of such waterworks, to include maintenance costs, operating charges, upkeep, repairs, depreciation, interest charges, to provide for payment of the sums to provide a sinking fund for the liquidation of bonds or other obligations and to provide a debt service reserve for bonds or other obligations, including leases, to provide adequate funds to be used as working capital, as well as funds for making extensions, additions, and replacements, and also, for the payment of any taxes that may be assessed against such waterworks, it being the intent and purpose hereof that such charges shall produce an income sufficient to maintain such waterworks property in a sound physical and financial condition to render adequate and efficient service. So long as any of the bonds herein authorized are outstanding, none of the facilities or services afforded or rendered by said system shall be furnished without a reasonable and just charge being made therefor. The Town shall pay like charges for any and all services rendered by said waterworks to the Town, and all such payments shall be deemed to be revenues of the waterworks. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance and said requirements of the Sinking Fund.

Sec. 16. Additional Bond Provisions. The Town reserves the right to authorize and issue additional BANs at any time ranking on a parity with the BANs. The Town also reserves the right to authorize and issue additional bonds payable out of the Net Revenues of its waterworks ranking on a parity with the bonds authorized by this ordinance for the purpose of financing the cost of future additions, extensions, and improvements to the waterworks, or to refund obligations, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the revenues of the waterworks shall have been paid to date in accordance with the terms thereof, and all required payments into the Sinking Fund have been made in accordance with the provisions of this ordinance.

(b) The Net Revenues of the waterworks in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this ordinance shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of the parity bonds the water rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous year's operations would have produced Net Revenues for said year equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all bonds payable from the revenues of the waterworks, including the additional parity bonds proposed to be issued. For purposes of this subsection, the records of the waterworks shall be analyzed and all showings prepared by a certified public accountant employed by the Town for that purpose.

(c) The interest on the additional parity bonds shall be payable semiannually on June 1st and December 1st and the principal on, or mandatory sinking fund redemption dates for, the additional parity bonds shall be payable annually on December 1st.

Sec. 17. Further Covenants of the Town, Maintenance, Insurance, Pledge Not To Encumber, Subordinate Indebtedness, and Contract with Bondholders. For the purpose of further safeguarding the interests of the owners of the bonds and BANs, it is hereby specifically provided as follows:

(a) All contracts let by the Town in connection with the construction of the Project shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to 100% of the amount of such contracts, to insure the completion of said contracts in accordance with their terms, and such contractors shall also be required to carry such employers' liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

(b) The Project shall be constructed under plans and specifications approved by a competent engineer designated by the Town. All estimates for work done or material furnished shall first be checked by the engineer and approved by the Town.

(c) The Town shall at all times maintain its waterworks in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as any of the bonds or BANs herein authorized are outstanding, the Town shall maintain insurance on the insurable parts of said waterworks of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws

of the State of Indiana. As an alternative to maintaining such insurance, the Town may maintain a self-insurance program with catastrophic or similar coverage so long as such program meets the requirements of any applicable laws or regulations and is maintained in a manner consistent with programs maintained by similarly situated municipalities. All insurance or self-insurance proceeds shall be used in replacing the property destroyed or damaged or if not used for that purpose shall be deposited in the Sinking Fund.

(e) So long as any of the bonds or BANs herein authorized are outstanding, the Town shall not mortgage, pledge or otherwise encumber such works or any part thereof, nor shall it sell, lease or otherwise dispose of any portion thereof except machinery, equipment or other property as may be replaced, or shall no longer be necessary for use in connection with said utility.

(f) Except as hereinbefore provided in Section 16, so long as the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said waterworks shall be authorized, executed or issued by the Town except such as shall be made subordinate and junior in all respects to the bonds herein authorized, unless all of the bonds herein authorized have been redeemed, retired or defeased pursuant to Section 14 hereof coincidentally with the delivery of such additional bonds or other obligations.

(g) The provisions of this ordinance shall constitute a contract by and between the Town and the owners of the bonds and BANs herein authorized, and after the issuance of said bonds or BANs, this ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the owners of said bonds or BANs, nor shall the Town Council adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as said bonds, BANs or the interest thereon remain unpaid. Excluding the changes set forth in Section 19(a)-(f),

the ordinance may be amended, however, without the consent of bond or BAN owners, if the Town Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the bonds or BANS.

(h) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the bonds and BANS herein authorized for the uses and purposes herein set forth, and the owners of the bonds and BANS shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of said governing Act. The provisions of this ordinance shall also be construed to create a trust in the portion of the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of said fund as in this ordinance set forth. The owners of said bonds shall have all the rights, remedies and privileges under Indiana law in the event the Town shall fail or refuse to fix and collect sufficient rates and charges for said purposes, or shall fail or refuse to operate and maintain said system and to apply properly the revenues derived from the operation thereof, or if there shall be a default in the payment of the interest on or principal of the bonds.

Sec. 18. Tax Covenants. In order to preserve the exclusion of interest on the bonds and BANS from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as existing on the date of issuance of the BANS or bonds, as the case may be (the "Code") and as an inducement to purchasers of the bonds and BANS, the Town represents, covenants and agrees that:

(a) The waterworks is intended to be and will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. No person or entity other than the Town or another state or local governmental

unit will use more than 10% of the proceeds of the bonds or BANs or property financed by the bond or BAN proceeds other than as a member of the general public. No person or entity other than the Town or another state or local governmental unit will own property financed by bond or BAN proceeds or will have any actual or beneficial use of such property pursuant to a lease, management, service or incentive payment contract, an arrangement including take-or-pay or other type of output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person's or entity's use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the bonds or BANs, as the case may be. If the Town enters into a management contract for all or a portion of the waterworks, the terms of the contract will comply with the Regulations and IRS Revenue Procedure 97-13, as amended, supplemented or superseded from time to time, so that the contract will not give rise to private business use under the Code and the Regulations unless such use in the aggregate will not relate to more than 10% of the proceeds of the BANs or bonds, as the case may be.

(b) No more than 10% of the principal of or interest on the bonds or BANs is (under the terms of the bonds, BANs, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for private business use or payments in respect of such property, or to be derived from payments (whether or not to the Town) in respect of such property or borrowed money used or to be used for a private business use.

(c) No more than 5% of the bond or BAN proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the bond or BAN proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the bond or BAN proceeds.

(d) The Town reasonably expects, as of the date hereof, that the bonds and BANs will not meet either the private business use test described in paragraph (a) and (b) above or the private loan test described in paragraph (c) above during the entire term of the bonds or BANs, as the case may be.

(e) No more than 5% of the proceeds of the bonds or BANs will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The Town will not take any action nor fail to take any action with respect to the bonds or BANs that would result in the loss of the exclusion from gross income for federal tax purposes of interest on the bonds or BANs pursuant to Section 103 of the Code, nor will the Town act in any other manner which would adversely affect such exclusion, and it will not make any investment or do any other act or thing during the period that the bonds or BANs are outstanding which would cause the bonds or BANs to be private activity bonds under the meaning of Section 141 of the Code.

(g) It shall be not an event of default under this ordinance if the interest on any bonds or BANs is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the bonds or BANs, as the case may be.

(h) The Town represents that:

(1) The Town is a governmental unit with general taxing powers, which powers include the power to impose taxes of general applicability that, when collected, may be used for the general purposes of the Town;

(2) The bonds and BANs are not private activity bonds as defined in Section 141 of the Code;

(3) At least 95% of the net proceeds of the bonds and BANs will be used for local governmental activities of the Town or of a governmental unit, the jurisdiction of which is entirely within the jurisdiction of the Town;

(4) The aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the Town and all units subordinate to the Town, including on-behalf-of issuers and subordinate entities as those terms are defined in Regulations Section 1.148-8(c)(2), is not reasonably expected to exceed \$5,000,000 in calendar year 1998; and

(5) The Town has not been formed or availed of to otherwise avoid the purposes of the \$5,000,000 size limitation.

Therefore, the Town meets the requirements of Section 148(f)(4)(D) of the Code and will not have to rebate any arbitrage profits to the United States.

(i) The Town represents that:

(1) The bonds and BANs are not private activity bonds as defined in Section 141 of the Code;

(2) The Town hereby designates the bonds and BANs as qualified tax-exempt obligations for purposes of Section 265(b) of the Code;

(3) The reasonably anticipated amount of qualified tax-exempt obligations (including qualified 501(c)(3) obligations and tax-exempt leases but excluding other private activity bonds) which will be issued by the Town and all entities subordinate to the Town during 1998 does not exceed \$10,000,000; and

(4) The Town has not and will not designate more than \$10,000,000 of qualified tax-exempt obligations during 1998.

Therefore, the bonds and BANs qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations.

(j) These covenants are based solely on current law in effect and in existence on the date of delivery of the bonds or BANS, as the case may be.

Sec. 19. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the bonds issued pursuant to this ordinance and then outstanding shall have the right from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the Town Council of the Town of Sellersburg of such ordinance or ordinances supplemental hereto or amendatory hereof, as shall be deemed necessary or desirable by the Town of Sellersburg for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of, mandatory sinking fund redemption date, if any, or interest on any bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues of the waterworks ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any bond or bonds issued pursuant to this ordinance over any other bond or bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance; or

(f) A reduction of the Reserve Requirement.

In the event that the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk-Treasurer of the Town, no owner of any bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Town Council of the Town from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the Town and all owners of bonds

then outstanding, shall thereafter be determined, exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the Town and of the owners of the bonds authorized by this ordinance, and the terms and provisions of the bonds and this ordinance, or any supplemental or amendatory ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the owners of all the bonds then outstanding.

Sec. 20. (a) The Town, having satisfied all the statutory requirements for the issuance of its bonds, may elect to issue its BAN or BANs to a financial institution, the Indiana Bond Bank or any other purchaser, pursuant to a Bond Anticipation Note Purchase Agreement (the "BAN Purchase Agreement") to be entered into between the Town and the purchaser of the BAN or BANs. The Town Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of initially issuing bonds to provide interim construction financing for the Project until permanent financing becomes available. It shall not be necessary for the Town to repeat the procedures for the issuance of its bonds, as the procedures followed before the issuance of the BAN or BANs are for all purposes sufficient to authorize the issuance of the bonds and the use of the proceeds to repay the BAN or BANs.

(b) The President of the Town Council and the Clerk-Treasurer are hereby authorized to execute a BAN Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The President of the Town Council and the Clerk-Treasurer may also take such other actions or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith.

Sec. 21. Compliance with Tax Covenants. Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the BANs and bonds from gross income under federal tax law ("Tax Exemption") need not be complied with if the Town receives an opinion of bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Sec. 22. Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that this ordinance shall not be deemed to amend or repeal the ordinance authorizing the 1993 Bonds or adversely affect the 1993 Bonds.

Sec. 23. Headings. The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this ordinance.

Sec. 24. Effective Date. This ordinance shall be in full force and effect from and after its passage.

Adopted this 13th day of April, 1998.

TOWN COUNCIL
TOWN OF SELLERSBURG

[Signature]

[Signature]

David L. Broody

[Signature]

Attest:

[Signature]
Clerk-Treasurer

EXHIBIT A

Description of Project

SELLERSBURG TOWN COUNCIL

REGULAR MEETING

April 13, 1998

Page 27.

ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/ORDIANCE.

Attorney McCall stated because we are being considered the last meeting which was the 23rd this needs to be considered tonight on a first reading which would take a total of the five members to vote unanimously to consider it on a first reading and I'll present to the Town Council.

President Eddings stated I'll entertain a motion to consider ordinance number 98-689 on the water revenue bond the first reading.

Council Member Voyles stated I'll make the motion.

President Eddings stated motion made by Bill.

Mrs. Pixley stated wait a minute, excuse me...

President Eddings stated hold on, we'll get to you follow procedure's.

Attorney McCall stated did you make the motion?

President Eddings stated motion made by Bill.

Attorney McCall stated no, you need to make the motion, make the motion to consider it on a first reading.

Vice-President Broady stated you need to make the motion.

President Eddings stated I make the motion, I make the motion to consider ordinance 98-689 on the first reading.

Vice-President Broady stated and I second that motion.

President Eddings stated motion seconded by Dave, any discussion?

Mrs. Pixley stated Yes.

President Eddings stated wait, if not those in favor signify by saying I.

Council Member Alexander stated we going to have discussion?

President Eddings stated on a first reading.

Council stated I.

Mrs. Pixley stated you're sure taking care of our money for us aren't you.

President Eddings stated now you're getting to where you can talk.

Attorney McCall stated now you need a motion to where you approve.

President Eddings stated right, now I make a motion to approve ordinance number 98-689.

Vice-President Broady stated motion made and seconded, now we have discussion.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 28.

Mrs. Pixley stated I don't like that at all, you're taking our bond that we've got a low rate on away altogether. With a new bond at a higher rate.

President Eddings stated this bond is going to cover a lot of projects.

Mrs. Pixley stated I still don't think you should do away with the old bonds.

Council Member Alexander stated it's a separate bond, we're not rolling it into, we're not rolling anything.

Attorney McCall stated we're, it's not going to be paying off the old on. You're not going to be paying off any other bond issuance.

Mrs. Pixley stated this is just the one bond.

Attorney McCall stated this is a new bond.

Mrs. Pixley stated for how much please?

Attorney McCall stated I think it was 1...

President Eddings stated 1.1...

Mrs. Pixley stated one and a half million.

President Eddings stated one point something.

Council Member Alexander stated one million and it costs one point eight five.

Attorney McCall stated it's to finance the various projects that have been outlined by John Tooms before which was the water retention and the other project associated with the water works which is done in conjunction with the rate increase that we have, that we are now in the process of attempting to obtain.

Mrs. Pixley stated do you have to get the uh...

Attorney McCall stated this is part of the whole process to show how it will be financed when we go for the rate increase, because Umbald, what they did uh relates to this, uh it was submitted in the testimony if you want to take a look at it that I've give to uh...

Mrs. Pixley stated I saw it.

Attorney McCall stated that Umbald put together.

Mrs. Pixley stated I saw it and I don't...

Council Member Alexander stated Mr. President I'd like to call for a vote.

President Eddings stated we'll give you two more minutes.

Council Member Alexander stated go ahead.

Mrs. Pixley stated I still can't figure out why you're doing all this before you know you're going to get that rate increase.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 29.

President Eddings stated this is part of that process.

Attorney McCall stated this is the bond ordinance, this doesn't approve necessarily that we got the bond.

Mrs. Pixley stated well you said you approve.

Attorney McCall stated if you would listen to the title that I read.

Mrs. Pixley stated I can't hear you very good.

Attorney McCall stated I'm pretty loud, none the less, the bonds have not been issued, when they signed this and approve it today the bonds have not been issued, they are other manners we have to go through. Also the I.U.R.C. will be aware that we passed this bond ordinance and it will be taken to account also when we go for the rate increase for the final time.

Mrs. Pixley stated ok, I thought you said to approve.

Attorney McCall stated we're approving the ordinance, but it's not...

President Eddings stated we're approving the ordinance but not necessarily means the bond been approved, it's like we are applying for the bond, we're not getting it, but...

Attorney McCall stated this is not.

Mrs. Pixley stated I thought you said it doesn't cost us to apply for it.

President Eddings stated no, we've already went over those figures several times. It's already in the package, ok.

Mrs. Diefenbach stated you ought to know what the package is you are sitting up there, you ought to know. It's your business you are to protect us, and you can't give me an answer.

Council Member Alexander stated one hundred thousand, I'd like to call for a vote.

President Eddings stated I'll call for the vote, all those in favor signify by saying I, opposed nay, I's have it, with Council Member Alexander voting nay.

Attorney McCall stated you need to sign on the very last page, each town council, and I need, Doug I need you to sign of the excerpts from the minutes that will be submitted along with this. Linda I need you to go ahead and sign too, that this is how it was passed.

Clerk Treasurer Schafer stated even though I am against this, I'm contesting this.

Attorney McCall stated you're just attesting, you're not saying you have any...

Clerk Treasurer Schafer stated no, because I'm against it.

Attorney McCall stated but anyway you need to sign it toward the bottom, you have to attest it also. Ok, let's get to the, this matter here, uh it's the interlocal joint corporation agreement concerning the implementation of curbside recycling program.

in the city and towns with designating areas of Clark County Solid Waste Management District, effective January 1, 1998. There's been some previous discussion concerning this particular interlocal agreement uh for those people here uh Clark County Board of Commissioners have signed, Charlestown has signed, the city of Jeffersonville has signed, and the city of Clarksville has signed, uh, Town of Clarksville. And we are the last uh, municipality as far as previous agreements that hasn't signed. Uh, this was outlined before, for the town as to what type of financial roll that the county, well actually the uh, Solid Waste Management District would play in how the profit would be passed along to each municipality as to the agreement belongs. Therefor I wish to present this since it has been discussed for motion to approve the interlocal agreement.

Vice-President Broady stated I make a motion we approve the interlocal agreement for Solid Waste.

Council Member Voyles stated I'll second.

President Eddings stated motion made by Dave and seconded by Bill, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it. Now, do I need to sign this?

Attorney McCall stated the Town Council President needs to sign and then uh, I guess to make a copy of this. And then I have one voucher to be submitted uh, Michael Craykraft who is the attorney who, that has been involved along with a Mr. Dickey to, for uh, rate council, the case for the U.R.C. it's a request for expenses in the amount 296.00. This is for expenses and disbursements for 2-1-98 to 2-28-98. And I ask that the Town Council consider that tonight for approval.

President Eddings stated I'll entertain a motion to approve the voucher for Hackman, McClarry and Craykraft and Hewitt in the amount of 296.00.

Council Member Voyles statee I'll make that motion.

President Eddings stated motion made by Bill, do I have a second.

Vice-President Broady stated I'll second.

President Eddings stated motion made by Bill, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any further discussion? If not, all those in favor signify by saying I, opposed nay, I's have it.

Attorney McCall stated lastly Doug I, this is the release of type and regarding the Town Hall, uh, substained during the heavy snow, time empdety has agreed to pay the town I believe 6007.00, 7007.00 was the amount of the claim, minus the deductable which is 1000.00. There's a check which is coming from Mr. Gentry in the amount of 6007.00. You need to approve the to have the check. At this point whoever is responsible the town will have to pursue. The Insurance Company has paid all it's going to on this particiular claim and yes I will do that.

Vice-President Broady stated do we need a motion here?

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 31.

Attorney McCall stated it's not, in a policy that I saw, in talking to Mr. Gentry, yes that would be appropriate that they're paying here. And basically was that because initially the project wasn't completed as it should have been, there would have been 3000.00 additional cost to make it the way it should have been in the first place and they're not gonna pay for work that had not been performed. The bottom line, so I need you to execute that and sign at the X.

President Eddings stated ok, do we need to vote on this?

Attorney McCall stated no, that's it.

President Eddings stated this comes back to you or Linda?

Attorney McCall stated me.

Council Member Alexander stated uh, I'd like the request for approval to sign a application for a grant which would consist of the Ivy tech pond again, and uh, they did have some additional money and to put a culvert in down on Bean Road. Here's a map the Ivy Tech Basin that we discussed last year and culvert instead of the old caverns underneath Bean Road. I've done three of these, hopefully this one goes through. But anyway, I'd like to make a motion that we allow Doug to sign the figure one of the standard form 424.

President Eddings stated motion made by Ken.

Council Member Fenner stated I'll second.

President Eddings stated seconded by Gary, any further discussion? If not all those in favor signify by saying I, opposed nay, I's have it.

Council Member Alexander stated that's all.

President Eddings stated Linda, this the bill's.

Clerk Treasurer Schafer stated yes.

President Eddings stated I'll entertain a motion to pay the bill's as presented.

Vice-President Broady stated I'll make that motion.

President Eddings stated motion made by Dave, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any further discussion? If not all those in favor signify by saying I, opposed nay, I's have it. Is that it Linda?

Clerk Treasurer Schafer stated yes.

President Eddings stated I'll entertain a motion to adjourn the meeting.

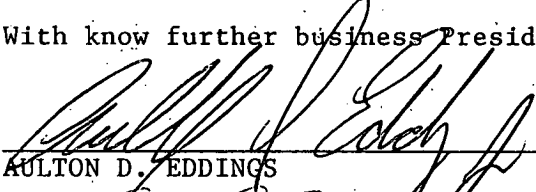
Vice-President Broady stated I'll make it.

President Eddings stated motion made by Dave, do I have a second?

Council Member Fenner stated I'll second.

President Eddings stated second by Gary, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it.

With know further business President Eddings adjourned the regular meeting at 8:45.

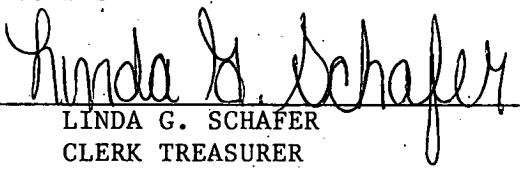

AULTON D. EDDINGS

DAVID BROADY


KENNETH ALEXANDER

WILLIAM VOYLES


GARY FENNER


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

2.75
1.15

SELLERSBURG TOWN COUNCIL

April 27, 1998

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; Linda G. Schafer, Clerk Treasurer; with William P. McCall, Town Attorney; arriving at 6:34 p.m.

Called To Order

President Eddings called the Regular Meeting to order at 6:30 p.m.

Prayer

Rev. Bob Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

President Eddings stated everyone has had a copy of the minutes from April 13th executive session, and the regular meeting for April 13th. I'll entertain a motion to accept the minutes as presented.

Council Member Alexander stated I'll make that motion.

President Eddings stated motion made do I have a second?

Council Member Fenner stated I'll second.

President Eddings stated motion made and seconded any question or revisions all those in favor signify by saying I, oppose nay I's have it. Ok petitions from citizens, Dorothy, Dorthea Barton is she here?

Mrs. Barton stated I just want to bring a problem to the board that I have over here on Hanger Ave. It seems that Mr. Toombs was trying to do someone a favor and he decide's to cut a ditch from a natural spill way to a pipe that he had put in the ground which was put down approximately 36 inches it is a hazard for any child plus its interfering with the natural drain and I have discussed this with Rev. Fenner and also Dave Broady call Mr. Alexander but he didn't return my call, so I talked to Mr. Toombs on two occasions or three he has finally decided to correct it, however it hasn't been done yet. So I want to bring this to the boards attention to let them know that I do want it taken care of. You fimilar with what I'm talking about.

Council Member Fenner stated sure, sure, yea I talk to you and told you that it would be taken care of.

Mrs. Barton stated well I just wanted to bring it to the board, the whole board to make certain that its taken care of there's been a considerable amount of time passed that this happened. And it's still there so I just wanted to be assured that it will be taken care of.

DORTHEA BARTON ADDRESSES THE COUNCIL ON/CUT A DITCH FROM A NATURAL SPILL.

Vice-President Broady stated Ms. Barton I also confirmed with Toombs and one of the hold ups was we had a gas main in the way and they finally got it out of the way I understand they went a little further and the way it was left is when he get's the flue back there were taken up the mail box moving it back to were it originally was taking that gravel out closing the ditch back up and he's going to design something cause that water fall that you've got commin down through the natural drainage ditch does need to get in that catch basin, he's going to call you at that time and meet you up there and show you what were gonna do and to make sure that's suitable to you. The time factor I would think now that they got the gas moved depending on the weathere I don't know how there going along but I would think within the next coupla of weeks that's taken care of.

Ms. Barton stated will I told him I was willing to work with him on that. He doesn't have to take that one pipe out if he doesn't want to just close it off and fill it in because...

Vice-President Broady stated no I want that ditch filled back in though...

Ms. Barton stated but the, yes I want that because that is a harzard. If a kid fill in there on there head they probably couldn't get out. And...

Vice-President Broady stated we want to pick up that water that come's down through there and get it in that new storm sewer and he kinda design something to do that so...

Ms. Barton stated I want, for certain that natural drain to, to continue I want it to stay like it was.

Vice-President Broady stated right, we want to drop that into the new storm sewer is what we want to do. So don't run out in the street or anything like that.

Ms. Barton stated ok, Thank You.

President Eddings stated is Mark Babbs here?

Clerk Treasurer Schafer stated I don't see him, he probably didn't get his paper work, so he said he would have to reschedule.

President Eddings stated ok, what about Louis.

LOUIS GIRTER ADDRESSES THE COUNCIL ON/HEALTH INSURANCE.

Mr. Girter stated my name is Louis Girter a few month's ago I submitted a bid for your Insurance package. And I haven't heard anything back and I cam to the meeting to see if you make any resolution on it. I submitted a package it appears that the rate's that I have submitted were very competitive compare to those concurrent, I don't know if there are any insinuating circumstances I see Linda has the package.

Clerk Treasurer Schafer stated Yes, Yes, Yes.

Mr. Girter stated ok, have you all recieved that and had a chance to review it.

Clerk Treasurer Schafer stated they all recieved a copy, Yes.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 3.

Mr. Girter stated I know that right now you have a, appear that you have a two tier rate. One for single and one for family. The bid that I submitted is a four tier rate which you might have many people only need a employee and spouse, or a employee, child coverage. Currently if you have those people they are uh well, they're not favorably looked at on you're plan with the two tier rate. You have to pay a family rate which is I think is normally about \$370.00 now or \$400.00, I'll have to look and it's quite high for a two person rate. Uh or in that situation. But even more than that right now you're paying \$132.00 for your individual plan and for a good comprehensive plan based on the census that was provided uh I provided four quotes for good competitive plans. The cheapest of which was \$88.00 and the most expensive of the four was \$102.00. Uh, I know that we fight over the pennies when we come in here to a board meeting but its important to look at the cost of your premium too and review it on an annual basis. I don't know if there are any extenuating circumstances why your rates are as high as they are, but it appeared that uh, they could be alot less. Uh, is there anything that you can offer me, or any action that you have taken...

Vice-President Broady stated after talking to the uh, employees that are on the insurance plan, they're wishing to stay where they're at, and also talking to Linda and to give the gentleman an answer I'd like to go ahead and make a motion to keep the insurance with the company we're at and just renew what we have, to get it cleared up.

President Eddings stated ok we have a moiton.

Vice-President Broady stated I think we have actually all ready done that.

Clerk Treasurer Schafer stated I was forced to sign a renewal.

President Eddings stated ok.

Clerk Treasurer Schafer stated so I had no choice or we didn't have no insurance.

Vice-President Broady stated there's some, I make a motion we uh retain the insurance we have at the present time and renew it.

President Eddings ok motion on the floor, do I have a second?

Council Member Alexander stated I'll second it.

President Eddings stated second by Ken, any further discussion?

Mr Girter stated yes, uh, again I'd like to impress the importance of the premium you're paying. It's important to have a good comprehensive plan, but if you as a town are paying \$132.00 for an individual rate, and I don't know if you're paying the complete cost or not, or even a portion of it. Even the portion you're paying every citizen in here has the, has a interest in knowing that you are using those resources to their full potential. Uh, I will offer that to you. \$132.00 compared to \$88.00 or \$102.00 on a very comitative plan. There's quite a bit of difference uh, I would ask for you to again make consideration for that. Thank You.

President Eddings stated alright, motion has been made and seconded, discussed any further discussion? If not all those in favor signify by saying I opposed nay, I's have it, Thank You. Fran Phillips

FRAN PHILLIPS ADDRESSES THE COUNCIL ON/PHONE SYSTEM VOICE MAIL.

Ms. Phillips stated I'm going to speak from the other side of the room, so I can copy everything. I'm Fran Phillips from Voice Tail, uh Communications. And we do communication for the entire area including Louisville. And what I was going to present tonight, I was going to use the board. I'm a retired school teacher, so I'll use this board while I'm in here to kinda go over this with you. Anyway voice mail is a communication device that is being used more and more by all kinds of companies and by town halls, by the Chamber of Commerce. I presented to that in Louisville and the Chamber of Commerce in now my account. The number one fear of voice mail has been and still is that it can be abused and like anything voice mail can be abused. And abusive, the abusive side of voice mail has been heard instead of the good side of voice mail. Tonight I'm going to explain this to because uh, having worked with young people all my life and now being out there working with people like yourself, adults. I think communication is one of the most important things you can have and without good communication a community falls apart just like a school room can fall apart. We started with voice mail, Voice Tail, five years ago. We decided that we wanted our voice mail to be friendly voice mail not the kind of voice mail where you call in a place and you get no one, ever. And you feel that your not heard to that. I mean I hate to call a place and I get just voice mail. So what we did was just tailor this to meet the needs of the people in our community. And we are still, we are people who want to be in touch with people, we don't want to in a situation where we feel that we don't know what's going on. If we called in to speak with someone, or if we call in to leave a message for someone, we want to hear a person. So that's what we did, however, there is one other thing about this. You know and I know that you can't answer the phone twenty four hours a day, or if you do you're going to be pretty tired. So we worked it out to where you can work this voice mail three ways at one time so that you never, ever, ever call in and not ever get a person or the ability to leave a message for a person in a timely friendly manner. And I'm going to diagram this for you so it will make a little more sense, I hope. And I'm left handed so I'm not going to write pretty or anything. I'm just going to try and diagram this out for you. This is the way the voice mail can work if you so decide to try to use and of course I would train you on it. That's always a lot of fun to do that. It can be a little concusing at first then it's kind of neat. This is the way it would work, or it can work. When somebody calls in from an outside line they and say they want to speak with Linda, they can just like right now, nothing changes. However, if Linda's not there, nobody's there, say it's eight o'clock at night and people are not here this is what happens. There would be three to four rings depending on what you would want, it could be, anything more than that is annoying I think, if you call in and get five, six or more than that it's like anybody there or what. Three or four rings if you're there you're going to pick it up, but if you're not here it can go into what you call a menu. And just like a menu in a restaurant where you get to order you don't have to cook, which is a good thing just like you call in and you get a menu that says hello you have reached such and such, you'd be reaching the town hall, say our hours are, whatever the hours are and whatever the hours are and then you would give the caller the ability to puch a button on the phone and reach into V.M., different voice mail. Each person who needed to have, who needed to messages taken would have a voice mail, can have a voice mail. This is the way to work after hours so that twenty-four hours a day, a message can be left for someone. One other good thing about this, this is your voice mail, all of this is for the same price, I'm going to go through all of the different ways this can be used. Say somebody leaves a message in somebody's mailbox and it's ten o'clock a night and it's an emergency situation they can be paged, you can decide if there is a reason to have someone with a pager if there is a reason to get this. These messages when they are left can be active from any

FRAN PHILLIPS ADDRESSES THE COUNCIL ON/PHONE SYSTEM VOICE MAIL.

phone anywhere in the world. And if you're on a cell phone, it's free. If you're at home and you want to check your messages at night and see what's going on you just pick up your phone at home you press in your code and you got your messages. You're on your cell phone which I do, I don't give out my cell phone number because it gets too expensive all I use my car phone for is to check my messages. And it's free. So you could be on voice mail twenty-four hours a day in your car and there is no charge to your telephone. So that's a good thing. That's one thing that can happen, here's the second thing that can happen. This is the school teaching coming in. The second thing that can happen is that say it's nine thirty and somebody calls and they want to speak with someone, somebody's here if they're here and they can get to the phone, they pick up the phone, and if somebody's say's I want to speak with so and so, they transfer them just like they do today. However is that person is unavailable, or out then the person who answers the phone here can say I'm sorry he's away from his desk right now would you like to reach his voice mail and leave a message. And it's offered in a friendly way, would you like to, if a person say's no I want you to take a message then obviously the person who answers the phone is going to take the message and as soon as they hang they're going to call the voice mail and say hey you got a call, this is the message. They'll don't have all those little pieces of paper floating around anymore. Ok that can happen, the other thing that can happen is that the person say's yea I want to reach the voice mail, here's this person who answer's the phone then immediately touches a button it goes into the voice mail and here's a person who say's hi this is so and so I'm away from my desk could you please leave a message and wherever that person is, anywhere that person can get that message twenty-four hours a day. If they want to stay up all night and pick up their messages. It's not going to ring or wake them up at home or anything, it simply means that if they want to pick up their messages they can at any time. So that's called a transfer situation, where the person calling in can be transferred into the voice mail. The third thing that can happen, that I think is rally neat, and it rally helps a lot when you're trying to communicate within your building, for say if you're wanting to tell somebody something and they don't to run down the hall to get them or they don't want to wait till they see them downtown or whatever. Each voice mail will have a number. Mine is 329-0104 so, each voice mail will have a private number and that number can be printed on a business card. And that mean this, that anytime anybody calls that number if you give it to people and of course in a company or in a situation like yourselves you would give each other, you would have a list of voice mail numbers. You know Saturday night and you got a idea and you got to tell somebody something just call their voice mail and you say hi this is so and so I just want to tell about this what do you think. Also you can send a message out to everybody at one time if you want. You can have a meeting on voice mail. And everybody gets the message at the same time. So, each voice mail will have a seven digit number that can be called and messages can be left. So, you're covered all the way around. A person can call in it's after hours or if no one answers they can leave a message by pressing a button and going into voice mail. If a person call in a somebody answers the phone they can be transferred into it if they so desire, the thing is you have a choice there. You may not want to go to voice mail, you don't have to and then the other thing is that each voice mail can be accessed individually so if you do give out your voice mail to someone, you're not going to burn up your cell phone time if you do have a cell phone, they're going to leave messages and a lot of time, it's a courteous thing to do. If you just have something that you want to tell somebody, by golly why drag them away from their desk or if their working with somebody why get them on the phone when you can just say hey Joe this is what the situation is get back to me when you can and that's it and I'm out of here. You see what I'm saying

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 6.

FRAN PHILLIPS ADDRESSES THE COUNCIL ON/PHONE SYSTEM VOICE MAIL.

and not having to be put on hold this type of things. So this is what this is Voice Tail voice mail is about. A lot of voice mail is in the training to be sure that the people are trained in such a way that they don't abuse it. The cost of this, it's not free, but it's not expensive. It costs almost half of what it did a few years ago. Anything in technology gets cheaper and so, it started out in Kentucky and in Indiana being right around 18.00 and that was three years ago actually. Now we have different levels of voice mail and the level of voice mail that holds ten messages at a time, which is all you really need, because if you let it build up to more than ten you haven't checked your messages then you're not really doing your job, and if people find out they say hey your not checking your messages. So each one of these voice mails say each person who has one is 8.95 a month and that includes free usage of your cell phone, that includes twenty-four a day messages, and uh, that's the only price. Now if a company or as a community adds on, say you started out with for example say ten voice mails and you add another, you just call and say we need another one, or you want to delete one, say somebody moved and you don't want that one anymore or whatever you just delete that one. So your're not charged for something that you aren't using. It's really important that you have control over that. So it's 8.95 per person on voice mail everybody's got a private number, there is a security on this from the office in Louisville that no one can get into your voice mail but you, every person has a code that nobody knows but yourself because you it, you make up your code and you can change it anytime you want to. You can change your code every hour if you want to, so nobody can get into it. It's important to know that, so nobody can get into it but you. You will be billed once a month or if you want quarterly, or however you want it, and uh, that's about it. So each voice mail, each person's voice mail is 8.95, and like I said you get your private number, you get your number that can be reached by anyone in the community who doesn't have your private number, they just call and punch a button and they can go into it. And then if a person answers live here they can transfer into your private voice mail. And that's what it's all about. So alot of companies and communities are going to this type of thing, I think my toughest client I ever presented before was Gram Cook of Holly Cookbook Stores and Gram is just, he was totally opposed to any kind of voice mail because he said you know I started this bookstore, my wife and I did, she was an English teacher, and I said wo was I, we got along a little bit better after that. The thing is that we started this to stay close to the community, we don't want to ever put a barrier there so that we can't be found and instead of putting a barrier, it made it possible to for people to say what they wanted to say many times, instead of being put on hold, or being told he was out of town, or call back, it's really kind of bought things together. So that's what it's all about. Are there any questions?

Clerk Treasurer Schafer stated I don't want voice mail on my system.

Ms. Phillips stated you know something Linda...

Clerk Treasurer Schafer stated and the Street and Sanitation Department does not want it either. So the way if feel if Mr. Coleman and the Council wants voice mail they should have to pay for it out of their own pocket.

Ms. Phillips stated what you're saying I can respect that 100 percent. Do you have a private number?

Clerk Treasurer Schafer stated yes I do.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 7.

FRAN PHILLIPS ADDRESSES THE COUNCIL ON/PHONE SYSTEM VOICE MAIL.

Ms. Phillips stated ok.

Clerk Treasurer Schafer stated yes I do, any resident that wants to talk to me they can talk to me.

Ms. Phillips stated but not twenty-four hours a day.

Clerk Treasurer Schafer stated if they want to call me at home they can talk to me at home.

Ms. Phillips stated what I was going to say, the only thing that is, as far as your's if you did have it it's going to benefit you.

Clerk Treasurer Schafer stated but the public number we answer also.

Ms. Phillips stated sure.

Clerk Treasurer Schafer stated the Street and Sanitation Superintendent has voiced his opinion and he does not want it either.

Council Member Alexander stated that's, the only thing I would like to say is I think Mrs. Barton brought up a good point, I mean I have three numbers, I don't know which one you called and I'm terribly sorry I didn't return your call unless you called my home, but there is two Kenneth Alexander's in town and you may have call the...

Ms. Barton stated do you live down here on Utica Street?

Council Member Alexander stated yes.

Ms. Barton stated that's the one I called. And back a couple of years ago I called that number and there was a kids voice that answered then.

Council Member Alexander stated right, I haven't trained my seven year old to take messages yet, I have worked on him.

Ms. Barton stated you didn't return my call then and you didn't return...

Council Member Alexander stated I mean you can understand a seven year old and I apologize but with a system like this, the best part is I don't know how the rest of the council feels but home phone numbers and I mean being in the Street and Sanitation I take phone call and it would really be nice to be a Council Member, being close to the community, not having them in my home on a evening...

Resident stated what is wrong with a recorder?

Resident stated I use that myself.

Council Member Alexander stated right, but I've been called at one o'clock in the morning and at three o'clock and I got calls on Christmas Day.

Ms. Phillips stated a good thing about this too is this is not something you're buying and we carry the insurance on it. And if it is not working for you they can just get rid of it.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 8.

FRAN PHILLIPS ADDRESSES THE COUNCIL ON/PHONE SYSTEM VOICE MAIL.

I told you about the Chamber of Commerce they changed some and added some and it took a while to fine tune it, to get it exactly right. One thing about voice mail you can be 100 percent sure that if you leave a message in voice mail they got it, so if, there's just no doubt about it.

Ms. Barton stated voice mail serves a purpose when it is needed that's true, but I for one get so tired of calling places and you go through one, two, three steps, finally you get into a voice mail.

Ms. Phillips stated I understand.

Ms. Barton stated by the time you get into voice mail you're ready to say what...

Ms. Phillips stated I forgot to mention this, any time like if it's during the regular office hours also if you press zero you, if they didn't answer that phone on the third or fourth ring, and you got voice mail it will say at the end if you wish to go live press zero, it'll ring back, so somebody's here they couldn't catch it right then they have the opportunity to go back, they're not lost in it. The only time you wouldn't be able to reach somebody live is if the office was closed. So if that's the situation but it's something for you to discuss, I'll tell you the first time somebody explained it to me which was my boss who can put together a system and take it apart he had me like what are you talking about, so I hope that this helps a little bit in, nothing changes, not anything to buy, no phones will change. This will work with phones from back in the seventies even...

Council Member Fenner stated there isn't any kind of initial start up fee or installation fee, nothing at all, and it will work on the phones we have.

Ms. Phillips stated yes it will, now if you bought like 20,000.00 worth of equipment and you would have to upgrade and do this and that, but we've got a room about this size full of all of that equipment and we keep adding on.

President Eddings stated ok Thank You very much.

Ms. Phillips stated Thank You very much I really appreciate your time. I'm going to let you all finish your meeting and I'm going to go and check on the kids.

President Eddings stated ok Mrs. Pixley or Mrs. Diefenbach do you have anything tonight? Cracker Barrel and the Harrison Group do you have anything tonight?

Mr. Stewart stated do you want to start?

COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/HARRISON GROUP.

Council Member Alexander stated I'll start and let you finish. We met with the Harrison Group and the contractor today, with the road for the new Cracker Barrel it has been swapped.

Ms. Pixley stated could you turn that around please?

Council Member Alexander stated sure can, is that better?

Mrs. Pixley stated sure.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 9.

Council Member Alexander started anyway just to make it simple the road that uh that has been swapped with the change is coming through they've requested with the heavy machinery and the heavy construction and the culvert to have a temporary road closure for 90 days so that they can get everything done. This is how the new road will be the utilities will be going on the inside and it won't be dangerous with the heavy equipment and so forth and so on. So basically they're asking for on what the procedure would be on as far as publication. They're wanting a 90 day closure to get construction part.

President Eddings stated which road are we talking about?

Council Member Alexander stated well the opening will be...

President Eddings stated come up South New Albany Street.

Council Member Alexander stated yeah, it comes through...

Mr. Stewart stated see where that opening is...

President Eddings stated no, we're talking about Triangle Drive.

Council Member Alexander stated Triangle Drive.

Attorney McCall stated as far as the project all we have to do is just notify the, just post it, that the street will be closed for construction by the town councilmen. And just set the time period, 90 days, 120 days whatever you want to do, or just for a period of 90 days. Nobody is going to turn into a barricade for something like that.

Mr. Stewart stated this will be left open so there will be full access to Dairy Queen and the insurance company and where the street is now is actually Cracker Barrel property. It's their property so.

Attorney McCall stated right.

Mr. Stewart stated construction can began at their property line so there will no impact in the business.

President Eddings stated right, would anybody like to make that motion?

Council Member Alexander stated I'll make a motion that we close Triangle Drive for a 90 period beginning, should we give a two day notice? Is Thursday ok?

Harrison Group stated we can handle that.

Council Member Alexander stated ok, closure commencing Thursday of this week.

President Eddings stated would you amend it to checking with the school.

Council Member Alexander stated oh yea, also with the ok with the school buses.

President Eddings stated there has been a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any further discussion? If not all those in

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 10.

favor signify by saying I, opposed nay, I's have it. Has Dairy Queen and State Farm, are they notified of this?

Clerk Treasurer Schafer stated no.

Council Member Alexander stated yes.

Mr. Stewart stated yes and they are agreeable to the situation.

President Eddings stated Mr. Kinder.

Chief Kinder stated nothing.

President Eddings stated all right.

Council Member Alexander stated can we go ahead and do Mr. Welch? I forgot to bring him up.

President Eddings stated yea, go ahead.

Council Member Alexander stated Steve do you want to go ahead and...

MR. STEVE WELCH ADDRESSES THE COUNCIL ON/THE PIPES IN FRONT OF OUR PROPERTY.

Mr. Welch stated I suppose you gentleman know about this, when they were putting the pipes in front of our property they wound up all the way over here in our yard. It's quite a bit of mess and anyway I've given a proposal to Mr. McCall to see what we need to get done to pacify us to get this resolved.

Attorney McCall stated I have some, I got a telephone call and uh from Mr. Welch I think last week, called me early in the week and uh to let me know some problems he was having with his property and I told him there was nothing really I could do for him but that in order he could address his concerns to put it in writing and uh I would present it to the council um and to see if there could be any middle ground reached. He then brought this letter to me last week along with the photos of the area. It's apparent that uh Mr. Welch again I don't know the whole story tht's the reason I thought it was best to be brought up in this form that he was concerned about a tree also the fact that they had encroached, or they allegedly upon his property and I think also significant in his letter that they were promised the fill dirt that was removed from that area which they believe was sold uh and they were entitled to receive that. He requested that the town council, or the town compensate him in the amount of \$3000.00 for the use of his property, the dirt and including the dirt, I believe that doesn't include that amount. Right?

Mr. Welch stated excuse me.

Attorney McCall stated the 3000.00 doesn't include the top soil or the...

Mr. Welch stated it does.

Attorney McCall stated it does.

Mr. Welch stated basically what they did was they promised they would not get into our yard, they went all the way up the middle of our yard.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 11.

Attorney McCall stated and then...

Mr. Welch stated they promised us we could have the dirt, because of the erosion we had because of the flooding we could have our own dirt, we didn't get that. We asked what happened to it and they said oh we've done sold that.

Attorney McCall stated I understand.

Mr. Welch stated you sold our dirt.

Attorney McCall stated and then his concern over a tree which may likely be destroyed \$475.00. Mr. Welch in order not to proceed forward with an attorney I think is what his comments were to take that amount of money. Uh I haven't had a chance to talk with John about it in any detail, I got a call from him one late afternoon about a hole and the fact they need to fill it. My suggestion to him was to fill the hole. Because I thought the potential for liability if someone fell in that hole, that it being open was much greater than that had been alleged at this point. So I haven't talked with John in detail. Secondly as far as the value of what Mr. Welch has indicated has occurred, I don't know if that is a correct figure for if that's an appropriated figure. I think that we need to have some type of appraisal from John to see what the value would be of that particular property and if in fact the tree damaged etc. I don't think you're in a position since this could be quote, unquote potential litigation, maybe you would need to table any type of request today, consider it in your next executive session to discuss all the potential options and uh I would purpose you put it on your agenda program for the next session unless somebody is wanting to discuss it in detail today. I'm not in a position to do that.

Mr. Welch stated excuse me, in defense of the tree, it was just put in last year, last summer, and that was the cost of the tree. That was the cost of the tree, I hope and pray the tree is not ruined but, it is, the leaves are wilting. It does appear there is some sort of damage there to the tree. Uh, also again they went way up into our yard, I've been dealing with all this mud and mess for what a month now and everything and I just want to as amicable as possible resolve this as quickly as possible and not go to litigation and all that.

Council Member Alexander stated Steve, all I want to say is that I mean as far as the tree goes I mean if we're probably not going to know for five months like I said but I mean as far as the tree goes I don't think there's any problem as far if there was any damage done to the tree in my position. As far as the rest I think, just out of respect to the council we need to give them the time to go down observe and uh...

Mr. Welch stated I forgot to mention they did move our surveying pens, they moved our cornerstone, actually burst it into about five different pieces with this great big earth mover thing. Uh, they not only moved it, they managed to destroy it. When I said could you please put my cornerstone back they said we accidentally destroyed it. I said well who's fault was this?

Attorney McCall stated I understand, the next question is that I have again, I'm getting into more, but none the less, is who, number one, is the responsible for it, is the town responsible for it or was it a town project, independent contractors.

Council Member Alexander stated independent contractors.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 12.

Attorney McCall stated independent contractors, I think there's some focus on the contractors that we, uh even though the town was doing the project, the independent contractor may have some portion of any possible liability in it comes up on you all. Contacting the independent contractor not only with these concerns, but Mr. Welch with the concerns the town has if that work was done in that particular manner if it was done in any inappropriate fashion at all. Secondly there's an indication to this letter that there were several verbal promises made, I don't know who made the promises, I don't know who indicated...

Mr. Welch stated Mr. Toombs.

Attorney McCall stated ok Mr. Toombs has made, but I have yet been able to confirm with him the extent of what his operating....

Mr. Welch stated sure, when I raised these concerns with Mr. Toombs he immediately said your problems with the town, they hired us. I said excuse me you are the one doing the damage here and it was he was trying to pass the buck. And I certainly hope we don't go through any of this rig a monroe like they did it so you'll have to go through them then Mr. Toombs said well the town hired us and you have to go after them. I'm sure you know you didn't hire them to be Larry, Moe and Curly construction company. And so far that's what it appears we've got. Everything they've promised they've come through on, when I called their hand on it said what about this, what about that, oh gosh we're sure sorry with their shoulder struging and this sort of thing. And frankly gentleman I'm not sure what we're dealing with. But you all have the power withing you to resolve it and that's what we've asked you to do.

Attorney McCall stated and I, that may be the case Mr. Welch, and again we talked for what fifteen minutes about this and again I wasn't in a position to address any of that subject and I'm in the same position today. And if there is, if the town is ultimately responsible for this then so be it and they will address it at that particular point, but if there is someone else that should put their carrier on notice, their insurance carrier to pay for damage that's been done to your property inappropriately or your tree or what ever else they done, or what you allege in this letter, then they should be responsible for it. And if we can get all those people to come to the responsibility and we would have to determine what we were going to do.

Mr. Welch stated right.

Attorney McCall stated as concerns you number one and as it concerns this particular contract.

Mr. Welch stated right and another thing uh, of all these problems they said they would, that the one receptacle would not be in our yard, part of it is. They said there would be one and one only and we've got another one on the side of our driveway so there is actually two. Now the second one the biggest part of it in on the location. I don't have a whole lot of qualms with that they did say there was only going to be one receptacle and now there's two. But definitely this one's that in our yard nobody told us that, that was going to happen. In other words they promised us just the opposite it would not be there and it would not be all the way over into the Papular tree and to the sidewalk and all this. Somebody really fouled up and when they dug their map out all they said was you have our humble apologies. And that's just about the overall.

Council Member Alexander stated I'll make a motion we go ahead table and give the council time to observe the...

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 13.

President Eddings stated motion made, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any further discussion?

Attorney McCall stated just that I will start on it.

Council Member Fenner stated Perry, would you make a copy of that letter that he has presented to you,

Attorney McCall stated sure.

Council Member Fenner stated this is the first I heard about it. I've been back there several and at Mrs. Barton's and the whole area and I didn't realize any of this existed.

Mr. Welch stated in defense of Mrs. Barton she is absolutely correct holes have been left open where a child can fall right in them. I had to ask them one day there was huge hole from them, the day before we had our conversation and I had to ask them to put a petition or cardamom this off. They said we could put some cones around, I said sir, if someone falls in this they may never get out and they said well, and they did cardamom it off. So she is correct in that regard, they leave them holes open, well you saw one I know in front of Cathy Eckert's house, there's a hole there with just a few cones around it. She has children, gentlemen this is not right. It absolutely isn't. Thank you for your consideration.

Council Member Alexander stated Thank You Steve.

President Eddings stated Thank You.

Attorney McCall stated there's a motion on the floor did you have a second?

President Eddings stated we have had a second, all those in favor signify by saying I, opposed nay, I's have it. EMC.

EMC/KENDALL COLEMAN ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE REPORT.

Mr. Coleman stated the first report I have is the Water and Sewer revenue report for the period of April 13 through April 24th. Total amount collected for that period was \$65,116.98. I would like to point out at the very bottom the date that \$65,927.90 the girls in the office accidentally left the date from the previous period you'll see it was 4-6-98 through 4-10-98, it should be 4-13 through 4-24. The next item we got is monthly operations report for the month of March. Once again as you read through those after the meeting at your leisure if you have any questions, like to see any changes or additional information just let me know. Next item I have back on June 9, 1998 the board approved the purchase of 5/8 water meters with remote controls I made the purchase of 200 meters and what I have is a request for approval for the board to purchase 10 made the purchase of 200 meters and what I have is a request for approval for the board to purchase 10 meters. The approval was at 64.00 each, these meters were purchased at 62.46 in the amount of 624.60.

President Eddings stated I'll entertain a motion that we pay for the new meters.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 14.

Vice-President Broady stated I'll make that motion.

President Eddings stated motion made by Dave, do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated second by Ken, any discussion, if not all those in favor signify by saying I, opposed nay, I's have it.

Mr. Coleman stated the last item I have is at the last board meeting the request was made for your consideration to purchase a new mower to replace the mower that is currently being used by the water utilities in the amount of 3800.00 and did you have time to review it? Any thoughts, oppinions, would you like me to proceed, or continue using the mower presently have?

President Eddings stated the mower that you got the quote on is still available?

Mr. Coleman stated the last word we had was yes, it had not been sold as of last week and the reason you're getting such a good trade in, the mower we have now is in good condition. It is, it has a lot of age on it, a lot of hours. It might last another five years we don't know. According to both dealers the trade in value is going to continue to go down now with the amount of age it has on it. You're getting a good trade in.

Like I said the mower it's not the best condition, the mower is 12 years old and has 850 hours on it we still will be spending some maintenance repair on it year after year. We know right now next year we're going to be spending about 1000.00 next year.

President Eddings stated would anyone like to make a motion one way or the other?

Council Member Alexander stated I make the motion that we purchase the lawn mower.

President Eddings stated motion made to approve, do I have a second?

Council Member Voyles stated I'll second that.

President Eddings stated second by Bill, any more discussion?

Council Member Voyles stated what kind of warranty do you get on the new mower?

Mr. Coleman stated I didn't, standard warranty, I mean, I'm sure parts and labor for the first year at least.

Vice-President Broady stated you said the mower has how many hours? 850.

Mr. Coleman stated 850.

Vice-President Broady stated which one is it?

Mr. Coleman stated the cub cadet, Ronnie done a good job of taking care of it. Ronnie's the one who uses it all the time, Ronnie has done a good job of taking vare of it. Ronnie's the one that has asked me to make the request. Ronnie thinks it's a good deal.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 15.

President Eddings stated any other discussion?

Attorney McCall stated the only other thing, thinking about the contract you have, which deals with yearly maintenance on that, on this particular mower you're going to be buying a new mower at your expense as requested which maybe a good thing. Probably is a good thing, but your're not, you would be getting the expenses for the mower you now have by EMC over the long haul. So, my point being under the contract the value to you advantage of paying ther mower off, you might want to think about that. And again, that's just the was the contract's donw. And I'm not trying to put a kink in it or...

Mr. Coleman stated we're the one's responsible for the maintenance and repair bill that's our cost.

Council Member Alexander stated at the end of the year, though on maintenance what was the return on that? Was that, that full recovery or...

Mr. Coleman stated electric is 75. Any amount that is extended less than the annual 63,000.00 goes back to the town.

Council Member Alexander stated it's 100 percent.

Mr. Coleman stated anything that is extended over is our cost.

Council Member Alexander stated right, so basically I mean, they spend a 1000.00 they're still spending 1000.00 you're not going to receive that 1000.00 at the end of the year. So you're still spending it.

Mr. Coleman stated it's in our contract it's your money, if we go over that we pay for it out of our pocket. We go under that makes it reverse back to the town.

President Eddings stated how'd we do last year?

Mr. Coleman last year I think it was close. This year it's going to be way over.

Council Member Alexander stated I think the first year we was the only year we received money back. Last year I think we cost EMC.

Mr. Coleman stated this is for the contract period we up to 145,550.00. That's money's that's been spent on the towns equipment. The town's materials which under contract they say we will pay for if it keeps. Right now it looks like it's going to trim pretty close. I'll be lucky the rest of the year to meet budget. I'm looking at probably at the end of the year to be 100000.00 to 15000.00 over.

President Eddings stated ok the motion has been made and discussed, all those in favor signify by saying I, opposed nay, I's have it.

Mr. Coleman stated last meeting a question was asked on contracting that out and at the minimum we're looking at 300.00 a cutting. Right now we do it two to three times a month so that's 600.00 a month just on mowing alone from say mid March to...

Council Member Alexander stated will that be used for the water and sewer?

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 16.

Mr. Coleman stated yes.

Council Member Alexander stated do we want that divided out into both, or does it matter.

Mr. Coleman stated I'm not going to tell you that you know we're going to use it between utilities, but there are times that the cub is used for the sewer.

President Eddings stated ok do we have a report from the Building Commissioner?

BUILDING COMMISSIONER/BOB STEWART ADDRESSES THE COUNCIL ON/CRACKER BARREL.

Mr. Stewart stated just Cracker Barrel is slated to open September 21st and I want to see you people there to cut the ribbon.

President Eddings stated Mr. Broady.

VICE-PRESIDENT BROADY ADDRESSES THE COUNCIL ON/INSURANCE.

Vice-President Broady stated yes, one thing on the insurance, uh concerning the insurance, I want to keep the insurance we have uh, talking with, we have had some dissatisfaction with the agent of record uh I know I, our problems with uh the way he presented uh to do this, and I'd like to address the town council and have our agent of record changed to someone else.

President Eddings stated would you like to put that into a motion?

Vice-President Broady stated yea, I'll make a motion to change our agent of record to Mr. Joe Olson.

President Eddings stated motion on the floor to change the agent of record, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion?

Vice-President Broady stated yea, we just talked to him about renewing our insurance, and Linda you correct me if I'm wrong. if we had a claim pending, prior to the expiration date and they held up the claim saying that they couldn't pay the claim unless we renewed, which is a little you know. And I felt like we were being...

Council Member Fenner stated the agent held it or the company held it?

Vice-President Broady stated the agent told us that.

Mr. Welch stated that's against insurance law, that's what I do for a living, that's against insurance law, whether they renew it or not, it has no bearing on whatever company it is.

Vice-President Broady stated that's exactly what I was told.

Mr. Welch stated I'm with him, I know Joe Olson and I would go with him.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 17.

President Eddings stated are you sure that he did this?

Vice-President Broady stated this is what Linda, I know this is what uh, well I can't remember what the employees name was...

Clerk Treasurer Schafer stated Mr. Lotich told me that if there were any between the time that the council was reviewing um, that the insurance had the right no to pay any of those claims.

Mr. Welch stated that's absolutely false.

Clerk Treasurer Schafer stated but they said they were holding our bills and until I sent a faxed renewal.

Mr. Welch stated that's absolutely false.

Council Member Alexander stated Mr. Olson was the one that came in and from...

Vice-President Broady stated yea.

President Eddings stated yes.

Clerk Treasurer Schafer stated he was from...

Vice-President Broady stated he is with the Jeff and the other counties and a bunch of others and I did check with him on the particular insurance. He did not recommend changing insurance also. He couldn't the price on the insurance we have now, he couldn't, he was being honest about it. If you've got something good don't change it.

Mr. Welch stated he's an honest agent.

Council Member Alexander stated so basically no extra money from...

Clerk Treasurer Schafer stated here's the...

Vice-President Broady stated no, so you just change agents of record.

Attorney McCall stated I didn't know about it, and I think you could probably strighten that away, squared it away right off the bat if we...

Vice-President Broady stated yea, we had somethings pending and I think I called you all on a telephone conference here.

Clerk Treasurer Schafer stated so our insurance bill was held, I just got it for April 1st.

Attorney McCall stated well, I mean he tried to use it, and again, I'm not saying that it was or not, coz I know nothing about the facts. I'm just, if the agent used leverage to get the renewal that's in appropriate and it's, it's even blatant that it would be appropriate to take that kind of action.

Council Member Fenner stated did that come from the agent or from the company itself?

Attorney McCall stated whoever it came from...

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 18.

Council Member Fenner stated we just renewed with this company and if it was the company that was saying that, then I'm not real comfortable with the company.

Clerk Treasurer Schafer stated that was Mr. Lotich that was doing that.

Attorney McCall stated I would say it wouldn't be the company.

Mr. Welch stated I'd would be willing to bet it would not be the company.

Vice-President Broady stated I'd be willing to bet it's not the company it would have to be..

Mr. Welch stated the company would never sanction anything like that.

Mr. Fenner stated I would think not, but before we make a decision, I mean I'd like to know for sure.

Attorney McCall stated I suggest that we not make alligations that go beyond what we know to be. If it was done and we believe it was in appropriate, the motions on the floor and I suggest that you go ahead and do that, that'll be it today other discussion about this matter can be taken up.

President Eddings stated is that something we need to do tonight.

Vice-President Broady stated no, I mean your insurance is secure it's just a matter of, like buying BP gas, you're going to switch from Jim to his neighbor down the street.

Council Member Alexander stated right, he could..

Vice-President Broady stated it's still the same gas.

Clerk Treasurer Schafer stated yea, but he could go up...

Council Member Alexander stated yes it's Derby.

President Eddings stated if not all those in favor of switching insurance of record. to Mr. Olson signify by saying I, agent of record that's what I meant signify by saying I, opposed nay, I's have it.

Clerk Treasurer Schafer stated is that 4 to 0, 5

Council Member Fenner stated no, I didn't vote.

Attorney McCall stated 3 to 2 abstained.

Clerk Treasurer Schafer stated Gary abstained.

President Eddings stated no, 3 to 1, no try 4 to 0.

Clerk Treasurer Schafer stated ok there you go 4 to 0.

President Eddings stated anything else Dave.

Vice-President Broady stated no.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 19.

President Eddings stated Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL ON/THE POOL.

Council Member Fenner stated I just, a report that we are working on the pool, it's been halfway painted and uh, other repairs and maintenance being done on it. We have also hired all our personal for the summer and we're gearing up, hopefully alot better weather this year, than we did last year. We've also been working on the Koréan War Veterans in conjunction with Wilkerson Park and they have done some improvements and we've done some improvements as well and we hope to have the dedication of the monument on the 4th of Jyly parade. And so we hope the place is going to be looking pretty good by then. That's it.

President Eddings stated Mr. Voyles.

COUNCIL MEMBER WILLIAM VOYLES ADDRESSES THE COUNCIL ON/GARBAGE PICK-UP.

Council Member Voyles stated uh, we tabled something on the garbage pick-up on the 6 plex on down and I think it's a, we tabled and tabled it long enough for a year and we need to do something tonight. I think if we have a gentleman that has a 6 plex on a single piece of property, has one building uh, I think that it don't matter how many garbage cans if a regular home has 4 you could have four, like myself I'm supposed to have 4 and I never use but one. I don't even own four. I have my own thoughts and I think...

Council Member Alexander stated the one's that contain single water meters 8 units must...

Attorney McCall stated ok 8 units.

Council Member Alexander stated right.

Attorney McCall stated 8 units, single meters.

Council Member Alexander stated right.

Attorney McCall stated 8 units, must contain single water meters.

Council Member Alexander stated right, single water meters, the charge should remain the same and the limit on the cans should be 2 per dwelling or unit.

Attorney McCall stated I'll have to up date unit...

President Eddings stated also if that, that 8 units on one building sight.

Council Member Alexander stated 8 units per parcel, don't call them units or you'll pick up a apartment complex per parcel.

President Eddings stated right.

Attorney McCall stated 8 units per parcel.

President Eddings stated other than the 2, you're saying 2 can restrication instead of 4.

SELLERSBURG TOWN COUNCIL
REGUALR MEETNG
April 27, 1998
Page 20.

Council Member Alexander stated most apartments 2 cans would be appropriate one can is actually...

Mr. Long stated really thats not fair but I'm not going to complain coz I've only got one person in each apartment I knowthere's not gonna, like me I only put out 1, I've only one can.

Council Member Alexander stated right.

Mr. Long stated I only put out 1 can a week.

Council Member Alexander stated right.

Mr. Lonlg stated the only time you should have more than that is when someone moves in or out and has a surplus of boxes and stuff like that.

Council Member Alexander stated right.

Council Member Fenner stated is that going to effect our existing guidelines in the existing apartments that we pick up for if you say this 8 units on one parcel?

Council Member Alexander stated as long as they can follow and have the single so that billing doesn't become a nightmare and they can I mean that's basically.

President Eddings stated that's been the problem all along is the billing.

Council Member Fenner stated the billing would be a nightmare, the amount...

Mr. Long stated you've billed me all along, so...

Council Member Alexander stated they will also need to be responsible for because of going on the residential uh going to the single cans will probably put them into the recycling program. I don't, do you get billed for the recycling? Coz I know thats coming soon to our neighborhood but.

President Eddings stated ok, everything we did tonight can we go ahead and put that into effect?

Council Member Alexander stated it need to be put into ordiance.

Attorney McCall stated I would let me put that into an amendment to the ordiance that we now have in place and you can take it up on the next meeting and have a chance to review um a week prior to so if there are any changes so on. Like Bill says its been going on and you all can make those prior next meeting and you can come to vote that next meeting.

Council Member Alexander stated right, that wouldn't include yard waste, I think yard waste is a separate.

Council Member Voyles stated right.

Council Member Alexander stated right, still you want to be specific.

Attorney McCall stated ok I'll do it.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 13, 1998
Page 25.

President Eddings stated sit down and draw something up. Alright Perry

Attorney McCall stated yea, let's see, for these people that have been waiting for some time, then the solid waste. Again, I was gone the 23rd, from my understanding at the taht meeting, Mr. Mongold, or a represeantive for Mr. Mongold was present and had agreed to change the agreement of understanding uh there will be a fence on top of the burm. Now I don't know if that is the correct change, but the ifrst time I had the agreement that's wha it said and Mr. Mongold wrote back and said he would agree to that and I wrote back and sid he would agree to that and I wrote back and changed it. So now, in, for them to consider it I need to know the understanding between them and the Town Council and the residents at, that last time and Mr. Mongold.

President Eddings stated all three agreed that the fence should go on top of the burm.

Attorney McCall stated not, the 4ft. fence be on the 4 ft. earth and 4 ft. burm. Is that correct.

Mrs. Imhoff stated yes.

Attorney McCall stated ok, I'll make that change and you're to sign it, the document as contained is that right.

President Eddings stated that's true.

Attorney McCall stated all right, I'll submit that to you the agreement to you, the agreement of understanding, uh, that's acceptable.

President Eddings stated I'll make a motion to, or I'll entertain a motion to sign the agreement of understanding.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill, do I have a second?

Mrs. Imhoff stated could it stated that Mr. Mongold will take care of the fence and is that a wood fence.

Attorney McCall stated what I've got here is a solid wood fence, it's gonna be on the 4 ft. burm, and the planting of the 6 ft. pine trees, I don't have anything that says' he' going to maintain it.

President Eddings stated he said if it was on his property they would maintain it.

Resident stated I bet he don't.

President Eddings stated there's a guy sitting right in front of you that can fine him if he don't. Ok motion made by Bill, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any further discussion? If not, all those in favor signify by saying I, opposed nay, I's have it.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 21.

President Eddings stated can we go ahead and start it even though we haven't got an ordinance.

Council Member Alexander stated I know in some instances that were 3 plexes picking up that we think are duplexes we will expedite it as fast as we can.

Council Member Voyles stated that's all I have.

President Eddings stated ok Mr. McCall.

ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/MONGOLD PROJECT.

Attorney McCall stated uh I don't really have a lot uh I'm going to give you this agreement of understanding with the changes and I, hopefully you know those people that we here better than myself and just...

Clerk Treasurer Schafer stated What's that?

Attorney McCall stated that's the one that the Town Council agreed to Mongold Project we had to confirm, just give them a copy.

Clerk Treasurer Schafer stated ok yea.

Attorney McCall stated I made the changes, I would appreciate that you can have those, those are yours.

Clerk Treasurer Schafer stated I'll give these to Trunette.

Attorney McCall stated and the only thing other, really the only other thing I have is a bill from uh pardon...

Vice-President Broady stated did we ever get that settled.

Attorney McCall stated nope.

Vice-President Broady stated Linda have it.

Attorney McCall stated I haven't seen it I...

Vice-President Broady stated the contract change we were going to sign it and give him a copy.

Clerk Treasurer stated we already did.

President Eddings stated along time ago.

Clerk Treasurer Schafer stated we did that along, long time ago he's already got his money.

Attorney McCall stated he's got his money.

Vice-President Broady stated I thought he never did get a signed contract.

Clerk Treasurer Schafer stated yea, that's all taken care of...

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 22.

President Eddings stated We paid him I think.

Clerk Treasurer Schafer stated uh about two months ago Dave.

President Eddings stated where you been, is there any other old business you want to bring up.

Attorney McCall stated I got a claim on from Hackman, McClarey and Hulett and Cracraft for services rendered in March 1998 in the amount of 1751. The itemizations are attached here if you would like to take a look on behalf of the town for the rate increase.

Council Member Fenner stated you've reviewed it Perry.

Attorney McCall stated yea it's itemization for the work they have done. They don't have Mr. Dickey they have Michael Craycraft who partner. But it's an appropriate bill.

President Eddings stated I'll entertain a motion to pay the bill to Hackman, McClarey, Hulett and Cracraft.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion? If not all those in favor signify by saying I opposed nay, I's have it. Do we need a voucher.

Clerk Treasurer Schafer stated it should be a blue voucher, its a water liability is due to the water bond.

President Eddings stated do you just sign here.

Clerk Treasurer Schafer stated yea, just sign on that and I'll handle it.

Attorney McCall stated what I need from you guys is the original you can have that back I just haven't made the copy insert and excerpts yet.

President Eddings stated it's got to be signed by everybody.

Clerk Treasurer Schafer stated no one signed this, oh yea its all signed.

Attorney McCall stated it's for your records. Uh two things one for information, I talked with John and he's going to get the uh mixture 202 meeting is about ready just for your information. Hopefully by the next meeting you will have in front of you a resolution to adopt fiscal plan and fiscal plans can be reviewed at that point and we can go to the annexation next. That should be ready. We still need to get in John has indicated he asked me to send this to him the other day the letter we have an extension but we are running close and I'll have that hopefully together with him by the next meeting and lastely EMC. You want me to bring it up?

President Eddings stated the contract?

Attorney McCall stated yea.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 23.

President Eddings stated yea, I was gonna do it, but you can go ahead.

Attorney McCall stated uh as of May, and I'm sure you probably know that the contract that we currently have with EMC is going to expire on August 1st actually July 31st, 1998, uh you're contract called, the town's right, as you recall and I don't know if Gary was here at the particular point, we had to structure the contract, in order to meet certain bond ordinances that had been in place, had to have certain periods of extension, couldn't before five periods. It had to be either shorter, different. You have in this particular contract the option to extend for this agreement for two, one year periods of time under the same conditions that are in the original contract. No changes to that. However as you might recall that you have to give notice, 120 days prior to. I don't think that's a major problem uh that you had to comply because a contract is always a two way street and a person can negotiate time frames and I don't think EMC has put you on the spot getting you to extend. So I think you're still within that period that time period if you go ahead and do this. Also you can note under this particular contract you have the right to cancel that after three years. So is at your option. EMC has requested uh, the town's intent as to whether or not they are going to extend the EMC contract for a period of one year which would begin on August 1, 1998. And it would be appropriate for the town since we're into the summer months to indicate that intent. I don't necessarily believe that you have to execute a new contract today, but you put them on notice of your intent pursuant of what the town council is to do there. So I would suggest that you do that. So I would suggest that you consider this tonight to extend if your going uh terminate.

President Eddings stated we can extend for a one year period of time. We can do that twice.

Attorney McCall stated yes.

President Eddings stated according to our contract.

Attorney McCall stated in your present contract under the same terms and conditions.

President Eddings stated of that contract.

Attorney McCall stated of that first contract that you've entered into. No changes.

Council Member Alexander stated approving it tonight doesn't make it consecutive or automatic approval for the second year.

President Eddings stated no.

Attorney McCall stated yes, no, you'll still have to make it, you still have to come back in 1999, July 31 before that time and agree to do it again if you were going to go one more year.

President Eddings stated all right, or renegotiate the contract, a new contract.

Attorney McCall stated or go with a new contract.

President Eddings stated or a new management company.

Attorney McCall stated or a new management company.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 24.

Vice-President Broady stated Mr. President I'd like to see us go with the one for a year and then in that time period hire a independant accounting group or what ever possibility with a independant accountant possibly or whatever the town board may desire that to look at and see what kind of job they're doing and uh prove to us and them one way or the other how they're doing.

President Eddings stated you're talking about some cost.

Council Member Alexander stated well, I mean as far as the accounting goes, though really there's it depends on how you want to read this, I really don't think independant person is going to be able to actually going back, I mean they're going to say you signed a contract for X amount of dollars. yes they met those requirements. But as far as the out of scopes, why they were spent, how they were spent, I mean that's basically gonna be an inturperation of who is reading it and whos looking at it. I don't think its going to give concret evidence either way. As far as ability of EMC tne only avenue that I see that could you could actually get a logical conclusion would be have someone hired go through the two plans and actually see if the works been accomplished, how they're running where we're at. Uh I think on a more of a inspection type. Yes your plan is in very good shape half way shape, not in any shape at all would be the only actual guage as far as good job or bad job. Because I mean the money's there it's a contract, it's says you can't go over this amount every-thing above that amount we're, as a council we are spending either through their recommendation or on our own.

Attorney McCall stated I think you can rely on I mean asking EMC I'm not trying to put a lot of work on Kendall, but I think they have alot of data that they could supply to the town council and justify what ever their numbers are one way or the other, they can provide that to you. No necessarily having to get an outside, you know I don't want to say accounting firm. I don't know accounting would be the right word it would be more of an efficiency type to determine efficiency and savings to the town.

Council Member Alexander stated right.

Attorney McCall stated over previous years if there is any uh I believe there is but you still need to,

Council Member Alexander stated even in a savings catagory I mean we all talk about hey I hope we save a whole lot of money but it still goes back to the amount of out of scopes, emergency repairs, the unexpected I mean its a full picture that you have to thoroughly understand or it's basically interpretation. I know there is uh, uh, I mean thats why there is always been such a uh agreement or disagreement as far as what their doing. It's basically interpretation. I really don't believe that an outside firm that is gonna spend one week to one month is going to give us more information than we already know as far as our interpretation of the quality of job and I think that's the most important point whether we've saved money, spent the same money, spent a little more money, ok. It's the quality of job. As far as which direction the two utilities are going and uh the efficiency of them uh that these council members are going to be responsible for making the decision.

Attorney McCall stated that I guess my question is how do you do that.

Council Member Alexander stated I don't think there is a way I think the only way you can do it as a council member go visit the plant, walk through it, have a tour, see whats going on. Every month they give me a maintenance report as far as where our money, how the contract is going, you know you can

Steve Welch stated Can I say something here. One thing you cannot dispute, we've lost control over the company. The town is not controlling this like it was.

Mrs. Pixley stated Kenny I'll agree with you, the council ought to go through, but they ought to get the independant and outside type to go through with them and let them see it.

Steve Welch stated like a consultation team.

Mrs. Pixley stated yes, yes I really believe.

Councilman Alexander stated I don't think there would be a problem with that. Because I mean I do, I've been visiting the plant as much as I did in the past and uh,uh, my understanding is it's definatley upgraded from the first day I walked in here and you know the type we're doing here is the type I would never whether it was EMC or someone else, I'm very comfortable with EMC as far as a relationship with the town. And I would never go back to the old system because we have more control whether it's very difficult and it's very time consuming.

Mrs. Pixley stated But it's costing us.

Councilman Alexander stated ok But I will say that me position has changed on one aspect and I believe one hundred percent a council has the right to choose who's in the utility office. I believe that one hundred percent that they have that right to choose yes or no. From what I've seen over the last three years and the size of our company that we have the companies that we have I would rather see EMC the facility manager spending more time in the facility and less time in the accounting where I see no big difference between when the Clerk Treasurers Office was running it and with EMC running it. I don't see a big difference between the beginning or end. And no disrespect either way. But I don't know any other way to say it. Thats the only difference that I see.

Attorney McCall stated I have during the last year and half just to give you and again I'm a taxpayer also and something I never get to sit and voice my opinion or get to look at the numbers because I'm here I'm sitting here in capacity for you. But I've been of course with various events in town have been able to look at the numbers that EMC has put on the table compared them to previous years and I was throughly convinced that if it came to having to put that into evidence that was going to be appropriate. And that those numbers were good numbers showing uh I guess productivity in the utility itself, how it was being managed, that type of stuff and I would I was in a position to present that based upon numbers. So from that aspect thats one thing and I don't know how that makes you feel but thats just based on what was presented to me comparing to not and it wasn't just taken from random numbers other years, comparing other years to these years and then looking at the bottom line. Dollar for dollar I guess what you're talking about and in that was effecent and it was appropraite thing to do. Those numbers are available still for those people that want to compare year to year to year. It don't have anything to do with the billing office or anything of that nature. I'm just saying from the standpoint you're able to buy chemcials, able to do these things at both rates, where we wern't able to pass those numbers all transposed into savings for somewhere down the line. And that's there. EMC can provide those too I know they can coz they have all that.

Steve Welch stated, council with all due respect these large companies, they can cook the books to come out anyway you want them to read.

Attorney McCall stated that they can but then you got to be able to justify those numbers that's the bottom line. They can cook the way they want to but the bottom line dollars is what it is.

Steve Welch stated, right.

Dorthea Barton stated that I'd like to make a point. Uh, I know when talking to Rev. Fenner when I asked him a question about something, he said well we hire the engineer. I'm not an engineer. I don't know and this same thing could apply back to this. If each member goes out there and they're not qualified to look at this work and it isn't the maintenance part is not being done like it should, will they know if they're not qualified. Outside independent, a person that's qualified would know.

Ms. Barton stated that's going right back to when I talked to Rev. Fenner about some of the things Mr. Toombs was doing. I said, hey it's looking bad on the board because you all don't know what's going on unless the property owner comes in and complains.

Council Member Alexander stated, I mean, I can answer that it may not be a good answer I know my five minutes are up but uh, uh, going through the plants, I mean was the idea when they first came in, got an education of what the plant looked like before they came in. They gave me a tour of both plants and said this is what they looked for. I don't know anything about water and sewer plants. I know now uh but basic mechanics and so forth if we went down tonight and took a tour, what I would be looking for would be grease seals that are leaking, uh just as far as how things are arranged, I mean we get the uh, uh, as far as how the output of the plants are coming, as far as the quality in our reports. We haven't had any violations from the state, who checks this, so I'm assuming the actual operation of the plant is going ok, but you could go through a plant and if it's dirty if you see a bunch of things leaking or you know if you see things that looked this way at the beginning of the year then all of the sudden they're going down you could actually tell a difference you really could. I mean it's just basically seeing it before an going in now and just as far as how the operations run. You could make a determination. I could.

President Eddings stated that I think it's been discussed pretty much to death.

Council Member Fenner stated that he had one more consideration to through into it.

President Eddings stated, ok.

Council Member Fenner stated that I am bound to do this. Last fall I received a letter from several, seven to be exact, of former employees of the town and they just, they signed this letter and asked me to present it to the council before we renew the contract with EMC and it says "We the former employees of the Town of Sellersburg now employed by EMC request before any further contract negotiation you consider taking us back as town employees We have no problem with EMC running your facilities, uh utilities. We do not feel we want to be a part of the organization and they asked me to present it to the council when we met.

Steve Welch stated, gentlemen, that speaks problems right there. I mean these people are employed by them, it ought to be taken into consideration.

Council Member Fenner stated and that's why I brought it. I told them I would bring this, but at the same time I would say that they had the same thoughts before it ever, even

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 27.

started they just haven't changed their opinion, and again this letter is not d
was I mean last fall so I don't know you know if, I mean one of them is not eve
by the town anymore or by EMC.

Steve Welch stated that one could determine that several ways but one way you c
terpret it is they don't trust them you could they could be trying to indirect
you, you know what we're discussing tonight. I firmly believe the town should o
control over the uh the folks on the water and sewer. I think this was a big m
ought to be rectified, and there is a way to find out. You could hire the cons
to uh to look at the meter thing and determine whether or not. I believe we're
more money than need be, I believe the town should run far more than we are and
there's, we're not saving money.

President Eddings stated that it's the general consensus of like we just need t
the scope of the study going to be and who's going to do it. As far as the con
self we're in a position right now we have to do something. I think the recomm
is to go ahead and let our one year extension take over and that would also giv
to do a study of this nature. It's not going to take place in 30 days. It's g
6 to 9 months before we can get all the information on the table and lets just
is running the operation more efficiently and at a less cost to the customer th
town board can run it as part-time people. So thats what we want to do and I t
next executive session we should start working on how we're going to come up wi
scope of the study and start looking into who's available out there in the loca
has the ability to perform this type of study. Do we have a motion of the floo
motion is to let the contract take it's one year extension.

Nina Diefenbach stated, Sir, Sir.

President Eddings stated, Yes, Mam.

Ms. Diefenbach stated, I understand that you still have the person with the lic
you had in the geginning before you ever went with EMC is still running it. I
think that needs to be taken into account.

President Eddings stated that as far as water I think we do, but I don't know i
wastewater. The only license we have is EMC's.

Ms. Diefenbach stated, you have a license with the fellow who is doing, working

President Eddings stated, at the wastewater.

Ms. Diefenbach stated, has the license.

President Eddings stated, not at the wastewater, just at the water plant.

President Eddings stated, not the wastewater.

Ms. Dievenbach stated, do you know what your guys, if each on took your part of
sponsibility of it and you understand it like do you could easily save the town
of money by taking your part of the responsibility.

President Eddings stated, do we have a motion on the floor.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 28.

Council Member Alexander stated, I make a motion that we go ahead and uh renew.

Council Member Voyles stated, I'll second.

President Eddings stated that motion made by Ken and seconded by Bill.

Ms. Diefenbach stated, remember what I said to you along time ago, you said well we've got our jobs we hon't have time to do it, then why did you run for it? way back before your time.

Council Member Voyles stated, didn't nobody tell me that.

President Eddings stated, you weren't here.

Ms. Diefenbach stated, back when EMC came in.

Clerk Treas. Schafer stated, back in 95.

President Eddings stated we have a motion on the floor and seconded, all those in favor signify by saying I, opposed nay, I's have it. OK Perry.

Attorney McCall stated, that's it.

President Eddings stated that the only thing I have the matter of the Indiana Utility Regulatory Commission, uh, they are going to have a hearing, a public Evidentiary Hearing on the bond issuance it will be in room E.

Attorney McCall stated, it's the rate isn't it.

President Eddings stated no, it's the bond issue.

Attorney McCall stated, bond and the rate, ok.

Clerk Treas. Schafer stated the notice you sent to be drafted.

President Eddings stated, yea, just for public hearing, uh, a public notification it will be in room E306 at the Indiana Government Center South, Indianapolis, Indiana and it will start at 10:00 a,m, eastern standard time of May 20, 1998, and it is a open to the public hearing.

Ms. Pixley stated, what time will that be our time here.

Attorney McCall stated 10:00 eastern standard time I believe so it would be 10 our time.

Ms. Pixley stated, 10 our time.

Attorney McCall stated, they're central up there I think.

Council Member Fenner stated, no, no, no, there's a hours difference.

Attorney McCall stated it's a hours difference, they're a hour behind us.

President Eddings stated that it will be at 11:00 our time on May 20.

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 29.

Ms. Pixley stated, 11:00 our time.

President Eddings stated, 11:00 our time, 10:00 their time.

Steve Welch stated, where is this to be held at?

President Eddings stated, Indianapolis, Indiana 306 at the Indiana Government Center South, ok, that's the only thing I have. It is posted I think.

Attorney McCall, stated, yea, we put it up.

President Eddings stated, Kenny.

Council Member Alexander stated, the only thing I have and I will be brief, I hope, uh, I did put a bid out for the asphalt this year, uh, we have very little asphalt work to do. There's some areas we've been waiting on to see if they're going to sink or not before we pave them. The second thing is and the isfor contrary only. I would ask the president really in conversation in between as far as the bond issuance in the water, I did bring this up once one other time and I didn't finish explaining why I'm all the sudden I'm popping off against the bond most of it is because of the information, uh the 9018 was not available until January as far as looking at a full scope and no disrespect out of the council, but I really wish that you would sit down and take one more look at what we're getting ready to borrow. I honestly believe that with the uh out of scopes we've seen over the last 2 years as far as the revenue that is coming into uh capital improvement and the uh, maintenance repair section that alot of these jobs can be done over the next four to five years without floating a bond and uh there's no disrespect.

Steve Welch stated, what is the rate of these bonds.

Council Member Alexander stated, well it is just commentary, uh, uh

Steve Welch stated, I mean can I.

Council Member Alexander stated, I, I. it's really just commentary. We have made decisions already this is just commentary.

Steve Welch stated, how much is the town borrowing.

Clerk Treas. Schafer stated one million.

Ms. Pixley stated, one million and a half.

President Eddings stated, one point one I think.

Clerk Treas. Schafer stated one point 150.

Council Member Alexander stated, I mean alot of information when we made these decisions wasn't readily available, uh it is available, uh it is available now and I think we can see an upward trend uh I know we're going into IURC I don't know how we're going to say hey uh maybe not so much if that is the desire uh or whatever, but I really think we need to take another close look with the engineer in a workshop session or whatever and really go over it and see what we're borrowing and why because it is going to require alot of interest, another debt reserve uh you know there is information now that can change uh the

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 30.

prospective. I think it needs to be reviewed on more time. On another lighter note the storm drain work over the last three years where probably 60% complete. Uh we had that big package I think the previous council created uh there still are some areas though that we basically are spending 107,000. a year on storm drain work. I think over the last three years we probably put in improvements to the town over 600,000. and there's some areas in town though that I cannot manage to because of the civil budget not being able to have a reserve fund or bank to accumulate funds to do projects. There are probably two projects the one being in the Hill-in-dale area and uh, well, the Hill-in-dale area was the one, uh but its probably gonna have to be done through the bond unless there's a different avenue.

Clerk Treas. Schafer stated, do it in phases where you could.

Council Member Alexander stated, well.

Clerk Treasurer Schafer stated, or do that project fo the year you've already committed on storm drains 107000.

Council Member Alexander stated, the project cannot be done in phases. This is something that can't be done in phases.

Clerk Treasurer Schafer stated, but 170,000 matching grant you may want to shift that to reservoir that's matching.

Council Member Alexander stated, basically the two problems in town was all the water comes through the town, we've diverted some of the water from the downtown area back up behind the park, ok the Hill-in-Dale area like now, everything from Ohio towards Allentown Road flows back down to on Allentown Road by Lane and Denton, uh watching over the last three years, it is my belief that it is something that may require bond.

Clerk Treasurer Schafer depending on how much it was.

Council Member Alexander stated, depending on how much it was and it will probably require some uh extensive uh engineering. We're getting close to where all the major projects are done as far as storm drains. Can I have approval to persue it? I don't know whether I can get it persued. I honestly believe that diverting as much water as we can from downtown is always a plug and I believe we can take a whole lot of water off of the back of Nevada Drive basically and run it down toward Allentown Road, but where we run into problem is the sewer and some other utilities that run down through there.

Attorney McCall stated to persue it you don't need a motion, you simply persue it and present it to the council.

Council Member Alexander stated, but spending engineering funds I wanted approval. I'm sure I'll spend over 2000.00 and I've always brought, if it's something the council does not want to I don't want the motion, I want consensus.

President Eddings stated that my thoughts though we got a study out there, we've had a study out there, we've been following that and its.

Council Member Alexander stated, the study only took care of areas of grants.

President Eddings stated, that's what I'm fixen to say is we had a study done once before and it, we've been following a plan, that maybe it's time that we got uh grant money to do

SELLERSBURG TOWN COUNCIL
REGULAR MEETING
April 27, 1998
Page 31.

that comprehensive study it's getting old now.

Council Member Alexander stated, no it's, no because the areas we want to start coming in and improving you cannot get a grant for.

President Eddings stated, you can get a grant.

Council Member Alexander stated, no these are all areas the town is responsible to re-search, develop all on our own, there is no grant available for these areas they all make to much money. They all need to quit their jobs for about six months and let us do the job but no, these are the areas that have problems that we have not been able to address coz of the amount of money we were uh more likely going to have to spend uh and plus they were in a area we could not, there was no even anywhere close shot of getting a grant.

President Eddings Stated, ok.

Council Member Alexander stated, so I mean this we be strickly something that we would be persueing on our own.

President Eddings stated, well I think we all need to think about that before we get back with your on conscience.

Clerk Treas. Schafer stated, my only comment is that the council at the last meeting had discussed matching money of 170000.00 in the next budget. You know you can throw your money in one basket so to speak but then you may not have flexability in the event that some other project may be an emergency that comes up.

President Eddings stated, true.

Clerk Treasurer Schafer stated, thats the only concern that I have is putting the 170,000. in matching.

Council Member Alexander stated, no disrespect but we have really have with this one here we have one more line to run up into the center of town. We've really made milestones as far as comparing storm drains today and storm drains yesterday and uh, uh we don't hvae a whole lot of projects to go look at. I mean this year we're going to look at uh Shirley Ave., which is still water getting into resident basements uh. We are still looking at a line finishing up the water that comes acriss the church at Penn St. and Utica. We've never looked at over by Indiana Oaks but uh, we really have not received a whole lot of phone calls uh some of the trees have been taken down, really doing a lot of work, we're gonna run out of, and paving is doing very well we speculated that we would have five years to use for what we were using for paving and uh I think we are going to be able to extend that another two years.

President Eddings stated, is this something we can talk about in executive session?

Council Member Alexander stated, I don't see where it's executive session material, I mean a workshop.

President Eddings stated, or a workshop either one.

Clerk Treas. Schafer stated, I would'nt have a problem providing that the money was available to transfer when you saw that everything was going fine with the budget. I would'nt have a problem with that at all and we do that all the time.

President Eddings stated, right.

Council Member Alexander stated, so thats all I have. I haven't had anything for three weeks I think.

President Eddings stated, ok, Linda, what have you got..

CLERK TREAS. PRESENTS CLAIMS FOR THIS MEETING CIVIL, SEWER, WATER

President Eddings stated, good, everyone has a copy of the bills in their mailbox had a chance to review them I entertain a motion to pay the bills as presented.

Council Member Alexander stated, I make that motion.

President Eddings stated, motion made by Ken do I have a second.

Council Member Voyles stated, I'll second.
Vote 4-0

ADJOURNMENT

President Eddings stated, I'll entertain a motion to adjourn the meeting.

Council Member Broady stated, I'll make it.

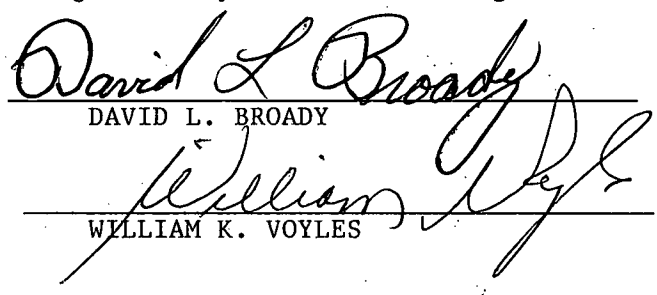
Preident Eddings stated motion made by Dave.

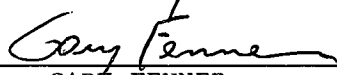
Council Member Voyles stated, I'll second.

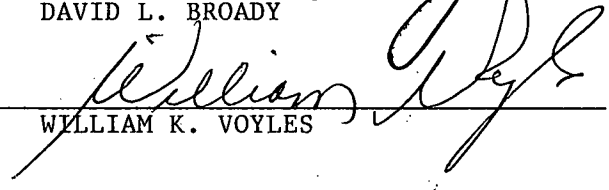
President Eddings stated, seconded by Bill any discussion. If not all those in favor signify by saying I, opposed nay.

With no further business the regular meeting was adjourned by President Eddings at 8:10 p.m.


AULTON D. EDDINGS JR.


DAVID L. BROADY


GARY FENNER


WILLIAM K. VOYLES


KENNETH J. ALEXANDER


ATTEST: LINDA G. SCHAFFER