

SELLERSBURG TOWN COUNCIL

March 13, 1995

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Karl Truman, Council Member; Dave Broady, Council Member; Linda G. Schafer, Clerk Treasurer and Perry McCall, Town Attorney.

Called To Order

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

Topics of Discussion

Town Manager

Scheduled Meeting 03-16-95 at 7:30 a.m. with Town Employees and Town Council

Adjournment

With no further business, Vice-President Eddings adjourned the Executive Session during President Tuckers absence at 6:32 p.m.

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Karl Truman, Council Member; Dave Broady, Council Member; Linda G. Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Tucker called the Regular Meeting to order at 6:40 p.m.

Prayer

Reverend Gary Fenner offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Sellersburg Town Council
Regular Meeting
March 13, 1995
Page 2.

Minutes of the Last Meetings

President Tucker dispensed with the reading of the minutes of the last meetings, February 27th's regular meeting, special executive session on February 27th, special executive sessions on March 10th and March 11th.

Motion to approve the minutes as presented made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

President Tucker Addresses Council/M & R Properties

President Tucker stated that M & R Properties has proposed a building, an apartment complex and I don't remember the exact numbers, 60 units, 80 units on Old Highway 60 next to Sellersburg Lumber's storage yard which is next to the motel. They came last time and asked if we would give them permission to hook up to the sewer and water and we did not make that official so I would entertain a motion to approve M & R Properties to hook up to our sewer and water on Old Highway 60.

Motion made by Council Member Eddings to allow M & R Properties to hook up to the Town's sewer and water on Old Highway 60 and seconded by Council Member Truman.

Vote 4-0

Building Commissioner, Stephen D. Prather Presents Claims

Mr. Prather presented his claim for building permits and inspections from February 28th through March 13 in the amount of \$396.00.

Motion made by Council Member Truman and seconded by Council Member Eddings to approve the claim as presented.

Vote 4-0

Mr. Prather also presented a corrected report and stated we had a lady come in a get an electrical permit last report period for Indiana Oaks and a contractor also came in and picked up an electrical permit but the contractor that the lady said was going to do the work was different than the one that applied for the permit so we didn't realize it was for the same person until it had been issued so we adjusted the voucher \$22.50 last time and I have the corrected report to state that.

Sellersburg Town Council
Regular Meeting
March 13, 1995
Page 3.

Clark Henson Addresses Council/Termination of Employee

Mr. Henson stated the only thing I have is I have an employee that has resigned and he worked the plant and the distribution system. I'd like to know if you want me to make Dan Owsley a full time water employee and hire another combination laborer or to hire someone else for a full time position for the water department.

Council Member Eddings stated I would like to see you do just like you did the last time. You're in a better position to make that call than I am. If you feel like this guy can move into that and learn the distribution system and perform the duties at the treatment plant then I would recommend replacing him with a interdepartment person or if you can do it I would rather see two combination laborers.

Council Member Broady Addresses Council/Property Next to Taco Bell

Council Member Broady stated I have something to address with Steve, the property next to Taco Bell. I think two chinese men where going to have a chinese restraunt and I'm not sure what has happened but the property is going kapoof, can we get something done on that Steve, send a letter telling them to clean it up or something.

Mr. Prather stated he will try to contact the owners and he would take care of it.

Council Member Broady Addresses Council/Sidewalk at Utica and New Albany Street

Council Member Broady stated Ken you may not know about this, back when Roy was here sometime last year, I'm sure you'll have to talk to Mark, we talked about replacing the sidewalk at the corner of Utica and New Albany Street. I was wondering what was the status on that.

Council Member Alexander stated we've got the quote on it.

Council Member Broady stated then you will take care of it.

Council Member Alexander Addresses Council/Yard Waste

Council Member Alexander stated yard waste. I went to the superintendent, which I probably should have done first. We've been talking on it quite a bit and I probably jumped the gun. He gave me a nice report, basically what he told me was having a distribution center at the water treatment plant, we ran into trouble with having to bond the employees, then we worked on maybe picking a pass up at the town hall and then we figured by the time you pick the pass up and go all the way down to the waste water treatment plant it would be just as easy to drive an extra four or five miles to Clarksville or up at the composting place in Charlestown yourself. The plans have been skimmed down, he did say that the limbs could be bundled and basically where we are at right now but we are still checking on it is three bags and two bundles of limbs under the ordinance the way I wrote it.

Sellersburg Town Council
Regular Meeting
March 13, 1995
Page 4.

Council Member Alexander Addresses Council/Yard Waste Cont.

Council Member Alexander stated it would be picked up every other week. The hold up right now is we are trying to create a plan of action to monitor what we are bringing in so we can assess a cost to it before the leaf season comes around if there needs to be a cost. We want to have something in the plan so that when we start this we have a check and balances to do it right but he feels like we can pick up that much right now and it will give us a good idea of where we are going. I'll leave this in my box if anyone wants to read it.

Council Member Broady asked is this going to start now.

Council Member Alexander stated we are still debating on whether we can do it with the old Goliath or if we are going to have to wait until the new packer comes in. We are just putting the plan together if the need, if the resident's see a need coming up, you know with the grass season, yes we're going to have something out there probably but right now we are just trying to put the finishing touches and make sure the plan isn't just something we are laying out and hoping it works. We want to make sure we are being as thorough as we can and that we've got some kind of plan of action to assess the cost to the town of what we're spending, what we would of been spending anyway and put a better brass on the situation. I'm pretty comfortable sitting here, there is a plan. It's just when we started, what are we going to use and how are we going to monitor. He's made suggestions as far as when leaf season comes that we may pick up an extra pick up on the off weeks, we might have an extra pick up just to relieve some of the big leaf problems and education is definately going to play a roll, grass is something that a resident can control it's something they probably don't want to control but just the nature of the beast and how the whole area is having to relearn if you own a tree you're going to start learning to manage your tree as far as the waste it produces, how you bundle it up, if you grow your grass, you're going to learn to manage your grass. The Solid Waste District is doing the same thing, if the people want to be wasteful we'll pay for it, if you don't want to be wasteful, find alternatives, it could get better.

Clerk Treasurer Schafer Addresses Council/Animal Control Board

Ms. Schafer stated the animal shelter will be contacting the council at some point in time. They had discussed appointing a board to oversee the animal shelter and they've decided that a representative from each community that contributes to the incinerator would be appointed. I did have the animal control officer, Mr. Dean request that, it's not a paid position but he would like to since he does do that position, be a representative for the Town of Sellersburg.

Motion made by Council Member Eddings to appoint Mark Dean to the board to represent Sellersburg over the animal shelter and seconded by Council Member Alexander.

Vote 4-0

Sellersburg Town Council
Regular Meeting
March 13, 1995
Page 5.

Clerk Treasurer Schafer Addresses Council/Animal Registration Month

Ms. Schafer stated this is animal registration month and I'd like to point out that we've not had alot of tags that we've sold and I'm sure there's a whole lot more animals in the town.

Clerk Treasurer Schafer Addresses Council/Claim From Jacobi, Toombs and Lanz, Inc.

Ms. Schafer stated I have a bill from Jacobi, Toombs and Lanz, Inc. that I need to present. It's part of their \$40,000.00 contract that I would like the council to sign. It has already been approved but you need to sign the voucher.

President Tucker Presents Claims For The Civil, Water and Sewer Departments

President Tucker presented the claims for the Civil, Water and Sewer Departments for the last two week period and requested a motion to approve them as presented.

Motion made by Council Member Eddings to approve the claims as presented and seconded by Council Member Broady.

Vote 4-0

Attorney McCall Addresses Council/Resolution 1995-28 Revitalization Area

Attorney McCall stated I just need the Town Council's signature on a resolution that was approved last week declaring that area near Bean Road an economic revitalization area.

Attorney McCall Addresses Council/Remonstrance

Attorney McCall stated I haven't heard anything from Judge Todd on the remonstrance. I do anticipate something soon.

Attorney McCall Addresses Council/Ord. 95-616 Recinding Ord. 95-613 Cum. Cap. Dev. Fund

Attorney McCall stated in January the council passed an ordinance renewing the CCD Fund, the process was done a little different than it needed to be done so we need to recind that ordinance and do it again. When you renew it you basically start the whole process over again. I have the ordinance here if you'd like to pass it on the first reading.

Motion made by Council Member Eddings to approve Ordinance 95-616 recinding Ordinance 95-613 on the first reading and seconded by Council Member Broady.

Vote 5-0

Sellersburg Town Council
Regular Meeting
March 13, 1995
Page 6.

Ordinance 95-616, Recinding Ordinance 95-613-Cumulative Capital Development Fund

Ordinance 95-616, recinding Ordinance 95-613 was presented.

Motion to approve Ordinance 95-616 made by Council Member Eddings and seconded by Council Member Broady.

Vote 5-0

Adjournment

Motion made by Council Member Broady to adjourn this meeting and seconded by Council Member Eddings.

Vote 4-0

With no further business this meeting was adjourned by President Tucker at 7:00 p.m.

David Broady

Aulton D. Eddings, Jr.

Kenneth Alexander

Karl Pruman

Stanley E. Tucker

Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

March 27, 1995

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Vice-President, Kenneth Alexander, Council Member, Karl Truman, Council Member; Linda G. Schafer, Clerk Treasurer, Perry McCall, Town Attorney arriving at 6:37 p.m., with Dave Broady, Council Member being absent.

Called To Order

President Tucker call the Regular Meeting to order at 6:32 p.m.

Prayer

Reverend Gary Fenner offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of the Last Meeting

President Tucker dispensed with the reading of the minutes of the last meeting of March 13th's Executive Session and Regular Meeting and requested a motion to approve the minutes as presented.

Motion made to approve the minutes as presented made by Council Member Eddings and seconded by Council Member Alexander.

Vote 3-0

Martha Beuter Addresses Council/Spring Street Alley

Ms. Beuter stated I gave you the information so I wouldn't have to speak.

President Tucker stated will I read it, unfortunately I'm still confused after I read it.

Sellersburg Town Council
Regular Meeting
March 27, 1995
Page 2.

Martha Beuter Addresses Council/Spring Street Alley Cont.

President Tucker stated it looks like they attempted to close the alley back in 1987. I'm going to have to give the information to our attorney and have him look it up. I was confused in trying to read the descriptions because it looks like to me that this alleyway right back here is Spring and it must go down to where the lift station is, again it is not clear. I think this Spring Street or alleyway goes down to where the lift station is which is right behind us here and it curves back up to 31, now whether it at one time went across 31 or not.

Ms. Beuter stated there wasn't a hill there then.

President Tucker stated I'm going to have to have an attorney follow the description because I have no idea and I'm not an attorney and I don't know how to read it. It looks like to me that there is some confusion as to which part was closed and which wasn't closed and who got 20 feet and who didn't get 20 feet or if it was even 40 feet wide, so that's the confusion.

Ms. Beuter stated if people are going to build back there it needs to be opened up.

President Tucker stated it's unclear from what I have here and this is our attorney, Perry McCall and I'm not going to throw this in his lap since he just walked in the door. I'm going to ask him after the meeting if he will look into and if he can find out if that has been closed because how I read, this is from Ms. Sedwick who was the attorney involved, is that after it was signed, sealed and delivered by the town council, it was suppose to be forwarded to the recorders office and recorded, there's a copy in here of where they closed it, now whether the description is right, I don't know. If it's been recorded or not I don't know so I'm going to ask Mr. McCall if he will, to check into it so he can let us know.

A resident spoke up and said I'm a retired teacher in this town and I taught third graders the town map and my map always had Spring Street. It extended from Oak to 31. I always taught the children that this was a street that didn't exist but it is on the map.

President Tucker stated that's how I read the description, that this was like a horse-shoe across and over 31 and it appears to me that what the other council meant to do was to close Spring Street alley, whatever you want to call it, behind Dr. Thurman, s and that was split between whoever the property owners were. That's the way it reads. I'm not an attorney so I don't know if it is right or not, at this point I think Oak is a one lane alleyway and we are not in the position as a town to build a bigger road. I drove down there the other night just to see what it looks like and it is very confusing. Legally I don't know what's right and what's wrong, that's why I'm going to ask Mr. McCall to look into it and see what is closed and what's not closed and if the description is right. If we extended oak street it's still not a very wide street, we are not in the position from the town's standpoint to extend that street. I know I was at the meeting the other night, sort of auditing the meeting if you will, and I know what went on.

A resident stated what is the width of Oak Street, it's suppose to be 32 feet.

Sellersburg Town Council
Regular Meeting
March 27, 1995
Page 3.

Roxane Beyl Addresses Council/Widening Of Oak Street

Ms. Beyl stated basically we just wanted to see if the town council could either widen Oak Street or maybe possibly go ahead and open up Spring Street.

President Tucker stated again, I was setting at the meeting the other night and as I told Ms. Smith on the phone, it's right now an R1 and in order for any multi-housing you have to change the zoning to other than R1, so that is step #1, as far as gathering information, we have not been approached prior to this very moment about extending Oak Street or Spring Street, either one.

Ms. Beyl stated but I thought that's what the meeting was for, we were put on the agenda.

President Tucker stated we can talk about it now, that's fine and you may ask that. We don't have any money in the budget to extend the road or build a road. The money is generally for paving purposes. I don't want to put Ken in the middle of this but if you want to jump in you can. We are just not in the position to do that. It is an alleyway, the roadway is a small roadway, it goes to the back of like three or four houses as I remember it and all of a sudden there's grass.

Ms. Beyl stated you're talking about the alley, we are talking about the street.

President Tucker stated okay, let me clarify what is what, at least in my mind. Spring Street is in the front of the houses and the alleyway is behind or is it the other way.

Mr. Beyl stated Oak Street T's into Spring Street.

President Tucker stated what they are proposing if I understand correctly, is the road where you go back to the swimming pool instead of going down to the swimming pool you go right and that's the road, it's not a normal two lane road. I think what they are asking is that from the end of that road in essence to the edge of your property.

Mr. Beyl stated on into our property.

President Tucker stated and I don't know how far that is, at least 100 feet.

Mr. Beyl stated it's probably at least a couple of hundred feet to the property.

President Tucker stated I guess what I need you to do is to look into it and see what feasibility.

Council Member Alexander stated there is a road and then Oak comes to an end and it turns to grass, so we are talking about widening the road plus constructing a portion of the road.

Mr. Beyl stated we've talked about widening the road from Dr. Thurman's property to the existing road there.

President Tucker stated the B. Z. A. and Perry correct me if I'm wrong, they have sort of the power, if you will, to either approve, turn down or change the zoning, it has nothing to do with us.

Sellersburg Town Council
Regular Meeting
March 27, 1995
Page.4

Roxane Beyl Addresses Council/Widening of Oak Street Cont.

Ms. Beyl stated but the reason it was turned down was because of the street.

Mr. Beyl stated it's a catch 22.

President Tucker stated I understand.

Ms. Beyl stated it really wasn't turned down, it was never voted on.

Council Member Alexander stated basically we need to check out who owns Spring Street first and once that's resolved.

Ms. Beyl stated no, Spring Street doesn't really have anything to do with this.

Council Member Alexander stated I mean if Spring Street wasn't there and it was still grass.

President Tucker stated we get to forget Spring Street.

Ms. Beyl stated it's on the map, it's not on the ground.

President Tucker stated was it ever on the ground.

Ms. Beyl stated no, it has never been, it was in the plan.

President Tucker stated so you would believe that the town has the right of way to build that road.

Ms. Beyl stated I'm sure they do.

President Tucker stated well going back in the records in the 1900's, it's kind of hard to find.

A resident stated there is sewer and water down there.

President Tucker stated to be perfectly honest, without consulting out engineer, we are not in the position to make any kind of statement or conclusion or anything. I mean I set at the meeting the other night, it's very confusing because of the streets, and names and how it works. I think I now have it clear in my mind, again we have no money budgeted to build a new street or road. We've had someone recently ask us to build a road and we can't do that.

Ms. Beyl stated we had an engineer look at that property and we have the survey, it has the flood plain, it won't cost the town anything, we've already paid for that.

Mr. Toombs asked who was the engineer.

Ms. Beyl stated Dave Ruckman.

Sellersburg Town Council
Regular Meeting
March 27, 1995
Page 5.

Roxane Beyl Addresses Council/Widening of Oak Street Cont.

Mr. Toombs stated I'll talk to Dave Ruckman, I know him.

Ms. Beyl stated what are you going to say to him, it's been a year since he made the survey.

Mr. Toombs stated first I'm going to ask him what's going on.

Ms. Beyl stated he doesn't know what's going on, all we asked him to do was survey it and that was over a year ago.

Mr. Toombs stated okay, I know what to do.

President Tucker stated okay again what we are asking John to do is to clarify to us what it entails. To be perfectly honest, I don't know where the street goes, whether it's right or wrong, the sewer, I don't know any of the above. I understand what you are saying, I'm asking John to check it out and if he comes back and says all of it is okay we still have the same problem and that is that we don't have any money to build a street. I know this is very confusing and I understand what you've said but we're not clear whether they've closed that alley or not and if they closed that alley then we would have to open that alley back up and get that as an alternative but Spring Street sort of incidently runs into your street right, so you can get to it this way or you can get to it this way and in the meantime, Dr. Thurman has already paved half of it because he thought it was closed as part of his parking lot.

Ms. Beyl stated so are we allowed to use that alley as a road, I was told we could not use it.

President Tucker stated by whom.

Ms. Beyl stated by Steve Prather.

President Tucker stated I think you can see that there is so much confusion here that it's kind of like Abbott and Costello's who's on first.

Ms. Beyl stated yes, and also the alley is not any larger than the road so that's not going to do any good. If the alley is 32 feet wide that's not going to do any good either.

President Tucker stated that's correct and what the B. Z. A. said, in their opinion, the road is not wide enough to hold the traffic so there's an alternative here and that is could the town widen the road and build the road and what we are saying is the town doesn't have any money allocated to do that so the answer to that is no. I'm having John look into it because there seems to be some mass confusion on what is closed, what isn't closed, how wide it is, is there a way all the way down to your property. It is a grassy knoll but apparently on the map somewhere it's been a road for a long time.

Ms. Beyl stated well what about opening up Spring Street.

Sellersburg Town Council
Regular Meeting
March 27, 1995
Page 6.

Roxane Beyl Addresses Council/Widening Of Oak Street Cont.

President Tucker stated John will you find out where those two roads end up and if they are closed or not closed and how wide they are and then kind of estimate what we'd do to try and do that. I mean we don't have any money to do that.

Ms. Beyl stated so in two weeks you all meet again.

President Tucker stated yes maam.

Ms. Beyl stated will you have an answer then.

President Tucker stated I don't know, John can you have an answer before then.

Mr. Toombs stated yes, I'll probably have the answer to you before then.

Ms. Beyl requested to be on the next agenda and do you have to meet again before we get an answer.

President Tucker stated before you can get a formalized answer. You can call me on the telephone and I can tell you what John told me but I'm only speaking for myself until I get this body here. I'm not trying to be difficult but unfortunately that's how the wheel works.

Stephen Prather Presents Claim/Int. Conference of Building Officials

Mr. Prather presented a bill in the amount of \$85.00 for the renewal of membership dues from 3-95 through 3-96 and stated this is the bill that was agreed that the town would pay.

Motion to approve claim made by Council Member Truman and seconded by Council Member Eddings.

Vote 3-0

Building Commissioner, Stephen D. Prather Presents Claims

Mr. Prather presented his claim for building permits and inspections from March 14th through March 27 in the amount of \$103.50.

Motion made by Council Member Truman to approve the claim as presented and seconded by Council Member Eddings.

Vote 3-0

Sellersburg Town Council
Regular Meeting
March 27, 1995
Page 7.

Council Member Eddings Addresses Council/First Claim On New Town Hall

Council Member Eddings stated I have the first bill for the New Town Hall. We have all of the concrete poured, the plumbing roughed in, the steel structure is up and now we owe our first payment on the Town Hall in the amount of \$60,240.60. I guess we need to get some type of voucher.

Ms. Schafer stated I can put it in the box if you want to go ahead and have it approved.

Motion made by Council Member Eddings to approve payment of \$60,240.60 and seconded by Council member Truman.

Vote 3-0

Council Member Eddings stated the other phase of the project to move all of the equipment up to the Waste Water Treatment Plant, all of the engineering has been done and we are starting to receive our quotes in. We got at least one number so we can start finalizing the project to a dollar value. We need to look at what we've got in the Building Fund, what funds are going to be available for the town hall and look at what the difference is so we can start a bond process to be able to make up the difference.

Ms. Schafer stated there may not be any difference that's why I requested an itemization where I could probably take some of that from the current budget to avoid the bond issue. It's such a small amount I hate to pay interest on something that we may be able to squeeze from the budget.

Council Member Eddings stated I've got the first quote for the structure and all of the equipment as soon as the other quotes are in we can lock in on a hard number and then if there's any discrepancy or we need to make up anything, how long does it take to put a bond together.

Attorney McCall stated before you talk bond issued on a project like that, I'd look at other sources of financing before you do a bond issue.

Ms. Schafer stated I agree.

Attorney McCall stated there is a cost, doing the ordinance, someone writing the bond, having the bond sold and it's not a dollar amount.

Council Member Eddings stated we are going to owe the balance of this. If weather permits, they are going to be done in June, so we will be owing the balance.

President Tucker stated we can get a loan, I know somebody.

Council Member Alexander stated on the barn part, is that in concrete where that's going.

Council Member Eddings stated not exactly we have the first bid on the structure.

Council Member Alexander stated I know there was some confusion of putting it next to the drying bins, if there wasn't maybe a better option.

Sellersburg Town Council
Regular Meeting
March 27, 1995
Page 8.

Council Member Alexander Addresses Council/Purchase of Line Painter-Striper

Council Member Alexander stated we've purchased a line painter. The bill is coming in.

Motion to approve purchase of the line painter in the amount of \$1,590.00 made by Council Member Alexander and seconded by Council Member Truman.

Vote 3-0

President Tucker Presents Claims For The Civil, Water & Sewer Departments

President Tucker presented the claims for the civil, water and sewer departments for the last two week period and requested a motion to approve them.

Motion made by Council Member Eddings and seconded by Council Member Alexander.

Vote 3-0

Clerk Treasurer Addresses Council/Town Manager

Ms. Schafer stated I've had several calls on the issue of town manager and I did put it on the agenda and you've sorta skipped over it, so if anyone would like to comment on that. I did hear today that the council had sort of decided 5 to 0 to consider contracting the utilities out and I was wondering if I had missed a meeting or something.

President Tucker stated I have not been to a meeting and I heard that both people that applied for the job of town manager withdrew their names.

Ms. Schafer stated well the council does need to do alot of research if they are considering a management company because right now the utilities support 90% of your salary, 90% of the town attorney's salary, 90% of my salary, all of the utility clerks, one sanitation department worker, the deputy clerks and I'm wondering if a management company does take over the utilities which the residents pretty much own and it does take the cushion from the civil town am I going to be billed back for your all's work through the civil town which would hurt these people. There are things that we can't provide for these people right now in the form of streets, sewers, other things. I mean these people obviously are going to be into it for a profit so I would just like the council to do a little more thinking about anything if they're trying to sell the utilities out or...

Council Member Alexander stated well now, the selling part out there's no property changing hands. Management means management period.

Ms. Schafer stated well I sorta had a problem with...

Council Member Alexander stated well were not selling the land and that's what happened the last time.

Ms. Schafer stated I'm not talking about selling the land, I'm talking about selling the people out.

Sellersburg Town Council
Regular Meeting
March 27, 1995
Page 9.

Clerk Treasurer Addresses Council/Town Manager Cont.

Council Member Alexander stated well then say people, when they come out to it don't say I'm selling the utilities because the people are part of the utilities but they are just what they are, the workers of the utility. It has not been researched to where we can give you the answers. I wish I could, I know they caught wind of it and it seems to be like anything else. I have a right to check into something and I have a right to be wrong. If I'm wrong it will come out because I'm going to investigate it enough when I present it, it will show I'm wrong and we won't vote on it.

Ms. Schafer stated well if I'm not mistaken today, Kenny you told me it was 5-0 in favor of the utility management company. I was just wondering if maybe there was a meeting that was not published or if there was a meeting that maybe I missed.

President Tucker asked Council Member Eddings, did you go to a meeting.

Council Member Eddings stated no.

President Tucker asked Council Member Truman, did you go to a meeting.

Council Member Truman stated no.

President Tucker stated I didn't go to a meeting.

Council Member Alexander stated I'll take the blame for that.

President Tucker stated it hasn't been discussed.

Council Member Alexander stated it hasn't been discussed, it hasn't been researched, as far as making an option, that's my job. I'm suppose to look for an option, I'm suppose to investigate it the best I can, I'm suppose to present it to the board, they are suppose to vote on it. I'm suppose to present it to the people. I'm not suppose to make rash judgements either way. I'm suppose to do my job, present it, vote on it, and see what happens, period.

President Tucker stated and nothing has happened.

Mr. Lloyd Dold asked is this open to the public.

Ms. Schafer stated yes, that's why it's on the agenda.

Mr. Dold stated I just have one thing to say.

Council Member Truman stated just one now.

Mr. Dold stated the salary that you all make for this job, now if you all hire a town manager you should be cut down in salary to the level of the rest of the town council's in the area. You do not deserve to be the highest paid town council in the State of Indiana which I think you are now.

Sellersburg Town Council
Regular Meeting
March 27, 1995
Page 10.

Clerk Treasurer Addresses Council/Town Manager Cont.

Council Member Eddings stated where did you get your figures.

Mr. Dold stated what does Clarkville make, what does Georgetown make.

Council Member Eddings stated let's put it this way, it cost's me three cents an hour to be a town council member.

Mr. Dold stated I know what you're making. You're the highest paid council in this area.

Council Member Truman asked what do we make.

Mr. Dold stated you make right at \$5,000.00.

Council Member Truman stated \$4,750.00 which has not been raised since we've been on this board.

Mr. Dold stated and that's too much. That's too much for what you are doing.

Council Member Truman stated what does Clarksville make.

Mr. Dold stated I can't give you, they are making I think down in the two's.

Council Member Alexander stated no, they have to sign a paper when they get theirs and sign up for it. They make enough they've got to report it.

Council Member Truman asked what does Jeffersonville make.

Mr. Dold stated but you all are over paid. If you're going to get a town manager that's fine but you ought to bring yours down to an area like Georgetown.

Council Member Eddings stated if we are so over paid when they had the sign ups down here to run for office why weren't you down there signing up.

Mr. Dold stated if I wasn't sick I would.

Council Member Eddings stated I wish you would, there's still people, independent, please sign up.

Mr. Dold stated if I wasn't sick I would.

President Tucker stated you can deligate someone.

Council Member Truman stated how many people signed up in your district. Zero.

Ms. Phyllis Haas asked why do you want to bring new guys in to run that sewer plant, are our guys not doing a good job.

Sellersburg Town Council
Regular Meeting
March 27, 1995
Page 11.

Clerk Treasurer Addresses Council/Town Manager Cont.

Council Member Alexander stated see, that's the problem. I have not investigated anything. From what I saw so far there is no change, the only thing we get is better information. We get consistency. This is all I've seen so far. Everybody is judging. Where are your resources, who have you checked with. I haven't check with anybody hardly, yet all I've seen is, all I'm asking is that it gets treated fair. Nothing gets treated fair. We all make, we'll start down the funnel system, we'll whisper into somebody's ear, it whispers into somebody's ear, it whispers into somebody's ear, it whispers into somebody else's ear. I haven't checked it out. I can guarantee you it's going to be presented right and you'll have a voice on it then.

Ms. Haas stated we can't run Sellersburg like Clarksville or Jeffersonville. We could sell out to Clarksville, I mean that's what's going to happen anyway. I mean the way we're going, as far as the town manager, why have Linda if we're going to have a town manager. Somebody is going to have to quit passing all of these dollars, this is stupid.

President Tucker stated at this point nothing has happened.

Council Member Alexander stated nothing has happened, zero.

President Tucker stated there is no town manager, there's no management consulting firm, before anything can happen it has to come back and be discussed so there is nothing to get upset about at this point right now.

Ms. Haas stated it's going to.

Council Member Alexander stated go check with Jeff., not one man in gone. Do your research if you expect me to do my research. I respect you to do your research so that it's just not coffee talk. Have your research show me I'm wrong and I'll believe it.

President Tucker Addresses Council/Tax Abatement Mark Fraley Produce

President Tucker stated a building was built, Mark Fraley Produce Inc. and they are asking for the abatement that goes along with the property. I ask that you give me permission to sign the abatement for the additional property.

Ms. Schafer stated that is the renewal for the abatement, I filled out the back for you.

Motion made by Council Member Eddings to allow President Tucker to sign the renewal for the tax abatement and seconded by Council Member Truman.

Vote 3-0

Sellersburg Town Council
Regular Meeting
March 27, 1995
Page 12.

Adjournment

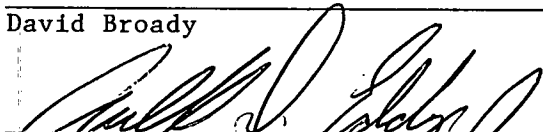
Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Truman.

Vote 3-0

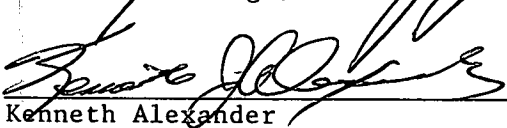
With no further business this meeting was adjourned by President Tucker at 7:12 p.m.

Absent

David Broady

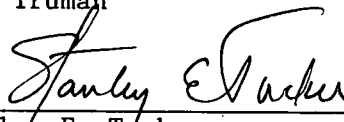


Aulton D. Eddings, Jr.



Kenneth Alexander

Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

April 10, 1995

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Dave Broady, Council Member; and Attorney McCall arriving at 6:05 p.m. Karl Truman, Council Member, being absent, also in attendance was Linda G. Schafer, Clerk Treasurer.

Called To Order

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

Topics of Discussion

John Toombs/Pole Barn Bids
Mr. Schmidt Property/Drainage Problems
Louisville/Indiana Railroad Letter
Pete & Roxane Beyl Property
Waterline At McDonald Lane
Holman Lane Project
Gillenwater Subdivision
Remonstrance

Adjournment

With no further business President Tucker adjourned the Executive Session at 6:30 p.m.

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Vice-President; Ken Alexander, Council Member; Dave Broady, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney; with Karl Truman, Council Member being absent.

Called To Order

President Tucker called the Regular Meeting to order at 6:34 p.m.

Prayer

Reverend Tim Weddell offered the prayer for this meeting.

Sellersburg Town Council
Regular Meeting
April 10, 1995
Page 2.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of the Last Meeting

President Tucker dispensed with the reading of the minutes of the last meeting and requested a motion to approve the minutes as presented.

Motion to approve the minutes as presented made by Council Member Eddings and seconded by Council Member Alexander.

Vote 3-0

President Tucker Addresses Council/Cumulative Capital Development Fund Renewal

President Tucker stated this is a Public Hearing for renewal of the Cumulative Capital Development Fund. Is there any body here to discuss the CCD Fund.

Attorney McCall stated we do this every three years.

Motion to approve the proposal of the renewal of the CCD Fund made by Council Member Eddings and seconded by Council Member Broady.

Vote 3-0

Building Commissioner, Stephen D. Prather Presents Claims

Mr. Prather presented his claim for building permits and inspections from March 28th through April 10th, 1995 in the amount of \$497.70.

Motion made by Council Member Broady to approve the claim as submitted and seconded by Council Member Eddings.

Vote 3-0

Council Member Eddings Addresses Council/Escrow Acct.-Koetter Construction

Council Member Eddings stated at the last meeting our first payment on the Town Hall, we had received the bill and voted on it and passed it. To do it legally, we were to set up an Escrow Acct. so we need to now go ahead and set up an Escrow Acct. in the amount of \$6,693.30.

Motion to approve setting up the Escrow Acct. in the amount of \$6,693.30 made by Council Member Eddings and seconded by Council Member Alexander.

Vote 3-0

Sellersburg Town Council
Regular Meeting
April 10, 1995
Page 3.

Council Member Eddings Addresses Council/Bids On Pole Barn

Council Member Eddings stated we sent out bids for the lean to building for the packers and the town equipment at the Waste Water Treatment Facility. We have received the bids back. We've only gotten two bids. The first bid was from Kelly & McNew Builders for \$22,250.00. The second bid was from Starlight Construction for \$19,570.00. This was all part of the project to move the equipment, trash compactors, away from the new town hall so we could provide a parking area.

Motion to approve Starlight Construction's bid made by Council Member Eddings and seconded by Council Member Broady.

Vote 3-0

John Toombs stated we will have to decide where to put it.

Council Member Eddings Introduces EMC

Council Member Eddings stated the last thing I've got is I invited EMC here tonight to give a brief presentation about some of the advantages of using a management company and the type of services that they provide. I'd like to turn it over to EMC.

A representative stated my name is Chris McKee, I'm Operations Specialist. This is Kendall Coleman, he's our facilities manager in Jeffersonville. I'd like to explain what we are about, who we are, where we are, what kind of services we offer. EMC was founded in 1980. Currently we have 14 contracts in Illinois, 4 in Indiana, 2 in Missouri, 1 in Iowa and 1 in Kansas and a host of industrial contracts. Our scope of services runs-in some cities we do just waste water, some we do water, some we do billing and collections, water billing, trash billing, collections, some we just do sewer maintenance some others we do just the manuel stuff, water distribution, water towers, distribution lines, repairs, stuff like that. The four contracts that we have in Indiana are in Evansville, Seymour, Jeffersonville, and Vincennes. All of those contracts are waste water contracts. Jeffersonville and Vincennes we have the collection systems, we do the repair and maintenance and all of the collection system. Our contracts also vary quite a bit especially when we talk about how the employee issues are dealt with. In Evansville, we operate the two waste water treatment plants in Evansville, however, all of the employees in Evansville remain city employees. They continue to work for the city of Evansville. We just have a management staff, actually it's nine people in Evansville that are EMC employees. In Vincennes, Seymour and Jeffersonville, all of the employees at all of these facilities are ours. They are actually employees of EMC. When we go in to locations, any location, if it's been union in the past it stays union and if it's non-union it stays non-union, and in most cases we can guarantee employment for a certain period of time. We also guarantee equal to or better pay. The main issue that we see, the main obstacle to over come when you make a decision like that is usually the employee issues. How do we treat the employees fairly, how do we make sure that we give them a fair shake so they don't get shafted in the deal and we work very hard and are proud of our reputation on how we deal with our employees and I think that if you speak to some of the folks who were really resistant with us going in to some of the places they will say they are happy. I think we pride ourselves in giving employees opportunities that cities couldn't give them. Kendall is a real good story.

Sellersburg Town Council
Regular Meeting
April 10, 1995
Page 4.

Council Member Eddings Introduces EMC Cont.

Mr. McKee stated he started out for us working just as an operator I guess almost five or six years ago and now is the manager of one of our major plants in Indiana so we offer opportunity, we are always looking for people, so that's usually the biggest issue, the employee issue. In Jeffersonville's case we offered a specific plan to make sure we took care of all of the employees and we welcome any body to come down and speak with any of them about how they feel, about the transition, about how they feel about EMC, about if we are doing a good job or not doing a good job. We are always excited to look at new opportunities and to examine opportunities. If that would be the case or if you decide that that is the case we would be more than happy to do that. Our home base is out of St. Louis, Missouri, we are a midwest based company as you can see where our contracts are. We like working in the midwest, we like the people, we like the atmosphere. If any body has any questions about any thing we offer, Kendall and I are always available. We will stay around after the meeting. If anyone wants to come down and visit the plant, talk to any of the employees at the plant, they don't even need to call us, just show up, that's no problem. Any politicians that you would like to talk to, that's no problem. This thing we like to do unprompted by us because we don't want anybody to be bias if we are there so as I say Kendall and I are looking into any questions or comments you may have and if you decide to proceed with this opportunity, we'd be more than happy to take a look at it.

President Tucker stated thank you.

Council Member Broady Addresses Council/San. Sewer Corrective Action Plan Final Payment

Council Member Broady stated I have the final payment due on the sanitary sewer corrective action plan to pay to Clark Nickles, Inc. in the amount of \$11,660.93. This is lower than what we had anticipated.

Motion made by Council Member Broady to approve the claim as submitted and seconded by Council Member Eddings.

Vote 3-0

Council Member Broady Addresses Council/Claim From Jacobi, Toombs & Lanz, Inc.

Council Member Broady stated I have a claim from Jacobi, Toombs and Lanz, Inc. in the amount of \$110.00 for pole barn sketches. I think we ususally split these bills.

Motion to approve the claim as submitted and split between the three departments made by Council Member Broady and seconded by Council Member Eddings.

Vote 3-0

Council Member Alexander Addresses Council/Yard Waste

Council Member Alexander stated the only think I have tonight, I want to give this to Perry. We need to start working at amending this ordinance pertaining to yard waste. Tonight I kind of want to start at the very beginning and correct me if I go astray. Basically yard waste was the problem we needed to solve. I looked at several plans in the community and as far as the tag system and so forth but the dollars basically have to come out of what I am budgeted. If we make a system, it doesn't create more dollars for me, the tax money is just reappropriated through the residence in a different manner so basically I'm not getting more money to do something. I still have to use the funds that I've got, knowing that we wanted to make the plan so that it was easy for the residents to use but yet not so easy that they wouldn't start looking at ways to deal with the problem that is eventually going to come where you are going to have to start managing it yourself. So we decided, we've talked about using a twice a month pick up where it's three bags, it has to be the paper recycleable bags and you get two bundles of limbs and that would be picked up two times a month. It would be six bags a month and four bundles a month. You can pick up the bags right now at Sellersburg Lumber. I paid \$2.98 for five. The bundles are two to three feet and 24 inches in diameter and it doesn't seem like a lot but the main thing is alot of the yard waste, 60% of the yard waste is grass. We can manage grass, keep your grass two to three inches tall and mow it not cutting off over 1/3, this helps your yard get the nutrient's it needs back plus during the drought season, summer time, it's going to help keep the soil damp where you're not going to burn so easy, so grass is not the problem. If you cut a tree down, we've got to manage that tree, have the people who are cutting that tree down, chip it and get rid of it for you or if you're cutting the tree down, where you have use of a truck to where you can take it up to the compost site for three bucks it's all gone. We are trying to keep the cost under control. If this system works Sellersburg is taken care of until the town doubles in size. Coming from a budget standpoint it puts us in real good standing. I looked at contracting out just to get an idea where we would be and it comes at \$2.00 a month per stop. If we are using existing trucks and existing employees just managing our time better our sanitation department where we can pull everything off we'll be coming in right at around fifty cents to sixty eight cents per stop or better, so I propose you're going to, can we get a motion so we can get this started. It needs to start on the 24th because I think that's when Indiana Oaks puts the next recycleable containers out. There is no fee. Mark is going to try and get a handle on it he's going to see how many employees it takes. We are going to make duplicate receipts, with what we are spending at the composting site we will monitor this for three months, bring it back in, see what we've spent, see how close we get to guesstimating, see where we are at. We are looking at, if we get the new packer doing away with maybe the paper bags and going to a trash can marked yard waste and running the 2nd packer around, it's not going to happen now. The residence just like with the lid ordinance it isn't something that we are trying to be cruel with. There is a reason for this. We have to manage time. We are working with the same amount of people that are doing a job in a weeks time and they are going to be doing something extra. So I'm hoping the residents will understand, learn the three R's. Learn to compost if you can. Jerry Fuller, if there are alot in the community that want to learn how to compost, they do make safe composting. Alot of people are afraid of rats. They make a safe compost that is completely sealed.

Sellersburg Town Council
Regular Meeting
April 10, 1995
Page 6.

Council Member Alexander Addresses Council/Yard Waste cont.

Council Member Alexander stated there are all kinds of alternatives, mowing your grass a little more frequent. If you don't produce any grass I guarantee you can use our system when we first start out in the Spring to get rid of the old annuals and the rest of the summer you probably won't need it but I mean it's eventually something we are going to have to learn because every ton that we don't take to the landfill that means we are giving a ton to our grandkids, our kids and it's something we really need to start paying attention to.

Steve Prather stated are there any provisions or anything for in the fall of the year with the leaves.

Council Member Alexander stated right when it comes around to fall time we will have a better idea of what we are spending and definately during a month or month and a half we will probably go to a every week or we will increase the number of bags basically right now since we are going to have to work off of the budget that we have for landfill we need to see how close we are running, what we are using, I look for Sellersburg, well Clark County in general has been real good with recycling. I mean like 90% has been using it. I'm hoping that 90% respect the yard waste problem. If we keep it down to a minimal it gives Sellersburg a great outlook, if it works and we all work together that we could have in 10 to 15 years not have to really do alot. Alot of education hopefully, it will come out better. There are recycling books everywhere. Somebody gave me a recycling book so I could read. The Solid Waste Management, if you call them they are giving rebates on mulching blades. You can actually turn your old lawn mower into a mulcher. If you need help or instructions just call Solid Waste and they will help you out. You can learn how to compost. They are a valuable resource.

Attorney McCall stated I suggest that you have an ordinance prepared for the meeting on the 24th.

Council Member Alexander stated can they pick up on the 24th.

Attorney McCall stated you can do what you want.

Council Member Alexander stated when the red recycling bin gets set out in Indiana Oaks that starts Mark's week and we will start on that day. When you set out your recycling bin you can set out your yard waste. Alot of people use plastic bags, alot of people are going why are we doing that. There's good reasons. We have to do it a certain way period. We can't use plastic bags or they will be left. Your bundles, they have to be tight, if they are not tight and the limbs spill out everywhere it's your tax money, we can hire another guy to pick up those limbs but we'd rather you all tie them tight so that one guy can get them in there fast and we can be efficient.

President Tucker stated so it can't be in plastic bags, it has to be in a paper bag that will disintegrate.

Council Member Alexander stated a biodegradable paper bag. I did find that Sellersburg Lumber has them, hopefully we will be able to go to something different. This is a prototype. We are going to screw up I'll tell you that right now. Don't flood us with phone calls. We will straighten it out the next week. They are learning just as we are learning and let's give them a break for a month before we put the heat on them.

Sellersburg Town Council
Regular Meeting
April 10, 1995
Page 7.

Council Member Alexander Addresses Council/Yard Waste cont.

President Tucker stated so you are going to pick up on the 24th and we are going to pass that ordinance that night.

Attorney McCall stated I'll put a rough draft in everyone's box before that date so you can review it for any corrections or changes or questions.

Council Member Alexander stated the type of bag, I have one. I didn't bring it in. I have one in my car. I'll show you. We'd like to bag to be basically rolled down. You now have to plan ahead before you cut trees down. Every rental place rents chippers, the stand up chippers, big chippers. You could actually, if you want to take a tree down, spend the fifty bucks to rent the chipper, chip it up, put it in our bags and we will pick it up. I mean there are all kinds of options. You know we are going to try them, everybody out there need to try them and I think we will come up with a real workable solution that doesn't cost us anything. We are helping our kids out and I think we are serving the purpose all of the way around.

Clerk Treasurer Schafer Addresses Council/Amending Salary Ordinance

Ms. Schafer stated I'm working on an amendment to the salary ordinance. I didn't get it finished today but I did get an attentive approval to go on and issue a correction for our police officer, Timothy Oldham. His anniversary date was September of 1994, which January 1st he should of went up to a 1st class police officer's pay so at 12 weeks, \$21.60 was the difference in his pay. I issued a check on the 29th correcting his salary also so I just need approval of the council and I will have an amendment to the salary ordinance which there were several areas of the chief of police's corrections since his contract was renewed that I had to do. I just didn't get it done for this meeting.

Motion made to approve the increase for Timothy Oldham retroactive to January 1st made by Council Member Eddings and seconded by Council Member Alexander.

Vote 3-0

Clerk Treasurer Schafer Addresses Council/Additional Appropriations for New Town Hall

Ms. Schafer stated I'm also working on an additional appropriation for the new town hall. I'm not ready to present it but I feel we won't have to finance anything. We will just have to be extremely conservative with this years budget and don't spend it if we can do with out it.

Sellersburg Town Council
Regular Meeting
April 10, 1995
Page 8.

President Tucker Presents Claims For The Civil, Water & Sewer Departments

President Tucker presented the claims for the Civil, Water and Sewer Departments for the last two week period and requested a motion to approve them as presented.

Motion made by Council Member Eddings to approve the claims as presented and seconded by Council Member Alexander.

Vote 3-0

Attorney McCall Addresses Council/Animal Control In Indian Oaks

Attorney McCall stated the last time we were here we talked about the animal control officer. It was suggested that we set down and talk about a resolution with Indian Oaks.

Mr. Allen, manager of Indian Oaks stated we do have a problem, it's one that I've been working on. We do have a cat policy in the park. Let me back up. I've been here for a year this month and unfortunately there are park rules and regulations that have been set up. A lot of the rules have not been enforced. Animal Control is one of the problems. We do have a rather large cat population. The residents may wish and want the animal control officer to crawl around under their homes, myself I don't see that, at the present time I don't have a holding place for dogs or cats. We have been keeping dogs and Mark will come and pick them up and we are very appreciative. The cat problem is a little bit more to deal with.

President Tucker stated if I might offer a suggestion. Mark Dean, our animal control officer would probably like to be included in that meeting.

Attorney McCall stated we will set up a meeting with myself, Mark, Mr. Allen and the Attorney for Indian Oaks.

President Tucker Addresses Residents/Oak Street

Mr. Bueter stated that there was a problem at the Court House regarding Oak Street and all she want's to do is get it straightened out. The Court House told her that the Town Council was the only people that could straighten it out.

President Tucker stated Ms. Smith represents the real estate company that represent the Beyl's, basically where the town stands is first of all the BZA which is the Board of Zoning of Appeals met a couple of weeks ago, sorry a month ago and denied the change of zoning. Which means they, couldn't build down there and the only way it can be built is if they go back to the BZA and get the zoning changed or they go to court and that has not happened so far.

Mr. Prather stated it was not voted on because they didn't have enough to vote.

President Tucker Addresses Residents/Oak Street cont.

President Tucker stated I'm pretty sure Steve, there were three people there and it was voted on.

Mr. Prather stated there were three people there but it was not voted on.

President Tucker stated anyway as it stands nothing is changed. They didn't get the zoning changed. Nothing came up nothing is going to happen at this point in time. John was called by Ms. Smith and basically where the town sets on this is that they may get permission from the BZA to change the zoning and if they want to pay for extending the road, hooking up to the water and sewer then it is possible that it could be done but at this point in time nothing has happened and the place it has to go first is back to the BZA and the BZA meets tomorrow night at 6:00 p.m. here and as far as I know they are not on the agenda but nothing is going to happen at this point in time until they go back to the BZA and get the zoning changed and then they have to pay to extend and widen the road, hook up to the water and sewer and it's not at the towns expense persay. Am I explaining that clearly enough.

Ms. Bueter stated the town has never finished what they were suppose to do at the Court House.

President Tucker stated my understanding of that and John correct me if I'm wrong, right now nothing needs to be changed. There's not a road there, Spring Street does not go across and so forth.

Ms. Bueter stated Rollin Blankenbaker asked me when I worked at the Court House when Sellersburg was going to get this straightened out.

President Tucker stated Perry is that something at the Court House where you could run into Mr. Blankenbaker over there.

Attorney McCall stated Mr. Blankenbaker is dead.

President Tucker stated then that would be hard.

Mr. Bueter stated Mr. Mosley was going to try and fix it and he died.

John Toombs stated I'm not sure of what we are talking about here but I'm not sure if one of the town council's in the past made a petition to vacate but it was never recorded at the Court House. If no one can find the ordinal ordinance that was passed then it can't be recorded. I'm not sure what we're talking about but I think that's it.

A resident stated I'd like to tell you a horror story about that Court House, back in 88 or 89, my husband and I got a letter that our house and our property was up for sale at public auction because we had never paid any taxes on that property. We bought in 1987 or 70 I think it was, so my husband being the person that he was he went back and got all of his receipts that he had paid for years on it and took it to the Court House and they said we have already had it surveyed and your have to pay that, it was over \$200.00 we had to pay due to their mistake to get that off of public auction even though we had proof and when I went back after my husband died and they told me again I hadn't paid my taxes.

Sellersburg Town Council
Regular Meeting
April 10, 1995
Page 10.

President Tucker Addresses Residents/Oak Street cont.

The resident stated I had and the lady stated I know you and I know you are honest, I knew your husband and he was honest and if you say it's so, it's so. If you'll stay right here. We have never been incorporated into the town, it took them 16 or 17 years.

Another resident stated a few minutes ago you mentioned extending the street, sewer and water lines but you didn't mention extending the alley.

President Tucker stated at this point in time nothing is going to be extended. The other night we talked about Spring Street. I mean okay, it got real confusing. The bottom line to this is that nothing has happened at this point in time. The first thing that has to happen is it has to go before the BZA to get a zoning change, if it gets a zoning change then they can come back and at their cost they can extend these roads and hook up to the sewer and water assuming this town board says it's okay but none of this has happened so far.

A resident stated but what about the alley.

President Tucker stated we are going to look into, we don't understand what's going on, what's right or what's wrong. Our attorney is going to look into this. He's going to try and figure out what we need to do or if we need to do anything.

A resident stated and you are going to look at our faces until something is done because we don't want anything done under the table.

A resident addressed trash pick up on Oak Street.

Council Member Alexander stated I talked with Mark about that and basically because there was no outlet, correct me if I'm wrong, the only thing we could do is change your route and pick it up on another day. Thursday is a full day and basically what they are doing unless we have to pay overtime and going back and straighten routes where they could be more efficient. We can look at redrawing the lines, getting you on a different day, I mean it might take a while but if that's what you want. Is there just one house that has to carry it across the yard.

The resident stated yes and the lady that lives there, she gets kind of upset if he leaves the can there.

Council Member Alexander stated we will look into it again but that is the reason behind that. I know it isn't what you'd like to hear but that is the reason behind it because we have to stay in the time line without going into overtime and Thursday and Tuesday is our busiest days.

Sellersburg Town Council
Regular Meeting
April 10, 1995
Page 11.

Phyllis Haas Addresses Council/Alleyway Behind Her Home

Ms. Haas stated can I get something done about these people on this street here blocking my driveway. The people here at the library, they block me in, I can't go through the yard unless I knock my trees down. Hank Petit had the whole street blocked for over an hour fooling with that old junkie trailer and truck and there I'm setting. I had an appointment at 12 o'clock and I was an hour and five minutes late. I went out and asked him to move and looked at me like I was crazy. I called the police department and they never did come down. I'm waiting on old Dave Kinder tonight and he's not here. I'm getting tired of this, I'm going up there tomorrow. I've lived there 34 years and it has been pure hell every since this place was built.

President Tucker stated well we've tried to put signs up.


Ms. Haas stated Mark did put signs up, they ignore them. It says no parking. If I blocked that street they'd have me in jail. If I did do it you all would have to come and get me.

Adjournment

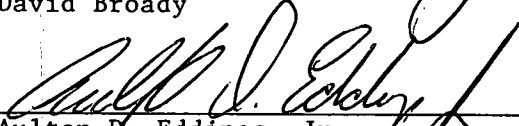
Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Alexander.

Vote 3-0

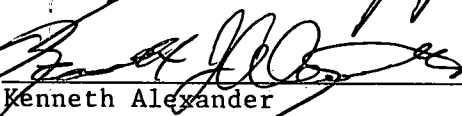
With no further business this meeting was adjourned by President Tucker at 7:25 p.m.



David Broady



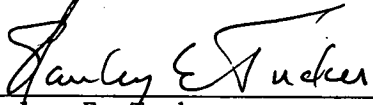
Aulton D. Eddings, Jr.



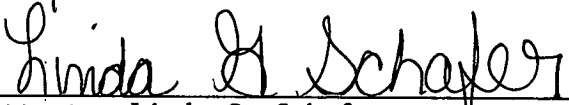
Kenneth Alexander

Absent

Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

April 24, 1995

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at 6:30 p.m. at the Sellersburg Library. Those present were: Stanley E. Tucker, Council President; Aulton D. Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Karl Truman, Council Member; David Broady, Council Member; Linda G. Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Tucker called the regular meeting to order at 6:28 p.m.

Prayer

Reverend Gerald Boyer offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of the Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and requested a motion to approve them as presented.

Motion made by Council Member Eddings and seconded by Council Member Broady to approve the minutes as presented.

Vote 4-0

Nina Diefenbach Addresses Council/Yard Waste Pick Up

Ms. Diefenbach stated I have lived here for 55 years and I've paid taxes all of those years too. The Diefenbach's paid for a long time on alot of things. I'd like to say that about \$775.00 out of what I pay goes to pay your salaries, to make good decisions, make ones that are responsible. On this yard waste, I felt that you made a very bad decision on that simply because there are many places that will take the leaves and be glad to have them. A lady right down the street, on Utica Street, will take them , now that she's been cut off. She will still take them from anyone that will bring them to her, also there is a fellow out on Daisy Hill that will take them, it will require a little time to get them out there. I have too many leaves. I had 100 bags last fall. I had 75 bags when I cleaned up this spring. This past Saturday, a girl that helps me on Saturdays, we took my car, we got rid of 75 bags of leaves and we took them over to this lady on Utica Street and she was glad to get them.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 2.

Nina Diefenbach Addresses Council/Yard Waste Pick Up

Ms. Diefenbach stated now my question to you people is, I would think that you would want to save the town some money simply by going with people that are glad to get the leaves, all it would cost you was the cost of transportation to get them there. When you talk about only putting 3 bags every other week down at the street in paper bags that have to be bought and they are not cheap by any means, then why is it that somebody would ask this man who has to get rid of them themselves when they are paying \$775.00 dollars in, just for the town alone. That is my big complaint. I understand that there are some other decisions coming along and I expect responsible answers out of. We as taxpayers, you work for us. Now I don't mean to try and get anybody's job but you know how you got here and you know how you can get away, so I expect some answers out of you. Now Linda Schafer, I understand that the town wants to sell the sewer and the water plant.

Ms. Schafer stated they don't want to sell the physical property. I was told what they want to do is get an out of state firm from St. Louis, Missouri to come in and contract the operational part of the utility out when it is functioning properly at this time.

Ms. Diefenbach stated can you tell me how they are functioning now.

Council Member Alexander stated I would like to go ahead and get the yard waste out of the way if I could.

Ms. Diefenbach stated okay then what are you going to do about it.

Council Member Alexander stated right now we are in what we call a prototype. You want effective efficient government, right now we are in a prototype of picking up leaves.

Ms. Diefenbach stated I want to tell you something, if you are not saving money, is that efficiency. I talked to you before.

Council Member Alexander stated right, are you done, may I speak.

Ms. Diefenbach stated yes.

Council Member Alexander stated as I was getting ready to say, it's called effective government. You want effective government. We've got the plan okay. It's not what you want, it's never going to be what you want. There's always going to be a pot hole that I'm going to miss or isn't going to get filled okay. It's been like that for 25 years. The pot hole finally gets filled but it doesn't get filled right away just because somebody calls us up and says hey, either get out of here or I'm going to kick you off your seat. The way it's handled with the yard waste program, when I came on board, I was handed a contract that stated this is where you are going to take it and my job was to create a plan that would fit that contract and also be effective. We're doing everything we can right now with the resources we have. I don't get new money just because a new problem starts up. I don't get new money. I have a budget that was set up last year.

Ms. Diefenbach stated how much input did you ask from the taxpayers, from us.

Council Member Alexander stated there was three months of it, every since I came here.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 3.

Nina Diefenbach Addresses Council/Yard Waste Pick Up

Ms. Diefenbach stated who did you get it from.

Council Member Alexander stated as far as what, input.

Ms. Diefenbach stated yes.

Council Member Alexander stated every meeting we were bringing updates on what was going on. It's been in the newspaper.

Ms. Diefenbach stated well I want to tell you something. I'm here tonight but I was called this afternoon and asked not to come but I'm here and I will be back. There are many ways that you can save.

Council Member Alexander stated I appreciate you being here. I mean it is a concern. There are residents out there and we are figuring about 15% that have over an acre. If you have over an acre, which I am one of you okay, that have over 20 trees and you are going to produce leaves. We didn't want to have to start a system. The state said you are going to start a system.

Ms. Diefenbach stated but there's nothing says that you all can't cooperate and help out some.

Council Member Alexander stated right, we have to get a cost under our belt. Do you want me to just spend it and then come back after I've spent it and say whoops. The idea is to get a handle on the problem now, be effective and be efficient. I've got three guys on sanitation and three guys on street, that's not an army. We are already going around and picking up twice, same number of people. We have no cost value on this program. That's what the process is right now. We are not going to solve the problem.

Ms. Diefenbach stated what is wrong with you taking the truck that the town and the tax payers paid for and getting it to these people that will take it for nothing. It's right down the street.

Council Member Alexander stated take it for nothing, when I came on in January, I was handed a contract that said I'm taking yard waste to Mr. Nickles.

Ms. Diefenbach asked who made that decision.

Council Member Alexander stated it was all here before. It's under the bridge.

Ms. Diefenbach stated this is the kind of responsibility that you're talking about.

Council Member Alexander stated it's under the bridge, it's under the bridge. The contract was signed okay.

Ms. Diefenbach stated it doesn't mean that.....

Council Member Alexander stated it doesn't mean it's right or wrong but the contract is signed. There is no way around it okay.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 4.

Nina Diefenbach Addresses Council/Yard Waste Pick Up

Ms. Diefenbach stated that's what you're saying.

Council Member Alexander stated there is no way around it. There's signatures on the lines and we've got to take it.

Ms. Diefenbach stated I'm surprised that you people voted for this kind of stuff, when you could of gone to someone that would of taken the leaves for free.

Council Member Alexander stated did you call Mr. Fuller like I asked you to.

Ms. Diefenbach stated no because I'm dealing with you guys.

Council Member Alexander stated no solid waste is someone that deal's with Clark County.

Ms. Diefenbach stated yes, because you all signed on with them.

Council Member Alexander stated no, they are there to help you. They are the ones designed to help keep the cost to the landfill down.

Ms. Diefenbach stated you also told me it would cost me \$1.00 a bag.

Council Member Alexander stated no, in Jeffersonville, they do a \$1.00 a bag.

Ms. Diefenbach stated you told me it would cost me \$1.00 a bag.

Council Member Alexander stated you told me you could get rid of your leaves for 40 bucks for 50 bags.

Ms. Diefenbach stated I said I did one year.

Council Member Alexander stated okay and then my response was to you, if you lived in Jeffersonville, they charge \$1.00 a bag.

Ms. Diefenbach stated but I don't live in Jeffersonville, let's get real.

Council Member Alexander stated I am.

President Tucker stated excuse me. We've already signed the contract.

Ms. Diefenbach stated that was a bad choice.

President Tucker stated maybe it was, maybe we've made some other bad choices but we are trying the best we know how to do.

Ms. Diefenbach stated then you need to work harder at it and you need to try harder.

President Tucker stated I'm trying as hard as I can.

Ms. Diefenbach stated you just got through telling us awhile ago that you didn't even get the paper on selling this outfit until today at noon.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 5.

Nina Diefenbach Addresses Council/Yard Waste Pick Up

President Tucker stated I didn't see this contract.

Ms. Diefenbach stated as chairman of the board, that shows something is wrong somewhere. Now you guys need to work together and you need to let the tax payers, who pay a hell of a lot of taxes what is going on. There needs to be better communication.

Council Member Alexander stated I agree, but as far as yard waste, there was three months of discussion and you weren't here.

Ms. Diefenbach stated but I'll be back.

Council Member Alexander stated I want you back, you keep testing me, you make sure that these pieces of paper that Mr. Warren has designed, that he's being effective, you keep on my tail until I'm completely 100% effective.

Ms. Diefenbach stated I was here a long time before you were.

President Tucker Addresses Council/Ordinance 95-617 Renewal of Cumulative Cap. Dev. Fund

President Tucker stated we have a Cumulative Capital Development Fund that this is a public meeting to discuss.

Attorney McCall stated this is for the adoption.

President Tucker stated this is the second public hearing, it is a fund that we use to fund some of the expenses in the town. It doesn't increase the tax rate.

Motion made by Council Member Eddings to approve the renewal of the CCD Fund.

Ms. Diefenbach stated I think we ought to hear that ordinance first.

President Tucker stated let me get a second and then I'll read it.

Motion was then seconded by Council Member Truman.

President Tucker then read Ordinance 95-617.

Ms. Diefenbach stated I'm glad you read it, thank you.

Ms. Carol Osborne asked what about the question on the utilities, are you going to answer that.

President Tucker stated we'll get back to it, we were talking about refuse first.

Ms. Osborne stated I just thought we skipped it.

Mr. Don Brown asked what particular things are these funds used for.

President Tucker stated under the Code 36-9-15. 5-1, I don't have that code.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 6.

President Tucker Addresses Council/Ord. 95-617 Renewal of Cumulative Capital Dev. Fund

Mr. Brown stated maybe Mr. McCall has it.

Attorney McCall stated it is for capital improvements to the town. CCD is established, it is a source of revenue from the taxpayers that allows improvements to be made to the town. It has been utilized, it's been in place for 3 years now. The other municipalities locally have a fund such as this. We need to renew it this year. Those that are not in agreement with the CCD Fund, they have the right to remonstrate against the CCD Fund and it takes 50 or more taxpayers to petition and state objections to the CCD Fund. They have 30 days after the final publication.

Mr. Brown stated do these funds go toward building the new town hall.

Attorney McCall stated whatever you capital improvement is, town hall, any type of project the town so desires, anything that is a capital improvement.

Mr. Brown stated and the tax rate is .12.

Attorney McCall stated twelve cents.

Ms. Schafer stated that's above the maximum levy of the normal tax. It was an existing fund when I first came in to office. They just simply failed to renew it, the prior clerk treas. I currently, this year have a garbage packer to purchase in the CCD Fund and am working at the council's request of going in for additional appropriations, that's money within that existing fund to help finish the window coverings and things that they sort of overlooked when they were building the town hall.

Attorney McCall read the Indiana Code.

Vote 5-0

Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of April 11, 1995 thru April 24, 1995 in the amount of \$584.46.

Motion made by Council Member Truman and seconded by Council Member Alexander to approve the claim as submitted.

Vote 4-0

Building Commissioner, Stephen D. Prather Addresses Council/Office Space in New Town Hall

Mr. Prather stated I have one more item of business that I'd like to bring up. February 10 of 92, this town board passed the, officially the building ordinances, at that time for the Town of Sellersburg, along with that was a duties and job responsibilities which are the four pages that I've made copies of and will give to each one of you,

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 7.

Building Commissioner, Stephen D. Prather Addresses Council/Office Space In New Town Hall

Mr. Prather stated at this time and I'd like to if I could call attention to page three Item #103, on page 3 where it states the items that the building commissioner is responsible for and there are five items, excuse me, four items that states the building commissioner will provide basically that is all cost for operating the department, all expenses for forms, ID's, business cards, necessary letterhead, all application's for building permits, all stationery for the permits themselves and any additional expenses required by the stated for schools, lectures, seminars and etc., etc., and then on page 4. Item 104, stated the items that the Town of Sellersburg is suppose to be responsible for and item 1 of that states that the Town of Sellersburg shall provide the building commissioner with office space to include the following and it goes on to state a desk, a chair, file space, use of the copy machine, to basically fulfill the duties as building commissioner and I'd like to kind of point out for three years basically under this agreement and still the town has yet to provide the building commissioner with any type of office space to be utilized during the day and also after hours when alot of the inspections are done. I was at the firehouse for about one year until they needed to expand by adding a ambulance service to provide better emergency care to the residents of Sellersburg and for the last two years approximately, I've been up the street at Benita Springs which is a whirlpoos tub manufacturer here in Sellersburg. You know Mr. Pate was nice enough to offer the space at that time while the town was in the process of getting the paper work and things organized to add on to their town hall but that is very disruptive having meetings and stuff going on in another place of business plus again we're limited to the hours that I can meet people there in the form of their hours of operation and under the original plans that I saw for the town hall there was two offices up front that originally had been ear marked for the town manager and also for the building inspector and I think that those plans may have been changed prior to the building being started or constructed or since then and I'd just like, try to remind the council that the agreement that they entered in back in February of 92 and when say as they would not utilize one of those spaces for the building inspector since having office space is kind of critical to be able to keep my files straight and meet builders and contractors and town's people as they need to be, have their questions asked and plans reviewed for various building projects that they have going on within the Town of Sellersburg, so at this point I'm bringing that to the boards attention and to see if I might utilize one of those two spaces for that since I think one of those office should be vacant at this point.

Ms. Schafer stated for the first year Mr. Prather had a contract. The Town Council did give him or award him a one year contract after that the town council did not sign any contract with Mr. Prather, he has signed with the zoning board which I would think we have other contracted employees such as the town attorney, the animal control officer. I feel it unfair for Mr. Prather to have an office furnished when the rest of these people do not.

Mr. Prather stated I'd like to once again bring your attention to item 105 on page 4 which stated the term of office the building commissioner shall serve at the pleasure of the town board of Sellersburg, Indiana, this term shall be no less than one year and not more than 4 years in length starting January 1 of each year thru 31 of December of that same year. I feel that was passed by ordinance on February 10 of 92 so I think that would still apply.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 8.

Building Commissioner, Stephen D. Prather Addresses Council/Office Space In New Town Hall

Council Member Truman stated I move that we table this discussion until the first meeting after the town hall is completed and we can discuss it at that time.

Motion made by Council Member Truman to table this discussion until the first meeting after the completion of the new town hall and seconded by Council Member Broady.

Vote 4-0

Council Member Eddings Addresses Council/Change Order Request For New Town Hall

Council Member Eddings stated we've got a small change on the town hall and I have a change order request. We have a price on an observation window in the clerks office so they can see what's going on out on the front desk. The price of the observation window is \$503.00.

Council Member Broady asked what it was for.

Ms. Schafer stated the way that the town hall was constructed, there is a wall that obstructs view from the door which anyone could come in and deface the town property and etc. or come in and gain entry to the bathroom and wait until we look up and rob us or whatever. This observation window is to see who comes in the door and if they go back out so it is basically necessary for security.

Council Member Eddings read the description of the window and the price.

Motion made by Council Member Eddings to approve change order request and seconded by Council Member Alexander.

Vote 4-1, with Council Member Truman voting against.

Council Member Eddings Addresses Council/EMC Management Co.

Council Member Eddings stated I guess I get to be the person who kicks this off, over the last two years off and on we have looked at several different methods to help try to manage the town, manage the town utilities as efficiently and effectively as possible. We've looked at and it's been in the paper, management firms, we've looked at town managers. We've looked at several different options to try to help in running the town so board members who have full time positions and run businesses and that type of stuff aren't committing 6 to 8 hours a day on town business with running their own businesses, doing their own jobs. We also wanted to make sure that in the utilities portion and in any of the towns functions. We are trying to operate those functions and be proactive instead of reactive. Which is very difficult to do. What we are going to try and do tonight in no way reflects any job that anyone has done, as far as people we've got good people in this town, good people that work in all departments in this town, excellent people. What we are going to try and do tonight, this will not only help the town but will help those people as well.

Ms. Diefenbach stated in what ways.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 9.

Council Member Eddings Addresses Council/EMC Management Co.

Council Member Eddings stated what we are going to try and do is pass the management consulting firm and this firm is a midwest firm. There is a lot of opportunity for growth, advancement and career opportunities and the guys that want to excel and go on and get higher level licenses will be able to go on, have an opportunity to work at other treatment facilities, even private firms that have waste water facilities that require certain education and class level or whatever, good paying jobs. This company that we are going to recommend tonight has an excellent benefit package, as good as if not better than what the town can offer, retirement package.

Ms. Diefenbach stated what's wrong with the way you're doing it now.

Council Member Eddings stated we feel as board members, number one, we can be more efficient.

Ms. Diefenbach stated in what ways.

Council Member Eddings stated in that we could start being proactive instead of reactive in a lot of cases we can start developing such things as preventative maintenance plans which may lower the need for capital equipment or at least extend those time frames for needs for capital equipment. We would be able to see out in the future and be able to head off some of the things that the state brings down to us as requirements because the management company is already on tune, in tune and on board with those things and that's what they do. They also have their own resources, their own engineering resources. We spend a lot of money with Jacobi, Toombs and Lanz, who is a civil engineer because he is the town's engineer a lot of times he will tell you himself that he's doing things that are not civil engineering work and we pay civil engineering prices to get them done because it's the only place we have to get them done. Whereas a management consulting firm has those resources available to them, it's all part of the package.

Ms. Diefenbach stated this means it will probably raise our rates.

Council Member Eddings stated now what we're hoping for is over a period of two to three years we can actually lower the rates. That's what we're shooting for.

Ms. Diefenbach stated we've gone thru the bad times with this sewer and water thing.

Council Member Eddings stated we've gotten to the point where the Town of Sellersburg is no longer a small town. We are growing.

Ms. Diefenbach stated this is why I think we need more print out and more input from the people who pay this bill but we don't get it, all we get is what's in the newspaper or if you come to the meeting and I'll be back.

Council Member Eddings stated the meetings are about the only form of communication that we have.

Ms. Diefenbach stated well I still think that if you make the right decisions and you get some input and you get some resources and it's going to require some work on the part of you guys and that's what you are being paid for.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 10.

Council Member Eddings Addresses Council/EMC Management Co.

Council Member Eddings stated we have worked very very hard over the last month, month and a half trying to draw all of the options.

Ms. Diefenbach stated seems to me what you all have been doing, I don't see so awfully much wrong with the way it's been going.

Attorney McCall stated if you're going to make a motion, if there's a motion to be made it needs to be made so it can be discussed. There has to be a motion, there's nothing before the board to consider right now and if you're going to consider something which I believe is the contract for EMC there needs to be a motion made to consider that contract and then it needs to be discussed so a vote can be made in regard to whether or not it should be approved.

Motion made by Council Member Eddings to accept the 90 day contract with EMC Company to manage the town utilities and seconded by Council Member Broady.

Ms. Osborne asked how much is it.

Council Member Eddings stated the way that the system is set up, there's a \$3,500.00 a month fee.

Ms. Schafer stated that's not all.

Council Member Alexander stated that's not all, plus the manager.

Council Member Eddings stated plus the cost of the manager they'll put in place and all of the bills that are paid will be paid by EMC, they will record all of the bills and everything and invoice it to the town twice a month and the town will reimburse them for chemicals, whatever purchasing has had to take place.

Ms. Schafer stated plus insurance that you have to provide for those people.

Council Member Truman stated we already have the insurance, it's just naming them as additional insured.

Mr. Welsh stated but that's going to cost more money is it not.

Council Member Truman stated no, we already have the insurance.

Ms. Schafer stated major expenses also.

Council Member Eddings stated plus anything EMC, once they take over, if there's any fines do to being out of regulation or not having the right classification is paid for by EMC, not paid for by the town.

Mr. Welsh stated well this gentleman over here, Mr. Alexander, just awhile ago something was brought up about the waste disposal, this contract was already signed, it can't be unsigned.

Council Member Eddings stated that was for yard waste.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 11.

Council Member Eddings Addresses Council/EMC Management Co.

Mr. Welsh stated I don't understand, this contract has not been signed yet, correct.

Council Member Eddings stated correct.

Mr. Welsh stated well sir, with all due respect, I think most of us here agree with Ms. Diefenbach. I see no need for a town manager, most of what's being done is being done from the town hall, secondly if we have another company from St. Louis take this over we're going to lose our hands on down home flavor that Sellersburg has that we will no longer have. We'll have to deal with a management firm. I don't see any gain in that at all.

Council Member Truman stated I'd like to respond to the comment, as far as the dealing with a management company who's home office is in St. Louis. You know what you are saying is not correct at all, I mean we are going to have, we still own it, this is still the board of directors of the utilities. They work for us. They are basically essentially going to be our employees.

Mr. Welsh stated Mr. Truman, the point is what you're suggesting is out dated and anti-quoted and we've heard it time and time again, hand our responsibility off to a management company.

Council Member Truman stated I disagree.

Mr. Welsh stated you're passing the buck.

Council Member Truman stated I disagree. I think it's actually the wave of the future.

Mr. Welsh stated it's your right to disagree but you're wrong, that's out dated and anti-quoted. We've heard it all before, let a management company do it, am I right on that, am I speaking by myself.

Council Member Truman stated if that were true, I mean I've got stacks of letters of recommendations from other cities that this company has been dealing with.

Mr. Welsh stated this is Sellersburg. They don't know the problems that we have here.

Council Member Truman stated they range anywhere from, I don't want to speak for EMC, they can better answer those questions but I've also reviewed a summary, a table of all of the municipalities that they've dealt with, I mean, there's some as small as population 700, and I see 126,000, 7000, 3000, 1000.

Mr. Welsh stated that's still not Sellersburg sir. We have some unique problems in this area, one in part, it ought to be renamed Hidden Lakes everytime it rains, do you get my drift.

President Tucker stated Linda was next.

Mr. Welsh stated excuse me, please continue.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 12.

Council Member Eddings Addresses Council/EMC Management Co.

Ms. Schafer stated I see in the contract that I just received at 12:30 today that it says that EMC is going to immediately provide a full time facilities manager. Does that also include that we're going to have to pay for all of his benefits, insurance, retirement or is that provided also.

Council Member Eddings stated the cost of that manager will include all of his insurance, all of his benefits.

Ms. Schafer stated okay do you know what that fee is because I didn't see it in this contract.

Council Member Truman stated it's included in here, the person is a EMC employee.

Mr. Welsh stated for the \$3500.00 a month.

Council Member Truman stated well one of the reasons that we have to go through this interium period is because we have never been able to get accurate information about the financial conditions requesting proposals from anybody, for any management fees or anything like that. We've attempted to get information from the clerk treasurer's office in the past. We have constantly run into road blocks and brick walls trying to get this information and this is one of the reasons that we've got to do this 90 day period.

Ms. Schafer stated that is an absolute lie. I would like to have the floor and completely go through. I did have an opportunity to review the contract before you all sign it. I wish to point out the things that I feel that are a disadvantage to the town and then I guess I've done all that I can do. On the first page of the contract it says provide other EMC personnel for support in the management of facilities as deemed necessary okay, who's going to be responsible for these people and if the contract is not signed that would be a cost incurred. Are we going to have to pay for these people if you choose not to sign a contract for three years after that.

Council Member Truman stated well let EMC answer those questions.

A representative from EMC stated, my name is Chris McKee. I'm a representative for EMC, all of the support people are included in the cost. There is no additional cost for any support people that come into the town.

Ms. Schafer stated then the cost incurred, if you have specialist come in to review the Town of Sellersburg at the end of 90 days and the town does not wish to contract with you people then that means that you will not bill them for any lodging, meals or anything. What do you mean by cost incurred, that's what I want to know.

Mr. McKee stated the only cost that the town will be billed for is what's outlined in the contract.

Ms. Schafer stated well it's really sort of vague. It seems like that this contract was not written by the Town of Sellersburg but you people.

Attorney McCall stated I reviewed the contract.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 13.

Council Member Eddings Addresses Council/EMC Management Co.

Mr. Welsh stated you may have reviewed it but it certainly sounds in favor of them and nothing in favor of Sellersburg.

Ms. Schafer stated it's just unclear.

Attorney McCall stated I sat down and made suggestions, changes, recommendations, regarding the town employees. What the people from EMC were going to have access to as far as records. I looked at benefits, as a taxpayer myself and the contract is again for a 90 day period of time, the cost are on the back page. What it's going to cost the town, whether or not the town council accepts that or rejects that is up to them but the cost is not outrageous as opposed to other communities.

Mr. Welsh stated but Mr. McCall, my I ask you something. What did we hire you people for. Could you explain that.

Mr. McCall stated I can't run the utilities and I wouldn't even propose to.

Mr. Welsh stated what did we hire the town board for.

President Tucker stated wait a minute, Linda had the floor.

Ms. Schafer stated I would like to review what I saw just in the short period of time that I had to review it. There could be hidden things that I did not see. We're you all aware that you had a water superintendent that does have the sanitation also and he's going up to take his class 3 license next month. Were you aware of that or did you overlook that fact.

Council Member Eddings stated we know that.

Ms. Schafer stated is he not going to be considered at all for a position. It's going to be a position for whomever they see fit to have that position, is that the case.

Council Member Truman stated if you're talking about Clark, I think Clark can speak for himself okay.

Ms. Schafer stated Karl, that's what I saw in the contract. I mean I just reviewed the contract.

Council Member Truman stated Linda do you want Clark talking for you.

Ms. Schafer stated well, he can if he wants to. I don't have a problem at all..

Attorney McCall stated all employees will remain with the Town of Sellersburg for this 90 day period, the same rate of pay, same employee benefit package.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 14.

Council Member Eddings Addresses Council/EMC Management Co.

Attorney McCall stated EMC will immediately hire according to this contract, hire 3 billing clerks at wages and benefits comparable to the town wages and benefits.

Council Member Eddings stated there is no comparison to Clark or this other guy. What we are trying to do is hire EMC and all of it's resources, hiring a management firm, it's not Clark versus an individual. That individual by himself may not be as good as Clark. I know Clark is really good.

Ms. Schafer stated yes he is a very good employee. In C. on the second page, it says EMC will immediately hire 3 billing clerks. Does that mean that the current clerks that are there, they are terminated from the Town of Sellersburg, is that what that means.

Council Member Eddings stated that means that EMC will take over those 3 clerks, that they have a job working for EMC.

Ms. Schafer stated okay, well do you not think that they should have the option to. I mean is it the town councils right to negotiate a job for them. Shouldn't they have a choice and be given some sort of, they've been here almost 4 years. Should they not have a choice to where they want to work for them since the Town of Sellersburg is terminating their employment.

Council Member Truman stated they have a choice, they don't have to work for anybody if they don't want to.

Ms. Schafer stated that's exactly correct so how can the Town of Sellersburg negotiate, it says 3 clerks. I didn't know if they were going to list the jobs in the paper. If they were going to bring their St. Louis gals in or what they were going to do. I mean that's a question that was sort of unclear because do they expect to hire my employees. Have they negotiated anything with these people or I mean because they have not really seen this. I just saw it. Now what about benefits. I don't have a benefit package for these employees. I mean what about their vested rights. What about mine because I did check on the health insurance, it's going to go up for the civil town, did you all check on that. How much it was going to go up. Principal Insurance is going to go up. Did you contact them and give them a package.

Council Member Truman stated those negotiations were done with the town.

Ms. Schafer stated okay, how can the town council negotiate contracts for employees that have been working for the Town of Sellersburg for over 3½ years. How can they do it. Shouldn't these people have the option, should they have not contracted and negotiated with these people. How can they do it.

Council Member Alexander stated I don't understand the point here. All we are doing, we are putting in the contract for their best interest, they don't have to accept them.

Ms. Schafer stated did you give them a notice or say I'm firing you people or did you give them a reason when I have an expectant clerk. Okay is the Town of Sellersburg, answer my question. If these girls no longer work for the Town of Sellersburg is that going to be the case.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 15.

Council Member Eddings Addresses Council/EMC Management Co.

Council Member Truman stated if this contract is signed, they will not be employees of the Town of Sellersburg.

Ms. Schafer stated okay these girls, they don't quite have their vested rights in that utility that means that.....

Council Member Truman stated they will be compensated for that by EMC.

Ms. Schafer stated okay they will be compensated in the form of how. They are going to pay what the towns portion was.

Council Member Truman stated I'll let EMC answer that.

Ms. Schafer stated I mean you've not no, it's none of my business.

Council Member Truman stated are you going to let him answer.

Ms. Schafer stated no because that's questions they need to be talking.....

Council Member Truman stated you're asking questions but you won't let anybody answer.

Ms. Schafer stated I have the floor, excuse me Mr. Truman, these are questions that you people need to be talking to my clerks about, if they want to work for you or not.

Mr. Welsh stated that's right.

Ms. Schafer stated the town council can not negotiate, they can only fire the current employees and for what reason because they want to contract you people to come in and run our town, to run our utilities, the operation part of our utilities. Is that the case.

Council Member Truman stated nobody's running the town.

Mr. Welsh stated Mr. Truman that's absolutely not true, that's twice you've spoke something that was totally false, a while ago they weren't losing their jobs.

Council Member Truman stated they are not coming in to run the town.

Ms. Schafer stated where's the package. Well I do know that the difference between our retirement and yours is 3 to 4 compared to 3 to 6 that we currently have now so they are going to lose benefits. Now what makes you people think you're going to do such a good job for the Town of Sellersburg by reducing employee benefits.

Council Member Truman stated I call for the question.

Ms. Phyllis Haas stated when this company took over Clarksville, everything raised.

Council Member Alexander stated this company does not run Clarksville. I spoke with Mark, I spoke with Clark, I spoke with Travis, I spoke with Linda. You all had the option to go to Jeff and talk to Kendall Coleman. Linda was asked to set down with Chris.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 16.

Council Member Eddings Addresses Council/EMC Management Co.

A resident stated nobody else was.

Council Member Alexander stated nothing happened. We could of done this the right way. They wanted to come in for free, for free, Linda for free. Will you open your books up. Will you let us look at this and give you a proposal and we'll go through it but it wasn't gonna be that way. You looked him straight in the eyes at the last meeting and said I'm not having anything to do with you.

Ms. Schafer stated that's about correct.

Jim Blincoe stated I've been employees with the town for about 20 years.

Ms. Welsh stated I know how to solve this whole thing and don't tell me there's no way that you can't do it, put it on the ballot and let the people decide.

Mr. Welsh stated further more there's a petition signed by a whole bunch of people that says we don't want this.

Council Member Truman stated that he read the petition and there were alot of mis-statements in it.

Mr. Welsh stated that Mr. Truman had the gall to say there were mis-statements when you don't know the difference from truth or fiction.

President Tucker stated please restrain from any personal attacks.

Ms. Schafer stated that she had a question on the contract.

Council Member Truman stated Mr. President, I call for the question.

President Tucker stated that the motion has been made and seconded and we have had discussion.

Ms. Schafer stated but I'm not finished.

President Tucker stated that Council Member Truman had called for a vote.

Ms. Schafer stated what does that mean. I can't go through the contract.

Council Member Truman stated it means it's time to vote.

A resident stated that the discussions was not over.

President Tucker stated that according to the rules of how this works, Council Member Truman called for the question and we have to vote on it.

Mr. Welsh stated the council is going to vote on it and residents will have to pay the price.

Sellersburg Town Council
Regular Meeting
April 25, 1995
Page 17.

Council Member Eddings Addresses Council/EMC Management Co.

Mr. Welsh stated they are just going through the motions, they have already made up their minds and they are not going to listen to the residents.

Ms. Schafer stated I was still on the floor.

Mr. Welsh stated before the council votes let it be understood that no one in the audience wants this.

Ms. Schafer stated that she was not finished pointing out the mistakes on the contract.

Mr. Welsh stated the council was going to vote whether the treasurer was finished or not, the council does not care, this is not the democratic way to handle this.

President Tucker stated I would like to explain what is going to happen here. Council Member Truman has called for the vote which this means we are going to vote. If all of the council doesn't vote yes then it is opened back up for discussion.

President Tucker stated all in favor say I and all opposed say nay.

Vote 4-1 with President Tucker voting against.

Mr. Welsh stated please let the Clerk Treasurer finish.

Ms. Schafer stated on page two of the contract it is stated that EMC will use it's best efforts to oversee the facilities operation to assure compliance with all town, county, state and federal regulations and as much as they are going to charge the Town of Sellersburg they state that this is not a guarantee. Who is liable. The contract is just unclear.

Attorney McCall stated that EMC could come to the Town of Sellersburg within the 90 day period and say look we don't want your business and we can't do anything for you. This is the opportunity to make proposals and is not a firm contract. I do not know if EMC will be here in 90 days or 120 days or a few years from now. They may not want to be involved with the town. I have reviewed the contract and rereviewed it twice and it was a fair contract in what it said. After 90 days the proof is in the pudding, this is only a interium contract.

Ms. Schafer stated I have a question on that. EMC shall pay all expenses for all the normal operations for the facility. what is normal for you people. What is normal for you people may not be normal for me. Examples not paid by EMC include, but are not limited to the following. What kind of statement is that and it seems this makes the Town of Sellersburg wide open for about anything. The contract states that any damages which result from an Act of God, that is like lightening, the client or any third party.

President Tucker stated I think Attorney McCall is trying to explain.

Attorney McCall stated that EMC shall pay all expenses required for the normal operations and maintenance of the facilities, including but not limited to, personnel cost, utilities, fuels, contracted services, chemicals, maintenance and repair charges and expendable supplies.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 18.

Council Member Eddings Addresses Council/EMC Management Co.

Attorney McCall stated examples of items not paid for by EMC include but are not limited to the following, change of scope in services, capital expenditures meaning adding additions to the plant which would be paid by the town anyway which resulted from an act of God, flooding or that type of thing. EMC would not be responsible for, that would be dealt with by the town or an insurance policy and hopefully we do have and I know we do have because I have seen the policy.

Mr. Welsh stated here are other things on there that are very vague and it leaves us wide open.

Ms. Schafer asked the council members to explain where the town's emergency operating plan is because I have never seen one, could I have a copy for review.

Ms. Schafer stated that on page 3, item C of the EMC contract states: maintain all insurance policies currently covering the facility and name EMC as an additional insured and there is no cost for that unless there is a liability and I'm sure there will be a cost. I have done some research of cost with our current health insurance and the health insurance is subject to going up due to decrease in the number of people working for the town in the utilities. That only leaves very few so therefore this will increase the employees rates for that. Principal Insurance which is long term, short term disability will increase anywhere from 15 to 25 percent which is a taxpayer liability due to the ratio of police officers we are going to have as opposed to the other employees we currently have where is this money going to come from in the budget and it's things you need to check into.

Attorney McCall stated the insurance cost will not go up because the contract does not call for the dismissal of any employees during this period of the 90 interium contract.

Ms. Schafer asked where the 3 billing clerks going to work that I currently have in those positions. I have employees working in those positions now that do the billing, accounts receivable, they work in civil town, insurances, anything I assign them to including civil calls. Where are these employees going to work when they are going to hire three new ones.

Mr. Welsh stated that President Tucker stated that they will not be paid by the Town of Sellersburg.

Ms. Schafer stated if they won't be paid by the Town of Sellersburg then where will they be paid.

Council Member Truman stated they will be paid by EMC.

Ms. Schafer stated that is was not Council Member Truman's decision.

Council Member Truman stated it was their choice and they did not have to go to work for EMC.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 19.

Council Member Eddings Addresses Council/EMC Management Co.

Attorney McCall stated the intent of this particular paragraph is to hire the current staff in the town hall and provide them with the same benefits that are now available, the same compensation that is now available. Now again after the 90 day period it is my understanding that if EMC elects to go forward they will then be permanent employees of EMC paid the same rates they have now. If EMC says no we do not wish to be a consultant for you guys then the clerks can go back to their prior positions, that is my understanding.

Ms. Welsh stated but if they stay on our insurance.

Council Member Truman stated they can't.

Attorney McCall are the rates going to go up.

Ms. Schafer stated yes, I asked our current insurance agent for the information. When the insurance is dropped I will be the only employee under AUL pension which will terminate the group plan and I have worked several years and am not yet vested and I would lose the 6% the town has paid in for me and I have not missed but one day since I have worked for the taxpayers. I have worked at least 40 hours per week since my employment. Does this mean I would lose my vested rights because the water and sewer workers wont have a job anymore because I won't be able to pay into that plan.

Attorney McCall stated that is wouldn't effect the Clerk Treasurer personally as far as vested rights as Clerk Treasurer of the town and again I will confer with him as far as benefits of employees.

Ms. Schafer stated I know that Principal and AUL pension will increase.

Attorney McCall stated what you basically stated is that you want to work for these people or do you want to be unemployed.

Ms. Schafer stated so you are giving these people a week to find another job.

Council Member Eddings stated that EMC will be in to talk to these people and explain the whole thing between now and May 1st should this motion be carried.

Ms. Schafer asked how long after that do they have to decide whether they want to work for this St. Louis firm or draw unemployment from the taxpayers of Sellersburg.

Council Member Eddings stated the town is not firing them.

Ms. Schafer stated you are not firing them but yet you are terminating their employment and you can't negotiate a job for these people. When the Town of Sellersburg terminates their employment how can you negotiate a job for them and will these people be working for the Town of Sellersburg or will they not.

Council Member Eddings stated when that contract is signed if they choose to, they will be EMC employees.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 20.

Council Member Eddings Addresses Council/EMC Management Co.

Ms. Schafer stated that was not what I asked and I did not ask for a choice. Are they going to be working for the Town of Sellersburg or not when the contract is signed, any of these people. Please answer my question. Will the clerks be working for the Town of Sellersburg, yes or no.

Attorney McCall stated no, they will work for EMC and be employees of EMC.

Ms. Schafer stated I didn't want to here that.

Attorney McCall stated that's the answer. There will be jobs offered to the current three billing clerks and it will be made available to them, the employees that we are referring to can say to EMC we do not wish to be your employees and at that point....

Ms. Schafer stated at that point they can draw unemployment.

Attorney McCall stated no because a job is being made available to them.

Ms. Schafer stated then you're doing away with their jobs.

Council Member Truman stated they are being transferred to EMC.

Ms. Schafer stated they enjoy working for the Town of Sellersburg.

Ms. Dean stated we were told today that our insurance would increase.

President Tucker stated he understood the percentages would change.

Jim Blincoe stated I don't think the council should be making decisions when you don't know if you will be in office or not. I've been a registered democrat for years and I'll be damned if I vote for any of you.

Mr. Welsh stated if it is such a great thing in Jeffersonville and you live in Clark County but why is it you are not working for Jeffersonville. You work for Sellersburg and you want to transfer their jobs off to someone else.

Council Member Truman stated that one thing that I think the people don't understand that when the board sits up here that the council is not taxpayers and the council doesn't live here and we don't have the same benefits.

Ms. Welsh stated well I know but you are making very important decisions there that should be made by the people.

Council Member Truman stated there are five on this board whether in favor of it or not I mean I am a resident here as with all of us and I am concerned and I won't interrupt you if you won't interrupt me how's that, so we do have a big responsibility and we are not always right and we are not always wrong and we try to do what is best for the Town of Sellersburg and for the residents and this is an opportunity that we have to present some management that are true experts and we have accomplished alot. We have set out some goals and we have accomplished almost all of the goals that we have set out to do so we are trying to do what is best for the town.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 21.

Council Member Eddings Addresses Council/EMC Management Co.

Mr. Welsh stated this is a bad idea.

Council Member Truman stated I made a deal with you that I wouldn't interrupt you. Now, the council is trying to do what is best for the Town of Sellersburg and speaking for myself I do believe this is best for the Town of Sellersburg. Stuff is getting more complicated everyday and we have looked at other communities that are doing this and they are going this route all of the time because it saves the town money.

Mr. Welsh stated that still doesn't make it right.

Council Member Truman stated that is just a matter of perception of what is right and what is wrong. If I can put the town in a better position before I leave office then what it was before I came I think it is right.

Council Member Broady stated that the council was trusted to be responsible people and I agree with this 100% and what we are looking at is the details and everything else and we are trying to run a more efficient government and we have a chance here to take on these people for 90 days to see if they can help us become more efficient and we need to look at it for 90 days as if you were buying a new car, you could take it out for three months the reasons we are leaving our employees and they will all come to work for the town on Monday and it will be no different. The sewer department superintendent is running on a class 2 license where he needs a class 3 and Clark is getting ready to take his class and if something happens that he don't make it we have to go out and hire a full time superintendent with a class 3 license and these guys will have them. In the process of learning everything it only made since to get a overall look and let them take over the billing for 90 days. We have 3 girls that work in this area now. Andrea, Patty and Cindy and they in doing so they are guaranteed the same salary the same fringe benefits and the whole 9 yards and at the end of 90 days if we don't get along Cindy, Patty and Andrea go right back to the Town of Sellersburg. This was the only responsible way and at the end of 90 days we can provide the answers. I know everyone is upset.

Mr. Welsh stated it's going out of town when it should remain right here.

Council Member Broady stated we looked at several and we looked at Jeffersonville and Seymour and the people had chose them to do the best they could do and give us the opportunity to try to see what can happen. I would really feel worse that to argue right now and to try to explain. Somewhere down the road it could have saved you 15 or 20 thousand dollars a year by the efficiency.

Mr. Welsh stated why I'm here tonight, it has to do with the employees of the town. Would it not be feesable to leave the employees as town employees.

Council Member Broady stated everyone will remain town employees except the town clerks and the reason that was done is because they would be handling utility money that EMC will be responsible for. These girls know what they are doing and they do a good job and this is the reason they did it this way.

Ms. Carol Cape stated if the taxpayers are against this now and even after 90 days the taxpayers are still against this and you all vote yes they are still going to be upset.

Ms. Welsh stated the whole town should vote on this.

Sellersburg Town Council
Regular Meeting
April 24, 1994
Page 22.

Council Member Eddings Addresses Council/EMC Management Co.

Council Member Truman stated why even have a meeting. Why not put everything on the referendum.

Ms. Schafer stated why did you have 13 meetings before this.

Ms. Cindy Shelton asked why the other clerks and her have to go to work for EMC.

Council Member Broady stated the clerks would be dealing with the money and EMC will be responsible.

Ms. Shelton asked isn't this the town's money, so Monday, May 1st, you are terminating my employment when I have worked for you all for 4 years almost and not once have I told you to go find another job and I didn't take your job anyway. I have another question, on page 3, section D, I would like to know what this means. Is this meaning if these people really like us you in all actually have to give them a contract.

Council Member Eddings stated if they come back with a good proposal and it's going to save the town money, we are probably going to like it.

Ms. Shelton stated what if they don't.

Council Member Eddings stated then we don't have to hire them.

Mr. Welsh asked if you don't hire them, can they sue you.

Ms. Sheltons asked what are good faith negotiations.

Council Member Alexander stated this is so we can't bring someone else in and tel EVA to come in, that we have all the answers. We can't bring another company in.

Ms. Schafer stated that Council Member Eddings is a company owner who owns Thoroughfab and Council Member Broady owns Southern Indiana Excavating and have you all thought of contracting out your management positions or do you think it is a profitable thing to do, for company owners because I don't see anyone of you contracting out.

President Tucker stated the Clerk Treasurer asked a question and wouldn't give them a chance to answer.

Council Member Eddings stated this is why we looked at this so long because we know the true value of competition and if you are a municipal owned utility you are to competing with any one. If you are a management consulting firm you are competing with 6 or 7 maybe 8 utility firms and these guys have to be good to make a living.

Ms. Schafer stated you have the Town of Sellersburg with almost 6,000 residents and people in the City of Jeffersonville with 20 something thousand.

Council Member Eddings stated the Clerk Treasurer has asked me about owning a business.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 23.

Council Member Eddings Addresses Council/EMC Management Co.

Ms. Schafer stated there is a big difference there and maybe it's something in the future that the town may need to look into, a utilities manager or a town manager, something like that but with the population of 6000. How much can these taxpayers take. I do have a question for Patty Crawford who lives in Jeffersonville. Ms. Crawford has your trailer park bill increased from 10,000 per month to 18,000 and does EMC have Jeffersonville.

A representative from EMC stated they didn't have the water in Jeffersonville.

Ms. Schafer asked if it was a separate bill then.

Mr. Robert Kennard stated that he feels that it should be presented to all of the town people and town employees for a vote. A contract management firm can't run the operation anymore efficiently than the town employees.

Ms. Schafer stated that on the AUL pension, they are currently under at this point, it is a 3% employee contribution and a 6% town match is it not true that you are offering a 3% employee contribution and a 4% EMC contribution which is a loss to these employees benefits. Is this not correct. I didn't have a package so how could I compare apples to oranges.

Mr. Coleman from EMC stated what we will do is structure a package to be better than or equal to the current benefits.

Ms. Schafer asked what about the guys that break their backs everyday.

Mr. Coleman stated they will not be our employees until after 90 days.

Ms. Schafer stated only civil town and what is this going to do with the clerks when I have one that is expecting. These girls do all sorts of things for the Town of Sellersburg. I file state withholding taxes, federal reports, all sorts of reports with retirements, a weekly payroll and you are going to give me one clerk to work with to type 17 pages of minutes and you are going to handicap the Town of Sellersburg, to get rid of the town employees and how can you handicap the Town of Sellersburg with a budget coming up.

Attorney McCall stated the three billing clerks are hired by EMC and they are now EMC employees and my understanding is that the Clerk Treasurer can appoint her own deputy clerks to do certain duties.

Ms. Schafer stated that they are deputy clerks, I have sworn every one of them in. They were appointed deputy clerks.

Attorney McCall stated I was just trying to tell the Clerk Treasurer that your saying that you are going to be left out with our employees and the Clerk Treasurer can hire deputy clerks they have to be approved by the town council.

Ms. Schafer asked the town council if she was or not by virtue of my office the Town of Sellersburg's Fiscal Chief Financial Officer and am I not going to be responsible for money you all are depositing being that the Town of Sellersburg is still going to continue owning the municipality.

Mr. Coleman stated they would not wish to comment on this.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page. 24.

Council Member Eddings Addresses Council/EMC Management Co.

Ms. Schafer asked am I responsible for money that EMC is going to give her a deposit ticket for because the Town of Sellersburg will own that municipality even though they have contracted the management out so am I not responsible by virtue of my office, any bill I sign my name given to me by EMC, when I sign my name to on behalf of these taxpayers am I not responsible. Do you think I would want to trust the EMC people after as sneaky as they have been having meetings behind the public's back and also the employees backs. Will I be responsible.

Council Member Broady stated where do you come off thinking that we ever had secret meetings behind these peoples backs.

Ms. Schafer stated that Mr. Alexander told me that.

Council Member Alexander stated that we had secret meetings, do you want to put that on that tape.

Ms. Schafer stated that Mr. Alexander told me that you had 13 different meetings with these people and had already made your decision.

Council Member Broady stated that there had not been more than two people on this board at any meeting.

Council Member Alexander stated that we had to get the information. Do you want us to come in blind.

Council Member Truman stated that she is accusing us.

Ms. Schafer asked Mr. Truman to shut up.

President Tucker stated to Ms. Schafer, "Come on Linda, please".

Ms. Schafer stated I'm trying. Where there 13 meetings that these people came down that the residents didn't know about and the employees didn't know.

Council Member Broady stated that he had 13½ meetings, he went there and went back.

Ms. Welsh stated I would like to say something and I'm not trying to be rude.

Council Member Eddings called for the vote.

President Tucker stated Council Member Eddings has called for the vote and this time it doesn't have to be unanimous.

Ms. Welsh stated this has nothing to do with the vote, I would like to make a statement. How did you people get to this point without getting all of this stuff straightened out before you got to this point.

Council Member Alexander stated we couldn't, they wanted to come in for free. They wanted to come in and do it all for free, go in and look at the situation and give us a contract. We did not have that choice.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 25.

Council Member Eddings Addresses Council/EMC Management Co.

Ms. Welsh stated these people are not coming to Sellersburg unless they make money from Sellersburg.

President Tucker stated we have called for the vote and we have given everyone the opportunity to speak.

A resident stated you will never get in office again and you'd better watch your businesses and everything.

President Tucker stated this is for signing the contract with EMC, the second reading is this correct.

Motion made by Council Member Eddings to approve the contract with EMC and seconded by Council Member Truman.

President Tucker asked is there any additional questions or comments. Ms. Diefenbach one more.

Ms. Diefenbach stated it is the concensus of the opinion we have here that we should table this thing and let it lay for a while and talk to the people that you represent.

Council Member Truman stated Bobby Adkins did not get to talk all night so let him talk.

Mr. Bobby Adkins stated if you are doing this to save money to be more efficient. Why don't you hire an independent accounting firm to look at the proposal to see if they are really saving you money. I don't think that any of you council members have the effort or time to evaluate this contract. That is what the 90 day interium period is for. The 90 day period is not going to do that, have someone with the expertise because this is a big thing for the town and get a consultant and I hate a consultant as bad as anybody and a independent CPA firm to come in here and look at that and then you will know if it is a can of worms or not. Give them the 90 days to give the proposal.

Council Member Truman stated I don't have a problem with that but the problem was getting a proposal with the exact figures. We don't have the figures due to not being able to get the figures out of the town hall.

Ms. Schafer stated that Mr. Alexander said that he got the information.

Council Member Alexander stated that they needed to set down and talk with the Clerk Treasurer.

Mr. Adkins stated once these people come back with the proposal allow the independent firm to evaluate it to make sure of what you are receiving.

Council Member Truman stated he would commit to the end of that.

Council Member Broady stated to give us the 90 days and we will bring it back.

Mr. Adkins stated that he would be glad to make a recommendation of who could do it.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 26.

Council Member Eddings Addresses Council/EMC Management Co.

Ms. Schafer asked the council members if the Town of Sellersburg employees could remain town employees for that period of time since it is just a, I mean they are paying their insurance benefits out of their paychecks from the Town of Sellersburg. Can they not keep their benefits and what about the clerks in my office and there is an expecting clerk and to terminate their employment they will not have insurance anymore. Are you terminating their employment or not.

President Tucker asked if anyone wanting to change their motion.

Mr. Adkins requested to have the motion changed to include the independent consulting firm to be included to review the proposal.

Council Member Eddings stated that he would amend the motion to read that after the end of 90 days we will contact an independent accounting firm to evaluate the cost savings.

Council Member Truman seconded this amendment.

Vote 4-1 with President Tucker voting against.

A resident asked for information concerning the vacating or closing of an alleyway.

President Tucker stated there were procedures you need to go through in order to do that. There has to be a public meeting. There has to be people who live close to the allies notified and in those public meetings they have to come in and tell the reasons why they do or do not want it done and then in essence it can or cannot be closed. We have found that it has been difficult to find out who has closed and who has not closed alleys over the past 50 years so to be perfectly honest I don't know if your alley is closed or not closed. What is the name of the alley. Let me see what I can do about finding out if the alley is opened or closed and I will get back with you. Whenever an alley is closed the property is split in half and if it is a 10 foot alley you would get 5 and the other person would get 5 and they are down at the courthouse and I think you can see Bob Isgrigg, the county surveyor and he has the maps of all the subdivisions and alley ways in Sellersburg and he keeps his current and if it has been closed or opened it probably would show that and at least you have some direction to go. The records are down in Jeffersonville we don't have a record keeping courthouse in Sellersburg. We have found in the past things didn't happen the way they were suppose to and if you can get the information bring it to the town hall and I will try to research it for you.

Council Member Eddings Presents Ord. 95-618/Rescinding Ord. 92-542, Clerk Treasurer Serving As Utilities Clerk

Council Member Eddings presented Ordinance 65-618 an ordinance rescinding Ordinance 92-542, regarding the clerk treasurer serving as utilities clerk.

Council Member Eddings stated for the next 90 days EMC will take over and this ordinance is to remove the clerk treasurer from utilities clerk.

Clerk Treasurer Schafer stated excuse me but that ordinance amended a former ordinance previous which listed an individuals name am I not correct Mr. McCall which would reinstate the original ordinance of Patty Rush, the former clerk treasurer.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 27.

Council Member Eddings Presents Ord. 95-618/Rescinding Ord. 92-542, Clerk Treasurer
Serving As Utilities Clerk

Attorney McCall stated that Patty Rush was named as Clerk Treasurer/Utilities Clerk and is two different things and this would amend the previous ordinance which created the position of clerk treasurer serving as utilities clerk, all future clerk treasurers would have served as utilities clerk unless this is rescinded and it will be EMC at this particular point for the next 90 days or if an ordinance is passed making the clerk treasurer again the utilities clerk.

Council Member Eddings stated that his motion is to consider this on the first reading, Ordinance 95-618, an ordinance rescinding Ordinance 92-542, regarding the Clerk/Treasurer serving as Utilities Clerk.

Motion to consider Ordinance 95-618 on the first reading made by Council Member Eddings and seconded by Council Member Broady.

Clerk Treasurer Schafer stated I have a question since I am the utilities clerk at this point is the council saying they are firing me from this position.

Vote 4-1, with President Tucker voting against.

Council Member Truman stated we need to reschedule a special meeting within 48 hours to discuss and address this ordinance. The council needs to schedule a meeting and give notice to the newspapers.

Clerk Treasurer Schafer asked if this meant that the council was firing her as utilities clerk that you are taking the clerk treasurer out. I am the Clerk Treasurer of the Town of Sellersburg is that what that means.

President Tucker stated that to consider it on the first reading did not pass.

Attorney McCall stated this was to consider this ordinance for the first time. You still have to have a first reading of the ordinance.

President Tucker stated that you still have to have a first reading no matter what.

Council Member Eddings read the ordinance as follows:

ORDINANCE NO. 95 - 618

**AN ORDINANCE RESCINDING ORDINANCE NO. 92-542 REGARDING
THE CLERK/TREASURER SERVING AS UTILITIES CLERK**

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 26th day of October, 1992, adopt Ordinance No. 542 which appointed the Clerk/Treasurer of the Town of Sellersburg to serve as Utilities Clerk for the Town of Sellersburg; and

Council Member Eddings Presents Ord. 95-618/Rescinding Ord. 92-542, Clerk Treasurer
Serving As Utilities Clerk

Ordinance 95-618(Continued)

WHEREAS, the Town Council for the Town of Sellersburg has determined it no longer desires for the Town of Sellersburg Clerk/Treasurer to serve as Utilities Clerk for the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that said Ordinance should be rescinded for the efficient and effective administration of Town government; and

WHEREAS, the Town Council for the Town of Sellersburg has considered this matter in an open meeting at which the public was invited to attend and participate.

BE IT NOW THEREFORE ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG, INDIANA, that Ordinance No. 92-542 shall be rescinded, whereby the Town of Sellerburg Clerk/"Treasurer shall no longer serve as the Utilities Clerk for the Town of Sellersburg.

SO ORDAINED THIS 27 DAY OF April, 1995.

Voted no
STANLEY E. TUCKER

[Signature]
KEN ALEXANDER

[Signature]
KARL N. TRUMAN

[Signature]
DAVID BROADY

[Signature]
AULTON D. EDDINGS

ATTEST: _____
LINDA SCHAFER, CLERK/TREAS.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 29.

Council Member Eddings Presents Ord. 95-618/Rescinding Ord. 92-542, Clerk Treasurer
Serving As Utilities Clerk

Clerk Treasurer Schafer asked again if she was being fired as utilities clerk.

Motion made by Council Member Eddings to approve this on the first reading.

Council Member Truman stated that it was voted down to consider it on the first reading. We are approving it on the first reading but not considering it on the first reading.

Motion was seconded by Council Member Broady.

President Tucker stated a motion has been made and seconded.

Clerk Treasurer Schafer stated does this mean you are firing me as utilities clerk. The Town of Sellersburg is firing me as utilities clerk and I have been utilities clerk for over three years.

Council Member Eddings stated this means that EMC will be taking over as utilities clerk.

Clerk Treasurer Schafer asked if she was being fired as utilities clerk.

Council Member Truman stated I think Council Member Eddings answered the question. I think it means that as of May 1st EMC will do the utility for the Town of Sellersburg.

Ms. Phyllis Haas asked if we can get a petition to impeach our town council.

Council Member Truman stated I would like to just made an observation of serving as utilities clerk and that does not mean that the clerk treasurer will no longer have any responsibilities to the utilities and to this town council. There are still responsibilities. This is simply having to do with the billing EMC will handle. It doesn't mean she will no longer have any responsibilities to the town council and to the utilities since the clerk treasurer actually has two jobs, one is as clerk treasurer and one job is as an administrator of the town utilities and the majority of the clerk treasurer's salary comes from the utilities so it's important not to confuse that and there is a distinction there and by removing the job as utility clerk in my opinion is not removing any responsibilities to the utilities.

Clerk Treasurer Schafer stated nor does it remove any of my salary Mr. Truman.

Council Member Truman stated this motion and this ordinance does not.

Clerk Treasurer Schafer asked the council why they did not hire this St. Louis firm when we came into office. When we were 100,000.00 in debt, instead of waiting almost 4 years to hire the St. Louis firm to come in to line their pockets with Sellersburg money.

Clerk Treasurer Schafer stated that the council had come in office the same time she did and why are you waiting almost 4 years to hire St. Louis.

Clerk Treasurer Schafer asked EMC if they were in this for a profit.

Council Member Truman stated sure they are, they wouldn't be drawing a salary if they weren't.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 30.

Council Member Eddings Presents Ord. 95-618/Rescinding Ord. 92-542; Clerk Treasurer
Serving As Utilities Clerk

President Tucker stated that a motion has been made and seconded.

Council Member Truman stated that he would like to point out that our second year in office he did bring up the proposal to look into a management company for the utilities and at that point the board members were not interested in looking into it so this is not a new idea.

Mr. Welsh asked why status quo couldn't stay as it is.

Council Member Truman stated that he wasn't here to have status quo stay as it is he was here to move forward.

Clerk Treasurer Schafer stated that was why Council Member Truman was going out of office in December, right?

President Tucker stated motion has been made and we have had discussion.

Vote 4-1, with President Tucker voting against.

Council Member Eddings stated he makes a motion that a meeting be scheduled to have a special meeting for Ordinance 95-618 on Wednesday.

Clerk Treasurer Schafer stated that she has a payroll to do on Wednesday to do by myself.

Council Member Eddings stated not until May 1st.

Clerk Treasurer Schafer requested to make it before May 1st.

Council Member Eddings stated that this meeting would be Thursday, Apr.27th at 7:00 a.m.

Motion made by Council Member Eddings to have this meeting on Thursday, Apr.27th at 7:00 a.m. at the Sellersburg Library and seconded by Council Member Truman.

Attorney McCall stated that a notice needed to be posted.

Council Member Truman Addresses Council/Sewer & Water Sur-Charge

Council Member Truman stated there was something I would like to bring up in reference to a sewer and water sur-charge for people not in the Town of Sellersburg. I'd like to make a motion to have the town's attorney look into this to see what needs to be done.

Attorney McCall stated that Stan had faxed him a legal document from the City of New Albany and he had not gotten a chance to look at it.

Ms. Diefenbach stated on the sur-charge he's talking about, the taxpayers are subsidizing those residents.

Council Member Truman Addresses Council/Sewer & Water Sur-Charge

Council Member Truman stated I was referring to people outside of Sellersburg, such as Black Diamond Heights, Speed and.....

Mr. Don Brown stated and Hamburg, I take exception to that maam. I will take exception to that being I have paid far more, as she did, far more that what it should have cost. I paid a sur-charge two years before the sewer got there and I paid \$400.00 to have it installed and \$1,100.00 for the actual installation and inspection fees and 455.00 a month sewer fee now and you want to put a sur-charge on me.

Clerk Treasurer Schafer Presents Claims for the Civil, Water and Sewer Departments

Clerk Treasurer Schafer presented the claims for the civil, water and sewer departments for the last two week period and requested a motion to approve them as presented.

Motion made by Council Member Eddings to approve the claims as presented and seconded by Council Member Alexander.

Vote 4-0

Clerk Treasurer Schafer Presents Claim From Jacobi, Toombs and Lanz, Inc.

Clerk Treasurer Schafer presented a claim from Jacobi, Toombs and Lanz, Inc. and stated she had received it from John Toombs that he had talked to her for one hour and that was not correct so he had re-reviewed in and the hour included a short call to her and the rest of the time was checking on pool bids so I would like to present this for approval.

Motion made by Council Member Broady to accept the claim as presented and seconded by Council Member Truman.

Vote 4-0

Attorney McCall Presents Ordinance 95-619/Yard Waste

Attorney McCall presented Ordinance 95-619, an ordinance for the collection or yard waste, leaves and branches and other vegetative materials within the Town of Sellersburg.

Attorney McCall read the Ordinance as follows:

ORDINANCE NO. 95- 619
AN ORDINANCE FOR THE COLLECTION OF
YARD WASTE, LEAVES, BRANCHES AND OTHER
VEGETATIVE MATERIALS, WITHIN THE TOWN OF SELLERSBURG

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 23rd day of December, 1991, did adopt an amended ordinance establishing a schedule of service charges for the collection of refuse and garbage in the Town of Sellersburg, Clark County, Indiana; and

Attorney McCall Presents Ordinance 95-619/Yard Waste

Ordinance 95-619 (Cont.)

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, feels it is necessary for the administration of efficient town government to make further amendments to said ordinance; and

WHEREAS, this matter was presented at a public meeting and open for discussion at which time the owners and occupants of property served by municipal refuse and garbage collection service were provided an opportunity to be heard and voice their opinions and concerns;

BE IT THEREFORE ORDAINED by the Town Council for the Town of Sellersburg, Indiana, as follows:

1. Each owner or occupant of property served by the municipal refuse and garbage collection service will receive two (2) pick-ups per month for yard waste and other yard debris, and vegetative materials such as limbs, sticks and leaves.

2. Each owner and occupant will be entitled to dispose of three (3) bags of yard waste per pick-up and that said yard waste shall be in a recyclable bag no larger than thirty (30) gallons. Each owner and occupant is entitled to dispose of six (6) thirty gallon bags per month.

3. The owner and occupants of property served by the municipal refuse and garbage collection shall be entitled to have picked up two times per month two (2) bundles of limbs, no longer than three (3) feet, and no larger than twenty-four (24) inches in diameter, which must be tied.

4. That the owner and occupant will provide their own paper receptacles for the pick-up of yard waste.

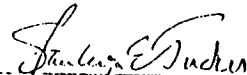
5. That the pick-up of the yard waste and bundles of limbs, branches, etc., shall be made on the days the recycling pick-ups are made.

6. Failure of the owner or occupant of the property to use paper bag receptacles or tie bundles of limbs and branches in the manner set forth above will result in the refusal of the municipal refuse and garbage collection service to pick up said bags and/or branches and leaves.

7. All paper bags must be closed in some fashion.

8. There shall be no yard waste, leaves, limbs, or vegetative material allowed to be mixed with garbage. Failure to comply with this requirement shall result in the municipal refuse and garbage collection's refusal to pick up said garbage set out for collection.

SO ORDAINED THIS _____ DAY OF _____, 1995.


STANLEY E. TUCKER


AULTON D. EDDINGS


KEN ALEXANDER


DAVID B. BROADY


KARL H. TRUHAR


ATTEST: LINDA SCHAFER
CLERK-TREASURER

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 33.

Attorney McCall Presents Ordinance 95-619/Yard Waste

Motion made by Council Member Alexander to consider this ordinance on the first reading and seconded by Council Member Eddings.

Vote 5-0

Attorney McCall Presents Ordinance 95-619/Yard Waste

Attorney McCall presented Ordinance 95-619 for approval regarding yard waste, leaves branches and other materials, within the Town of Sellersburg.

Motion made by Council Member Alexander to approve this ordinance as presented and seconded by Council Member Eddings.

Vote 4-0

Attorney McCall Presents Ordinance 95-620/An Ordinance Amending Ord. No. 395 (Section 6-114) Concerning Signs On Utility Poles Restricted/Penalty

Attorney McCall presented Ordinance 95-620 and read as follows:

ORDINANCE NO. 95 - 620

AN ORDINANCE AMENDING ORDINANCE NO. 395 (SECTION 6-114)
CONCERNING SIGNS ON UTILITY POLES RESTRICTED/PENALTY

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 24th day of September, 1984, pass Ordinance No. 395 regarding signs on utility poles, and restrictions and penalties associated therewith; and

WHEREAS, the Town Council for the Town of Sellersburg desires to amend Paragraph c, Subsection 1 of said Ordinance to read as follows:

"In any case where any violation of this ordinance may be found to exist, the Town Police Officers shall serve notice upon the violator ordering the person, firm or association to abate the violation immediately."

and

Attorney McCall Presents Ordinance 95-620/An Ordinance Amending Ord. No. 395 (Section 6-114) Concerning Signs On Utility Poles Restricted/Penalty

Ordinance 95-620 (Continued)

WHEREAS, this matter considered in an open meeting by the Town Council for the Town of Sellersburg in which the public was invited to attend and participate; and

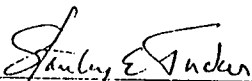
WHEREAS, the Town Council for the Town of Sellersburg has determined that said amendment will result in the efficient administration of Town government.

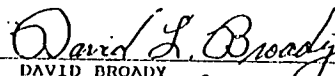
BE IT NOW THEREFORE ORDAINED BY THE SELLERSBURG TOWN COUNCIL, Sellersburg, Indiana, as follows:

1. Ordinance No. 395 (Section 6-114) of the Town of Sellersburg Town code shall be, and hereby is amended and Paragraph c, Subsection 1 shall read as follows:

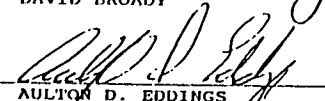
"In any case where any violation of this ordinance may be found to exist, the Town Police Officers shall serve notice upon the violator, ordering the person, firm or association to abate the violation immediately."

SO ORDAINED THIS 24 DAY OF April, 1995.


STANLEY E. TUCKER


DAVID BROADY


GENE ALEXANDER


AULTON D. EDDINGS


KARL H. TRUMAN

ATTEST: 
LINDA SCHAFER
CLERK/TREASURER

Motion made to consider Ordinance 95-620 on the first reading made by Council Member Eddings and seconded by Council Member Truman.

Vote 5-0

Attorney McCall Presents Ordinance 95-620, An Ordinance Amending Ordinance No. 395 (Section 6-114) Concerning Signs On Utility Poles Restricted/Penalty

Attorney McCall presented Ordinance 95-620 for the approval of the council.

Motion made to approve Ordinance 95-620 by Council Member Eddings and seconded by Council Member Truman.

Vote 5-0

Attorney McCall Presents Ordinance 95-621, Concerning 1995 Salary, Holiday and Longevity Pay To Be Considered On The First Reading

Attorney McCall presented Ordinance 95-621 as follows:

ORDINANCE 95-621

AN ORDINANCE AMENDING ORDINANCE NO. 94-600
CONCERNING 1995 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 8th day of August 1994, passed Ordinance No. 94-600, establishing the 1995 Salary, Holiday and Longevity pay for the employees of the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has been informed of the need for changes that need to be made in the calculation of the pay rate for the following employees of the Town of Sellersburg, James Blincoe Jr., Travis Walters, Panna Giesler, Clark Henson, Timothy Oldham and Chief Kinders; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, now wishes to make said changes in the calculations of said employees rate of pay; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, believes that said change is in the best interest for the effective administration of Town government.

THEREFORE, BE IT ORDAINED AND ORDERED, by the Town Council for the Town of Sellersburg, Indiana, that Ordinance No. 94-600 concerning 1995 salary, holiday and longevity pay, shall be and hereby is amended to reflect the following changes:

SEWER DEPARTMENT

MAINT. SUPERVISOR (JAMES BLINCOE JR.)

455.60 per week or 11.39 per hour due to an amendment to the 1994 salary ord. # 93-577 adjusting pay. Reference: Loss of Sewer Superintendent Wheeler.

LAB TECH. (TRAVIS WALTERS)

378.00 per week or 9.45 per hour due to an amendment to the 1994 salary ord. # 93-577 adjusting pay. Reference: Loss of Sewer Supervisor Wheeler

ADD COMBINATION LABORER

240.00 per week or 6.00 per hour from January 1, 1995 until February 09, 1995.
309.20 per week or 7.73 per hour from February 10, 1995 until December 31, 1995.

WATER DEPARTMENT

SUPERINTENDENT

641.72 salary per week due to an amendment to the 1994 salary ordinance # 93-577 adjusting pay. Reference: Loss of Supt. Wheeler.

POLICE DEPARTMENT

CHIEF OF POLICE SALARY
CHIEF OF POLICE INSURANCE
CHIEF OF POLICE HOLIDAY PAY
CHIEF OF POLICE PERF COMPENSATION

37,685.44 per year or 724.72 per week
1619.88 per year or 134.99 per month
1304.64 per year
5448.04 per year or 1362.01 per quarter
Note: The above changes reflect the renewal of Chief Kinders contract.

PATROLMAN (OLDHAM)

salary amended to 453.55 per week and holiday pay amended to 816.48 per year.
Note: Oldham eligible for 1st class officers pay Jan. 1st, 1995.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 36.

Attorney McCall Presents Ord. 95-621, Concerning 1995 Salary, Holiday And Longevity Pay To Be Considered On The First Reading

Motion made by Council Member Eddings to consider Ordinance 95-621 on the first reading and seconded by Council Member Truman.

Vote 5-0

Attorney McCall Presents Ordinance 95-621, Concerning the 1995 Salary, Holiday And Longevity Pay For Approval

Attorney McCall presented Ordinance 95-621 to the town council for approval.

Motion made by Council Member Eddings to approve Ordinance 95-621 and seconded by Council Member Truman.

Vote 5-0

Attorney McCall Addresses Trash Burning In The Town Of Sellersburg

Attorney McCall stated that we have an ordinance now in town that it is unlawful to burn trash, leaves or other matters from 5 o'clock to 8 o'clock a.m., basically beginning in June 1995 the state is going to pass legislation that prohibits burning, residential open burning in the following counties: Floyd, Clark, Lake and Porter Counties and very soon we will amend this ordinance that there will be no outside burning in the Town of Sellersburg. We thought it would be passed April 1st and it was not and it will be held until June 1, 1995 so at that point there will not be any burning on the outside or you will be in violation of the state law which the penalties will be set forth because Floyd, Clark and Porter are in an area of a large city. The amount of pollution and we will need to comply and I would like everyone to know that this is coming.

Mr. Ed Denton stated that the state had rescinded that didn't they?

Attorney McCall stated no they amended it and sent it back again to the committee and he had the approved version from the EPA on April 18th, last week and this is the final rule document if you would like to take a look at it and this is what will be presented to the legislation for vote. They anticipate it will go to vote by June 1st of 95.

Don Brown Addresses Council/Residents Against Annexation

Mr. Don Brown stated I would like to introduce myself to the group. I am the President of the Residents Against Annexation and I am sure tonight you all can see why we don't want to be annexed in the Town of Sellersburg.

Mr. Ed Denton stated that he didn't believe that.

Mr. Brown asked what part did Mr. Denton not believe.

Mr. Denton stated the part of why you don't want to come into the Town of Sellersburg. When these people took over they were a million dollars in the red and now they are a million to the good.

Sellersburg Town Council
Regular Meeting
April 24, 1995
Page 37.

Don Brown Addresses Council/Residents Against Annexation

Clerk Treasurer Schafer stated that the council could not take the credit for that.

Mr. Denton stated that Mr. Brown can't come here and tell him what to do.

Mr. Brown stated that Mr. Denton can't come to the suburbs and tell him what to do either.

Council Member Truman made a motion to adjourn this meeting.

President Tucker stated that Mr. Brown had the floor.

Clerk Treasurer Schafer stated was there a motion on the floor.

President Tucker stated no, it didn't happen and instructed Mr. Brown to continue.

Mr. Brown stated he will reiterate again that he doesn't wish to be part of Sellersburg and pay the taxes for no services proposed and no way to pay unless raising everyones taxes again. I'd like to speak on the proposed sur-charge.

President Tucker stated that it hasn't happened yet.

Mr. Brown stated the proposed sur-charge.

Council Member Truman stated there was nothing proposed at this time. I only asked the town attorney to examine the possibility and advise us to what is our next move.

Mr. Brown requested to be put on the agenda for the very next meeting.

President Tucker stated that we missed having them on there anyway.

Ms. Diefenbach stated that she had so many leaves to get rid of that it wouldn't hurt the town to bring a truck over and get them and she would pay the person their salary so she could get all of the leaves in one trip rather than her to take her car and make 10 trips, that spells cooperation.

Council Member Alexander asked what if all 2600 people want this.

Ms. Diefenbach stated that 2600 people don't have as many leaves.

Council Member Alexander stated that if he made a deal it will be for the whole Town of Sellersburg and not just one person.

Ms. Diefenbach stated that if you can't help me then I have to hire someone else.

Adjournment

With no motion on the floor to adjourn, President Tucker adjourned the regular meeting at 8:40 p.m.

Adjournment Cont.

David L. Broady

David Broady

Aulton D. Eddings, Jr.

Aulton D. Eddings, Jr.

Ray E. Everitt

Ray E. Everitt

KEN ALEXANDER

Karl Truman

Karl Truman

Stanley E. Tucker

Stanley E. Tucker

Linda G. Schafer

Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL
Special Meeting
April 27, 1995

Special Meeting

A special meeting of the Sellersburg Town Council was held on Thursday, April 27, 1995 at 7:00 a.m. at the Sellersburg Library. Those present were: Stanley E. Tucker, Council President; Aulton D. Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member, Karl Truman, Council Member; David Broady, Council Member, Linda G. Schafer, Clerk Treasurer, with Attorney Perry McCall being absent.

Called To Order

President Tucker called the special meeting to order at 7:00 a.m. and immediately turned the meeting over to Vice-President Eddings.

Vice President Eddings stated that this special meeting was called because we did not get a 5-0 vote on Ordinance 95-618 at the Monday night meeting. This will be the second reading of Ordinance 95-618 with the Ordinance rescinding the Ordinance 92-542 regarding the Clerk Treasurers serving as Utility Clerk. We read the Ordinance Monday night, does anyone want it read again.

Vice President Eddings Addresses Council/Ordinance 95-618, An Ordinance Rescinding The Clerk/Treasurer Serving As Utilities Clerk

Vice President Eddings read Ordinance 95-618 as follows:

Whereas, the Town Council for the Town of Sellersburg, Indiana, did on the 26th day of October, 1992, adopt Ordinance No. 542 which appointed the Clerk/Treasurer of the Town of Sellersburg to serve as Utilities Clerk for the Town of Sellersburg; and

Whereas, the Town Council for the Town of Sellersburg has determined it no longer desires for the Town of Sellersburg Clerk/Treasurer to serve as Utilities Clerk for the Town of Sellersburg; and

Whereas, the Town Council for the Town of Sellersburg has determined that said Ordinance should be rescinded for the efficient and effective administration of Town government; and

Whereas, the Town Council for the Town of Sellersburg has considered this matter in an open meeting at which the public was invited to attend and participate.

Be it now therefore ordained by the Town Council for the Town of Sellersburg, Indiana, that Ordinance No. 92-542 shall be rescinded, whereby the Town of Sellersburg Clerk/Treasurer shall no longer serve as the Utilities Clerk for the Town of Sellersburg.

Council Member Eddings made a motion that we approve Ordinance No. 95-618, motion seconded by Council Member Broady.

Vote 4-1, with President Tucker voting against.

Sellersburg Town Council
Special Meeting
April 27, 1995
Page 2.

Clerk Treasurer Schafer Addresses Council/Contracting Out The Sewer & Water Departments

Ms. Schafer stated there's alot more things involved in this. I have deputy clerks that work in the capacity of the utility and they do not wish to work for a company. They were employed by me, and my being Clerk Treasurer of the Town of Sellersburg, and they do not wish to work for an independent utility firm so I would like the opportunity to check with the Indiana Association of Cities and Towns and also with my personal attorney as to how long they will be able to keep their jobs before they are terminated.

President Tucker stated would you like to get back with Doug.

Ms. Schafer stated yes, that would be okay but they do not wish to work for an independent firm even though they do work full time so technically I did appoint them, you removed my job, fired me, what ever you want to call it, as Utility Clerk and these clerks were sworn deputies of the Town of Sellersburg also they work in the capacities of utilities because that was one of my responsibilities so being that, it still doesn't change the fact that these clerks do work for the Town of Sellersburg so....

President Tucker stated so I suggest that today, Thursday, that by 3 o'clock tomorrow afternoon that you will have a chance.....

Ms. Schafer stated I will talk to them at 8:30 a.m. today to see, and also, you will be expecting a letter from one of the girls attorney. I do know that from last night when I held the meeting but I met with them last night at the Town Hall I had a meeting with them. They do not want to work for an independent firm.

Council Member Eddings stated period, no work, no time.

Ms. Schafer stated well I'm not saying that because if it depends on the legality part of that and I said that I would like to check with the Indiana Association of Cities and Towns and check with the ordinances relating to the appointment of my deputies since according to the Indiana Code they do work at my pleasure which I have no pleasure at this point and they don't which to give up their jobs with the Town of Sellersburg and the legal part of that, since I appointed them, it was my position they have been with the town for almost three and a half years, they don't want to quit working for the Town of Sellersburg so I really would like the opportunity, on the town's behalf, to avoid a potential law suit, etc., to check with the Indiana Association of Cities and Towns to see if these people will be able to retain their positions since, at the time I assumed that they were going to have a job as long as I had a job.

Council Member Truman stated well I'm not going to be threatened by a law suit.

Ms. Schafer stated well I wasn't insinuating. I said I would like to have the opportunity to check with the legal portion of that, to avoid the town in general.

Council Member Eddings stated well by 3 o'clock today would be nice.

Ms. Schafer stated as soon as I can get to it because they wish to hire three, I don't have a problem with 30.

Sellersburg Town Council
Special Meeting
April 27, 1995
Page 3.

Clerk Treasurer Schafer Addresses Council/Contracting Out The Sewer & Water Departments

Council Member Eddings stated well when they come in either our people or theirs.

Ms. Schafer stated well my people, with the jobs they have with the Town of Sellersburg to issued licenses, I'm working on going back on records that weren't created on fixed assets, getting a value at this time. I've had one clerk working with Jim O'Neal Ford, getting prices on 1970 vehicles at the time they were new so I have plenty of works for them to do as far as that, I would like the time, if I have to work them on Saturday, to remove everything that belongs to civil town out of the utility so....

Council Member Truman stated what do you mean remove.

Ms. Schafer stated well because since you are totally, you are taking my duties away as Utility Clerk, I don't mean, I'm talking Civil town. An independent corporation that is working for a utility firm really shouldn't have any involvement in the things that the Town of Sellersburg, financial things that they would have, so it is going to take time to go through all that, and sort it out, and I know by virtue of my office, still handling money, since the town is going to technically own the utility, I will still have to maintain a set of books and have some sort of access to the computer records to continue doing the job on disbursements and receipts as I normally do.

Council Member Truman stated so are you saying that if these three clerks are offered a position with EMC that they will not accept it.

Ms. Schafer stated what I am saying is that these three girls are sworn deputies and I would like the opportunity from the council to check with the Indiana Association of Cities and Towns. I know their salaries are fixed that you all signed by salary ordinance and I'm not so sure that, since these girls do not wish to, I have an expecting one that is under an extreme amount of stress due to this. She's worked here for three and a half years. She can not take much more. She does not, neither of them want to work for an independent company when they are working for the Town of Sellersburg. I had discussed with President Tucker. I was not contacted by EMC. They did not ask me for an appointment. At the time Mr. Alexander came into my office, and he can verify it, he asked me if I could get the information together. I had a girl out that had come into work with toxemia. She had an emergency C-section due to a Frank Breach Birth. I told him I would get it together as fast as I could. He said do you have a problem if I do it. I said, absolutely not, so the report, the CTAR, the State Board of Accounts Audit Report, I gave him, I offered him the utility books that were rates and charges. He said he didn't need it. He requested personnel information that I was told before by Attorney McCall that it was not to be given out simply because it was confidential. He said okay. I told him to check with Perry on it. I said do you have everything you need. He said yes I do. That was the last time I was contacted by them so,....

President Tucker stated could we by either 3 o'clock this afternoon or tomorrow afternoon.

Ms. Schafer stated they are not coming to work for an independent company, I will tell you that so.....

President Tucker stated so will you have a chance to get back with Doug and answer the questions.

Sellersburg Town Council
Special Meeting
April 27, 1995
Page 4.

Clerk Treasurer Schafer Addresses Council/Contracting Out The Sewer & Water Departments

Ms. Schafer stated I had a meeting, Dave can verify because he was there. I had discussed independently with my chief deputy clerk. I had another deputy clerk come in that had started from January 1st, 1992. She said she would be here Monday, the Town of Sellersburg would have to fire her. I was told by President Tucker to work her in the back, so that has been what I have been doing since. She absolutely will not. I met with the other two last night and Broady can verify that we were there, picking up his mail. They do not wish to terminate their employment with the Town of Sellersburg and that is what they were hired for, even though they do, because I was hired for the responsibility for the utility, that is what they were hired for as the deputy clerks for the Town of Sellersburg working in every area for the Town of Sellersburg, so I would like the council to give me time. If I have to come in on Saturday's and Sunday's, then somebody's going to get time and a half and I have never paid time and a half since I have worked for the Town of Sellersburg until, at one time, I had a employee resign and I was forced by the council to do so. That's the only time anyone has ever had any overtime with the exception of forty five minutes the other day when I had an emergency situation to wrap up for the council and you understand what it was. It was the zone.

President Tucker stated could you get in touch with Doug.

Ms. Schafer stated If you would like to have that signed by the deputy clerks that work in the capacity of the utility. If you would like to have it signed and notarized, I can get that for you today but it doesn't make any difference because I know their salary was originally set by ordinance. I do know they have been sworn in the oath of office and I am by virtue of my office authorized to do so. They all have been sworn in, so I really, if they don't want to work for an independent utility, it should be their perogative to do so. As to how long they will have a job, I guess I don't know if I continue to be re-elected to the position that I now have as Clerk Treasurer I really don't know; I'll have to check into those kinds of things too. It happened so fast, that really, you know, so the people they plan on hiring, you know it doesn't make any difference what they do to me. I have no control other than I do know I have to issue all the checks, and I do need the clerks to verify that what this independent companies actually ordering and etc., that is physically what is being taken in because once the council signs the voucher then I have no liability. I would also like to understand since these people are here, I would like it to go across the minutes that the Clerk Treasurer of the Town of Sellersburg, Linda Schafer, is no longer responsible for any utility collections or billing that these people will control while the 90 day term is in effect so that protects me where and I'm not saying or accusing you people of doing anything. I'm just saying it releases my office from any liability due to any action that you people take in reference to a loss or something or etc. and I would like the opportunity, if they could wait a couple of days, to do a complete audit of all properties and etc., that the utilities, sewer and water has, as they will be accepting that out of my hands for I will not be responsible for any material.

Council Member Truman state so I would like to make a motion, just to confirm what we have been talking about by 3 o'clock tomorrow that the three clerks notify the Town Council in writing by 3 o'clock tomorrow afternoon whether or not they will accept a position with EMC.

Sellersburg Town Council
Special Meeting
April 27, 1995
Page 5.

Clerk Treasurer Schafer Addresses Council/Contracting Out The Sewer & Water Departments

Ms. Schafer stated again and I'm not trying to be a bitch about it, pardon my language, but again these people were hired by me, it was my understanding when I took the office, that the utility clerk was a portion of my duties, which indirectly, it still will be because I am responsible for reconciling utility bank statements. I'm responsible for checking vouchers to make sure they are legitimit. I'm responsible for about everything financial still writing all checks going out to the utilities so indirectly I'm still responsible however, once I lock my Clerk Treasurer's door and you seperate the utilities from the rest of the town I will be no longer responsible for anything other than to make sure what they have on their bank statements, the bank deposit slip they give me. I will still be responsible for only that and not for what was billed or anything else.

President Tucker stated motion made by Karl to have the girls notify in writing by 3 o'clock tomorrow their intent to going with EMC or not, do I have a second.

Council Member Truman stated Well I mean.....

Ms. Schafer stated If I can have it done any sooner I will drop those off at your office.

Council Member Truman stated that's fine.

Ms. Schafer stated it doesn't make any difference.

Council Member Eddings stated they have to know something one way or the other.

Ms. Schafer stated I still have to do an audit.

Council Member Truman stated okay, I'll change my motion to 3 o'clock today.

President Tucker stated okay, motion made by Karl that by 3 o'clock today, do I have a second.

Motion made by Council Member Truman to have a letter of intent signed by the clerks by 3 o'clock today and seconded by Council Member Eddings.

Vote 4-1, with President Tucker voting against.

Adjournment

Motion made by Council Member Truman to adjourn this meeting and seconded by Council Member Alexander.

Vote 4-0

With no further business this meeting was adjourned by President Tucker at 7:23 a.m.

Sellersburg Town Council
Special Meeting
April 27, 1995
Page 6.

Adjournment Cont.

David Broady

David Broady

Aulton D. Eddings, Jr.

Aulton D. Eddings, Jr.

Kenneth Alexander

Kenneth Alexander

Karl Truman

Karl Truman

Stanley E. Tucker

Stanley E. Tucker

Linda G. Schafer

Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL
Emergency Meeting
May 1, 1995

Special Emergency Meeting

A special emergency meeting of the Sellersburg Town Council was held at 7:00 a.m. at the Sellersburg Town Hall to consider and pass Resolution #1995-29, a resolution of the Town of Sellersburg Common Council eliminating the position of Billing Clerk for the Town of Sellersburg, Indiana, and to consider and pass Ordinance #95-622, an ordinance amending Ordinance #94-600, establishing the 1995, Salary, Holiday and Longevity pay for the employees of the Town of Sellersburg. Those present were: Stanley E. Tucker, Council President; Aulton D. Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Karl Truman, Council Member; David Broady, Council Member; Linda G. Schafer, Clerk Treasurer and Perry McCall, Town Attorney.

Called To Order

President Tucker called the Special Emergency Meeting to order at 7:09 a.m.

Attorney McCall Addresses Council/Resolution 1995-29, A Resolution Of The Town Of Sellersburg Common Council Eliminating The Position Of Billing Clerk For The Town Of Sellersburg

Attorney McCall stated in order to facilitate the contract that we have with EMC there needs to be a resolution passed where the positions of billing clerks will be eliminated and then at that point there will be an amendment to the salary ordinance. I have a resolution which will be 1995-29.

Council Member Eddings stated does this also have the guarantees in it.

Attorney McCall stated I will read it:

RESOLUTION NO. 1995-²⁹

A RESOLUTION OF THE TOWN OF SELLERSBURG COMMON COUNCIL
ELIMINATING THE POSITION OF BILLING CLERK FOR THE TOWN OF
SELLERSBURG, INDIANA

WHEREAS, The Town of Sellersburg Common Council has removed the Town of Sellersburg Clerk/Treasurer from the position of utilities billing clerk, and

WHEREAS, prior to the Town of Sellersburg Clerk/Treasurer's removal as utilities billing clerk, said Clerk/Treasurer was directly responsible for billing and collection of utility rates and charges for the Town of Sellersburg, and

WHEREAS, the Town of Sellersburg now employees three (3) billing clerks who have maintained responsibility for the billing and collection of the Town of Sellersburg's utility's rates and charges, and

Attorney McCall Addresses Council/Resolution 1995-29, A Resolution Of The Town Of Sellers-
burg Common Council Eliminating The Position Of Billing Clerk For The Town Of Sellersburg

WHEREAS, the Town of Sellersburg Town Common Council has contracted with Environmental Management Corporation "EMC" to manage the Town of Sellersburg Utilities for a period of ninety days beginning on the 1st day of May, 1995, and

WHEREAS, Environmental Management Corporation "EMC" and the Town of Sellersburg Common Council have agreed pursuant to contract that three (3) billing clerks will be hired by EMC, those billings clerks of the Town of Sellersburg whose positions will be eliminated by the herein Resolution will be offered employment as billing clerks for EMC first, with wages and benefits comparable to the current wages paid to them by the Town of Sellersburg, and

WHEREAS, if, after the expiration of the ninety (90) days, under the "Interim Contract" the Town of Sellersburg Common Council does not contract further with Environmental Management Corporation "EMC" the Town of Sellersburg shall hire three (3) billing clerks to maintain responsibility for the billing and collection of the Town of Sellersburg's utility's rates and charges, at the same rate of pay and with all benefits previously enjoyed as a Town of Sellersburg employee. Said billing clerk position shall be offered first to those individuals who served as billing clerks for "EMC" under the ninety (90) day Interim Contract.

WHEREAS, because the Town of Sellersburg Town Common Council has removed the duties of utilities billing clerk from the Town of Sellersburg Clerk/Treasurer there is no longer a need for billing clerks in the Town of Sellersburg,

WHEREAS, the Town of Sellersburg Common Council has determined the elimination of said billing clerks positions will result in the efficient administration of Town government.

BE IT THEREFORE RESOLVED by the Town of Sellersburg Common Council that the position of three (3) utilities billing clerks shall be and hereby are eliminated, as said positions are no longer needed by the Town of Sellersburg.

BE IT FURTHER RESOLVED by the Town of Sellersburg Common Council that all salaries and benefits associated with said billing clerks' positions shall be terminated beginning May 1, 1995.

Sellersburg Town Council
Special Emergency Meeting
May 1, 1995
Page 3.

Attorney McCall Addresses Council/Resolution 1995-29, A Resolution Of The Town Of Sellersburg Common Council Eliminating The Position Of Billing Clerk For The Town Of Sellersburg

Council Member Eddings stated does this require two readings.

Attorney McCall stated this requires to consider on the first reading unanimous approval by the Town Council.

Motion made by Council Member Eddings to consider Resolution 1995-29 on the first reading and seconded by Council Member Truman.

Vote 5-0

Council Member Eddings Presents Resolution 1995-29, A Resolution Of The Town Of Sellersburg Common Council Eliminating The Position Of Billing Clerk For The Town Of Sellersburg

Motion made by Council Member Eddings to pass Resolution 1995-29 and seconded by Council Member Truman.

Council Member Truman stated there was one sentence in there that I'm not sure that might be quoted better to be said that if it doesn't work out with EMC that we will hire three billing clerks. I think that language ought to be rephased that the town will offer employment for any of the existing billing clerks that presently work for the town that voluntarily accept employment with EMC that perform satisfactory rather than just saying we're going to hire three billing clerks at the end. I mean we don't know what the situation is going to be.

President Tucker stated it does clarify.

Council Member Eddings stated that they get the first option, it has to come back to them first and then if they don't want it.

Ms. Shelton stated yes, I heard it.

Attorney McCall stated you would have to approve the hiring of the individual anyway.

Vote 5-0

Attorney McCall Addresses Council/Ordinance 95-622 An Ordinance Amending Ordinance #94-600 Concerning 1995, Salary, Holiday and Longevity Pay

Attorney McCall stated the next would be an ordinance to amend the salary ordinance 94-600 concerning 1995 salary, holiday and longevity pay regarding the three positions, one in the sewer and two in the water department. The positions are being eliminated therefore the salaries by this ordinance would be eliminated also. That would be Ordinance 95-622. You need to do the same as you did before with the resolution to consider on the first reading.

Sellersburg Town Council
Special Emergency Meeting
May 1, 1995
Page 4.

Attorney McCall Addresses Council/Ordinance 95-622 An Ordinance Amending Ordinance 94-600
Concerning 1995 Salary, Holiday and Longevity Pay

Motion made by Council Member Eddings to consider Ordinance 95-622 on the first reading and seconded by Council Member Truman.

Vote 5-0

Mr. McKee stated I have a question about that. Are you guys going to pay up, is the town going to pay up all of the vacation benefits or do you want EMC to carry those over in terms of the ordinance, usually we carry them over, we take them on as our responsibility all of the vacation and sick days.

Attorney McCall stated this has to do with the salary.

Mr. McKee stated so this is just salary, okay, I just wanted to get it clear in my mind.

Council Member Eddings Presents Ordinance 95-622, An Ordinance Amending Ordinance 94-600
Concerning 1995 Salary, Holiday and Longevity Pay

Motion to approve Ordinance 95-622 made by Council Member Eddings and seconded by Council Member Truman.

Vote 5-0

Ms. Schafer stated is that 4-0 or 5-0.

President Tucker stated 5.

Ms. Schafer stated sometimes he votes sometimes he doesn't. I needed clarification.

President Tucker stated I think it would be appropriate to introduce Chris and let Chris introduce his associate.

Council Member Eddings stated this is Chris McKee, he's going to be here I know today and probably longer than today. Chris has been beneficial in helping us to try to work our way through the contracts, the contract with EMC, he has bent over backwards to try and make sure that no one in the town is going to be hurt in this 90 day period. All EMC is wanting is a fair shot to come in and look at our system, look at what we are doing and see if there is a chance that they can help us operate more efficiently.

Mr. McKee stated this is Trina Wilkinson, she is with me. She is our billing expert. We operate 3 or 4, almost 4 billing offices. She will be here all of this week and all of next week for sure on a day to day basis and I'll be here as much as I can. I'll be in and out and you guys have met Tom, he will be at the Waste Water Plant today. There is another gentleman who is Phil, he will be back as well. On behalf of EMC I just want to say thanks for the opportunity. We look forward to working with you guys. We will do our best to make it as smooth and have as little impact on your lives as possible. Hopefully we are not in the business of making trouble for anybody.

Sellersburg Town Council
Special Emergency Meeting
May 1, 1995
Page 5.

Council Member Eddings Presents Ordinance 95-622, An Ordinance Amending Ordinance 94-600
Concerning 1995 Salary, Holiday and Longevity Pay

Mr. McKee stated we're looking forward to looking at the system to see what we can offer some more efficient operations if we can great and if not I think we will be man enough to say that we can't, that you're doing a great job and we'll go on our merry way. All we ask as Doug said is to give us a fair shake and we will be straight with you. If you will be honest with us and that's all we really ask. If anybody at anytime has any questions about anything, please let us know. If I don't know the answer and probably I won't, I will find somebody that knows the answer. We are ready to get to work whenever you guys are.

President Tucker stated as I mentioned, Cindy would like to spend a few moments with you. I think some of the other ladies would like to also.

Mr. McKee stated you bet.

Ms. Schafer stated my normal office hours are from 8:00 to 4:00 due to the fact that I worked it out with the employees.

President Tucker stated there is a coffee shop down the road.

Ms. Schafer stated well this is my office, not yours so.....

President Tucker stated I understand.

Council Member Eddings stated before we adjourn, the last meeting we passed an ordinance that needed to be initialed.

Ms. Schafer stated I don't think we can do it in this meeting. I know, I will swear that you all approved that, but I can't attest it.

Council Member Eddings stated we can do it at the next meeting.

Mr. McKee stated there was one other think too, before I forget. I wrote a letter summarizing our position on Patty and Andrea and EMC was and is still prepared and I have in writing, I want to make sure you guys get a copy. I brought signed copies for you guys and it basically says that on top of the towns guarantee that EMC guarantees that Patty and Andrea and the third clerk, if everything works out, we will guarantee their employment for at least up to one year after the 90 day period with EMC. If for some reason the town, they made the guarantee that EMC will keep you for up to one year after the 90 day period. This letter outlines that guarantee so you guys can have that in writing. It also lines out a few questions on the stuff that you and Craig talked about last week.

Adjournment

Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Truman.

Vote 4-0

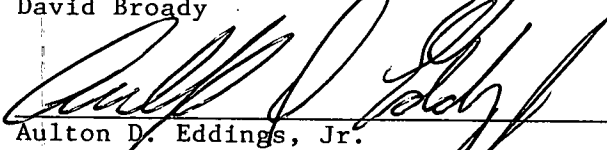
Sellersburg Town Council
Special Emergency Meeting
May 1, 1995
Page 6.

Adjournment Cont.

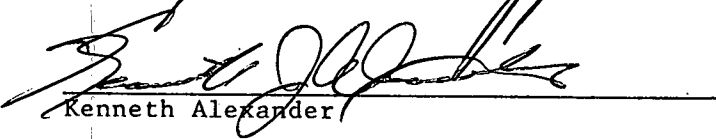
With no further business this meeting was adjourned by President Tucker at 7:22 a.m.



David Broady



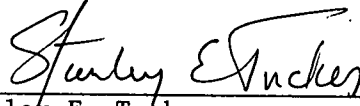
Aulton D. Eddings, Jr.



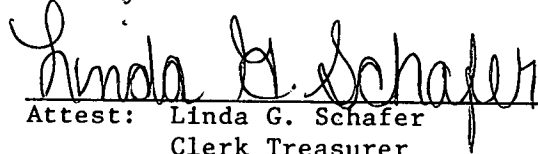
Kenneth Alexander



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

May 8, 1995

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Aulton D. Eddings, Jr., Council Vice President; David Broady, Council Member; Kenneth Alexander, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney arriving at 6:10 p.m. and Karl Truman, Council Member, being absent.

Called To Order

President Tucker called the Executive Session to order at 6:02 p.m.

Topics of Discussion

Bid Opening/Holman Lane Project
Storm Drain Project
Resignation of Travis Walters
Old Waste Water Treatment Plant
Remonstrance
Conrail Agreement
Amending Sewer Rates & Charges
Annexation/Ordinances
EMC Contract
Court Recording Fee/\$35.00
Allison Lane Project/Replacing Bridge

Adjournment

With no further business, President Tucker adjourned the Executive Session at 6:24 p.m.

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Aulton D. Eddings, Jr., Council Vice President; Kenneth Alexander, Council Member, Karl Truman, Council Member; David Broady, Council Member; Linda G. Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Tucker called the Regular Meeting to order at 6:35 p.m.

Sellersburg Town Council
Regular Meeting
May 8, 1995
Page 2.

Prayer

Reverend Gary Fenner offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of Last Meetings

President Tucker dispensed with the reading of the minutes from the April 24, April 27 and May 1, 1995 meetings and requested a motion to approve the minutes as presented.

Motion to approve the minutes of the last meetings was made by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

President Tucker Presents Ordinance 95-623/Additional Appropriation Ordinance

President Tucker stated we have a hearing this evening on additional appropriations for the town hall construction.

President Tucker read Ordinance 95-623 as follows:

ORDINANCE 95.623

ADDITIONAL APPROPRIATION ORDINANCE

Whereas, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for calander year 1995; now, therefore:

Be it obtained by the Town Council of the Civil Town of Sellersburg, Clark County, Indiana, that for expenses of the taxing unit the following additional sum of money are hereby appropriated out of fund named and for the purpose specified, subject to the laws governing the same;

NAME OF FUND	ACCT TITLE	AMOUNT OF APPROPRIATION REQUESTED
General/Capital Outlays	Town Hall Bldg/Const. #TC-401	105100.
CCD/Other Serv. & Charges	Misc/Ser & Charges #CCD-394	1500.
CCD/Capital Outlays	Machinery & Equip. #CCD-440	9000.
CCD/Capital Outlays	Office Furniture #CCD-430	6000.
CCD/Capital Outlays	Window Coverings #CCD-431	1500.

Sellersburg Town Council
Regular Meeting
May 8, 1995
Page 3.

President Tucker Presents Ordinance 95-623/Additional Appropriation Ordinance

Motion made to consider Ordinance 95-623 on the first reading made by Council Member Eddings and seconded by Council Member Broady.

Vote 5-0.

President Tucker Presents Ordinance 95-623/Additional Appropriation Ordinance

President Tucker presented Ordinance 95-623, Additional Appropriations for Town Hall Construction cost.

Motion made by Council Member Eddings to approve Ordinance 95-623 and seconded by Council Member Broady.

Vote 5-0

Don Brown Addresses Council

President Tucker stated I don't see Mr. Brown here tonight and asked Mr. Timothy Sells if he was here to represent him tonight.

Mr. Sells stated he asked me to come tonight and let you know he wouldn't be here and he'd like to be on the next agenda.

President Tucker asked Ms. Schafer if he would put Mr. Brown on the next agenda.

Council Member Truman stated Mr. President I'd like for Mr. Brown to specify the topic of what he wants to be on the agenda for. In the past I think he has basically used our board meetings as his personal soap box to stand up and have an audience to give a speech. If he has legitimate town business that is certainly appropriate to do this but I think that we are letting him simply come and have a private audience to get his personal speech in which I don't think is appropriate.

President Tucker asked Mr. Sells if he would have Mr. Brown call Linda and give a subject or a topic for the next meeting.

Council Member Truman stated as long as he can specify that it is legitimate town business.

Mr. Sells asked does everybody do this, tell you what they are going to talk about.

President Tucker stated yes sir, it's on the agenda.

Sellersburg Town Council
Regular Meeting
May 8, 1995
Page 4.

Rick Wilson Addresses Council/Sewers on Allentown Road

Mr. Wilson stated I'd like to address the board about sewers on Allentown Road, if there is any or if any body has given any thought to expanding or letting any taps out in that area, if there's any policy that the city has, sewers, whether or not in the city.

President Tucker stated let me give you a quick synopsis. My understanding is there is a 4" line that runs from our sewer treatment plant to Covered Bridge and basically there has been no tap ins down Allentown Road. I have talked to the people at Covered Bridge and they are in the process of adding section 2 or starting on it so they are talking about additional needs on the sewer. We tried to get other developers in that general area involved because and this is where it gets to the technical part and John needs to talk about it, they apparently need to run a pretty good main underneath I65 and it will be extremely costly. The general quote was like \$400,000 so we were trying to see how that was going to be done. That's not something that the town is in a position to do, that's why we were trying to get other developers involved. There is also some conversation now about West Clark Schools expanding and that may be in that general area which would also need sizeable sewer and water so there is alot of things kind of going on right now as far as giving an answer as to what we can do on Allentown Road this second, I'm not sure.

Mr. Wilson stated well the other thing is, is there any capacity in that area, let's say with the sleeve under I65 and I understand that perhaps now not possible but perhaps in the very near future it would be. Is there not going to be, I guess alot of that area there is not in the city, if there is capacity and I take it if Covered Bridge does something that's going to be 200 or 300 houses and if the school does something I understand. I'm asking for 15 sewer taps which would have an individual lift station which would be built to your specs and it wouldn't cost the city anything. I feel like myself that your sewer taps are too cheap. I think a sewer tap ought to be 1400 a piece. Let the sewer taps pay for your expansion down the road, as everybody taps in for example, if Covered Bridge does 300 units and they pay 1000 a piece you've got your unit done. If I do 15, I'd pay 1500 or 15,000 or whatever it is.

President Tucker stated well John you're going to have to answer that.

Mr. Wilson stated I know in Clarksville it's \$1,000 to \$1,200 dollars for a sewer tap.

John Toombs stated when Covered Bridge originally went in they built their own lift station and paid to run all of the lines to the town.

Mr. Wilson stated what I'm asking is if there is still capacity on that line which I understand that there is. I take it that the line running down Allentown Road belongs to the city doesn't it. I do feel there is a real need in that area for housing. I have 36 lots in Covered Bridge and I'm very active in that development. I just think there is another market out in that area for people who can't afford \$360,000 dollar houses and would like to live out in that area. Sewers are the only way that the area out there can grow. I would think that gradual growth rather than several developments at one time would be better not to flood the market.

President Tucker stated maybe as a suggestion and obviously these guys can speak but I do think that there is some sort of gentleman's agreement and in all fairness we would need to talk to them and see what their feelings would be.

Rick Wilson Addresses Council/Sewers on Allentown Road

Mr. Wilson stated I understand that and I'm not saying take any capacity from them. I'm saying that it's my understanding that the line carries more capacity than what they would use in the 1st and 2nd phase there, but if there is capacity in that area now for smaller developments it would be great to have that sort of small growth, a few here and a few there. It's more of a long term growth pattern than a spurt.

President Tucker stated I understand but I do think we need to check with them because as I remember the understanding they paid for that and it is their's; it's the town's but it's their's in the sense that it was done strickly for them and they paid for it. I'm not saying they can't change their minds. I just remember that was the agreement. I don't think that's in writing, it was just a gentleman's agreement.

Mr. Wilson stated I'm not trying to take anything from them, Covered Bridge, that's for sure. Here again just to redo what I'm saying, my understanding is an excess of capacity on the line that if they did the 1st and 2nd phase as they've indicated they were that there is still capacity left on that line.

Council Member Broady stated is there any way that this board when there is a question like this that we can come up and say if this would happen and that would happen and maybe that's something we could look at. Do you think if we talk to Covered Bridge and they say there is more capacity than they will need and everything in his deed has to be for remonstrance is there some concrete things that we could put in place that if he could come up with and the board could agree to do this.

President Tucker stated I'm sure there is but I don't know what the concrete things are.

Council Member Truman stated I think that's a good idea. I think the first step would be to have John Toombs check with Covered Bridge and see if there is the excess capacity.

Council Member Broady stated I think that's what we need to do, check with them and say okay, phase 1, you've talked about, phase 2 and phase 3. If there's enough capacity in that line, if they are going to be right at the maximum obviously just like you, you don't want to hurt them.

Council Member Truman stated I suggest John look into it and let us know at the next meeting.

Environmental Management Company (EMC) Addresses Council

Mr. Kendall Coleman stated what I'd like to do is introduce Phil Thompson and I don't think that all of the Council has met Phil yet. Phil is our start up manager for this project. Tom Edwards is the facilities manager out at the waste water treatment plant and at this time Phil has a brief representation of how the first week has gone.

Mr. Thompson stated I'm out of the Edwardsville area, born and raised in Vincennes so I'm a Hoosier at heart and I want to give you a real brief recap of the first week. First of all I want to let everyone know that with everyone that we have come in contract in town has been very very cooperative and we've had good reception. Last Monday was the first time I've ever been in Sellersburg and I feel very good about it. Everything has been super.

Environmental Management Company (EMC) Addresses Council

Mr. Thompson stated I'm not going to go in to the mundain day to day operation. I'm just going to touch briefly on the departments. The billing office for the last week they have collected over \$45,000 for the citizens paying their bills and the people are doing great in there. They had 49 customer service calls that they handled and no complaints that I've heard of. They appear to be happy, everything is going great. For the water department even with our 1½ inch rain that we experienced at the first of the week, they finished reading all of the meters for the billing clerks a day early and that was not from any prompting on our part. They just got out there and did it and got it done and got it over with and lastly but certainly not least the waste water treatment plant, everything is going great there with the 1½ rain that we had at the first of the week, the employees were able to keep the plant in operation. We didn't have any violation of the state or federal permit limits and also we didn't have any citizen complaints about flooded basements or anything like that so we kept all of the water out of the town going through the treatment plant, it did receive treatment before being discharged and that's all I have in a nut shell. If there are any questions I would certainly entertain questions. Thank you.

Council Member Eddings Addresses Council/Bids for Excavation

Council Member Eddings stated the only think I have is we have the three bids for the lean to or storage shed for the packers and the equipment that's now behind the town hall. We are going to be building a new storage facility at the waste water treatment plant. We've already accepted the bids on the building but before we can build the building we have to have some excavating work done. We need a driveway and a small turn around parking area. We've gotten three quotes, one from Dan Cristiani, one from James Munk Excavating and one from Norman Estes Excavating. The cheapest quote was for \$10,365 from Norman Estes Excavating.

Motion made by Council Member Eddings to approve Norman Estes Excavating for the excavation work at the waste water treatment facility and seconded by Council Member Broady.

Council Member Truman asked do you have any idea why there is such a big difference in the price. I mean the first two look fairly close and there's a big drop for this one.

Council Member Eddings stated the other two are very busy. This time of year if you bid someone who is busy their price is going to be higher.

Vote 4-0

Council Member Broady Addresses Council/Claim From EMC

Council Member Broady stated I have the first bill from EMC for the first month of the management contract in the amount of \$3500 and this should be split between the sewer and the water departments in the amount of \$1750.

Motion made by Council Member Broady to pay the claim to EMC in the amount of \$3500 and seconded by Council Member Truman.

Vote 4-0

Sellersburg Town Council
Regular Meeting
May 8, 1995
Page 7.

Council Member Broady Addresses Council/Claim For Speed Golf Course

Council Member Broady stated I have a claim for Speed Golf Course. We dug up a leak in the line and it was on our side. I'm not sure how this happened, these things are air tested. Nobody really knows how these things happen. They had dug up the line and Jim and Travis came out and looked at it and both said it was on our side. The golf course had already started the work when we found that it was on our side so they went ahead and finished it and I told them to send the bill to me and the town would take care of it.

Motion made to reimburse Speed Golf Course for repair to the sewer line in the amount of \$700.00 made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Council Member Broady Addresses Council/Claim For Eckert Construction

Council Member Broady stated this was a problem back in October of 1994 on Mayfair Drive. The concrete driveway, the top had popped off where we had gone through with the sewer. I don't know if the concrete froze or what really happened. We got a price at that time late in the fall and the work is now done.

Motion made by Council Member Broady to approve the claim for Eckert Construction in the amount of \$950.00 and seconded by Council Member Eddings.

Vote 4-0

Council Member Eddings Addresses Council/Refund Issued To Sandra Schmitt

Council Member Eddings stated a lady came in and paid her water bill and when she wrote her check she had made a deposit at the bank and she wrote her check for the amount of her deposit and not her water bill. She wrote the check for \$300.00 and her bill was \$12.58 and the check cleared so we owe her \$287.42. I'd like approval to issue her a refund.

Motion made by Council Member Eddings to issued a refund to Sandra Schmitt in the amount of \$287.42 and seconded by Council Member Broady.

Vote 4-0

Council Member Truman Addresses Council/Park Gate On Catalpa Drive

Council Member Truman stated I'd wanted to bring up an issue that we kind of left unresolved last summer with the gate to the park on Catalpa Drive and since the pool will be opening pretty soon I thought we'd go ahead and address that issued now and after weighting the inconvenience to people who might have to drive around versus the risk to the residents and kids on that street due to the speeders and bad traffic down that road I want to make a motion that we form a resolution finding that the safety of the residents on that street out weigh the inconvenience and that the gate remain closed at this time and we also try to find a way to repair the little bridge there that goes behind the pool so people can have access to that parking lot on the other side.

Sellersburg Town Council
Regular Meeting
May 8, 1995
Page 8.

Council Member Truman Addresses Council/Park Gate On Catalpa Drive

Motion made by Council Member Truman to keep the park gate closed and repair bridge to access parking in other lot and seconded by Council Member Alexander.

President Tucker stated I represent the board on the Parks Department. There were alot of suggestions made to make a long story short, at this point in time they have every intention of leaving the gate locked. The only people who would use it, in other words, unless I misunderstand, it is pretty much up to the parks department to get with these people, discuss this and come up with a recommendation. They have done this on a few occasions. I can't say that they have resolved it with all of the people yet but at the last parks meeting and there will be another one tommorrow night and everyone is invited to attend. They recommended to leave the gate locked and only the employees could use the back parking lot and it would be the responsibility of the pool manager to let the employees in and lock it and let them out. It wouldn't be used by the citiznes, it would be for the pool employees. The only lot available for the people who use the pool would be on the other side. The only exception to that would be when they have swim meets at which time they would use both sides. It is my feeling since we kind of put it in the lap of the parks department/parks board to handle this and they are still trying to do it. I think we ought to leave it in their hands. Karl if you want to come to the meeting tomorrow night, I know the Garr's have been there on several occasions.

Vote 2-3, with President Tucker, Council Member Eddings and Council Member Broady voting against.

Council Member Truman Addresses Council/Surcharge To Non-Town Residents

Council Member Truman stated at the last meeting it was brought up about Perry looking into a surcharge to out of town residents using our water and sewers.

Attorney McCall stated basically what I'm doing is a comparison with Clarksville and Jeffersonville, price wise and dollar wise, who, why and how to come up with that.

Council Member Alexander Addresses Council/Regarding Minutes Of Meetings

Council Member Alexander stated one thing I have, last time I learned a lesson not to say anything sarcastic so for this meeting I'd like to clarify that there were no secret meetings, for the record.

Council Member Alexander Addresses Council/Yard Waste Update

Council Member Alexander stated the first week went real smooth. We had 4% participation. We had 107 stops with 11.75 man hours used. We picked up 42.7 gallons. We made one trip to the compost and it cost us \$26.12, so the real cost with the labor in it was \$237.68. The actual cost, that's our labor, it's the same department, came out at 63¢ so I think the employees did a good job. We're learning a little bit. Indiana is suppose to be rescinding the yard waste, Jerry Fuller called me today. Who knows what June will bring. We'll have to wait and see. If we have to do it, I think we know how.

Sellersburg Town Council
Regular Meeting
May 8, 1995
Page 9.

Council Member Alexander Addresses Council/Possible Purchase of Mapping Computer

Council Member Alexander stated we had looked at about 3 or 4 weeks ago with Computer Resources, a desk top mapping program and basically what I am trying to achieve and this is nothing that's going to happen soon, the projection is for 1996. The desk top mapping system will map Sellersburg from Clark County all of the way down to the individual streets. It gives us better control on where, I mean from sanitation and it lets us know where our stops are, where our signs are, when we've paved, why we've paved, where we have repaired. It gives us very good control. It basically is also something that can be used in the water and sewer department because we have our new friends on board, this is the reason we really haven't brought it up but as they get more comfortable and as the months go on I would like to investigate it. The hardest problem with this job is the lack of information, things get wrote down, things don't get stored. I can not tell you, I mean they had a prett map and I think Roy did an outstanding job on the streets in Sellersburg but when he got done with them he took a black marker and went over the colored lines that told when we paved it and why we paved it and so forth. The cost on a system like this is under \$8000. It's not bad, it included the hardware. The only drawback with this system is it can only get you the map. The time has to be put into actually filling in the blanks. You can go all of the way down to where a manhole is, how big an intersection is, it's something very interesting. I think it should be persued. Like I said, the biggest thing is making sure we have the extra man power in order to initiate putting it in.

Council Member Alexander Addresses Council/Street Sweeper

Council Member Alexander stated one other thing that we are looking at in 1996 is the sweeping. It's always been I guess facinating is the word. The cost of a new sweeper can really get outlandish. What we are looking at right now is maybe contracting twice a year, the sweeping out, see what the cost is and compare it to actually buying a sweeper. Eventually if the town grows we are going to need one but at this point in time spending anywhere from \$60,000 to \$100,000 to sweep is a pretty good piece of change and there needs to be a maintenance program to keep the sweeper going and so forth so we are looking at that.

Clerk Treasurer Schafer Addresses Council/Claim For Koetter Construction On Town Hall

Ms. Schafer stated I'd like to present for the councils approval, actually two seperate bills. I made two seperate vouchers for the completion of the second phase of the new town hall. The first bill is \$85,910.40 and the voucher reflects this and the other check will be issued to Koetter Construction Escrow Account, the 10% retainage on that in the amount of \$9,545.60.

Motion to approve claims for Koetter Construction made by Council Member Eddings and seconded by Council Member Eddings.

Vote 4-0

Sellersburg Town Council
Regular Meeting
May 8, 1995
Page 10.

President Tucker Presents Claims For The Civil, Water And Sewer Departments

President Tucker presented the claims for the civil, water and sewer departments for the last two week period and requested a motion to approve them as presented.

Motion made by Council Member Eddings to approve the claims as presented and seconded by Council Member Broady.

Vote 4-0

Adjournment

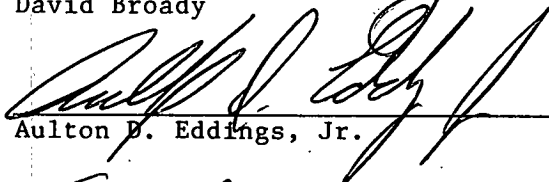
Motion made by Council Member Broady to adjourn this meeting and seconded by Council Member Eddings.

Vote 4-0

With no further business this meeting was adjourned by President Tucker at 7:15 p.m.



David Broady



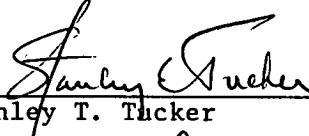
Aulton B. Eddings, Jr.



Kenneth Alexander



Karl Gruman



Stanley T. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

May 22, 1995

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Aulton D. Eddings, Jr., Council Vice President; Kenneth Alexander, Council Member; David Broady, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney, with Karl Truman, Council Member, arriving at 6:33 p.m.

Called To Order

President Tucker called the Meeting to order at 6:32 p.m.

Prayer

President Tucker dispensed with the prayer.

Pledge

The Pledge of Allegiance to the flag was recited.

Public Hearing on Cumulative Capital Development Fund/Ordinance 95-617

President Tucker stated do we have anything on the CCD Fund.

Ms. Schafer stated Perry what was your decision on that.

Attorney McCall stated they never called me back.

Ms. Schafer stated we can go both ways.

Attorney McCall stated we should table it until the next meeting.

Ms. Schafer stated I'll have to republish it then, it was published twice, the 11th and the 18th.

Attorney McCall stated we can go ahead and do it tonight.

President Tucker stated do we have a copy of it.

Ms. Schafer stated this is a copy and this is the original. Do you want to keep the same number on it, it would be 95-617 and just resign it with today's date. This is like a public hearing you know.

President Tucker stated part of this town council meeting tonight is going to be on the authorization of renewal of the CCD Fund which in essence, this is funds we use to supplement some of the things that we do within the town, repair sewer storm drains, these types of things. We had the first public meeting at the last town board meeting and this is the second meeting.

Sellersburg Town Council
Regular Meeting
May 22, 1995
Page 2.

Public Hearing on Cumulative Capital Development Fund/Ordinance 95-617

Ms. Schafer stated this was the first notice and they wanted alot more detail so I had to republish, this was a formality.

President Tucker read Ordinance 95-617.

Motion made by Council Member Eddings to approve Ordinance 95-617 and seconded by Council Member Alexander.

Vote 5-0

Paul Primavera Addressed Council/Covered Bridge Golf Course

Mr. Primavera stated I'm here tonight representing Covered Bridge Golf Course, as you realize Covered Bridge has a pretty sizeable investment. We hope to start the next phase hopefully next spring. There are a few things that we feel will be necessary for Covered Bridge to be able to plan another sewage treatment portion of the project. We are asking for some items and I know that this evening that Mr. Toombs, town engineer is not present but if I could get this in the record and perhaps at the next meeting there will be some time to look them over and come back with a recommendation for the town board.

Mr. Primavera read the following:

1. A written commitment to reserve in their Sewage Treatment Plant the capacity necessary for the second phase of Covered Bridge. (Estimated at 62,000 gallons per day)
2. That a moratorium on additional tap ons on the 6" force main recently constructed by Covered Bridge be placed until the exact design load for Phase II is determined. This is to insure that sufficient capacity is guaranteed for Covered Bridge's needs.
3. That consideration be given to a method of reimbursement to Covered Bridge for any use of the existing and proposed improvements to the sewer collection system installed & paid for by Covered Bridge that would be used by others.
4. That the Town engineers furnished to me information on the existing sewer collection system along the most probable route Phase II will follow.

Mr. Primavera stated in preliminary meeting we have discussed the most probable change to make would be to increase the lift station just off St. Joe Road. We are anticipating at this point to increase that lift station and cut across to the other side of the interstate.

President Tucker stated I guess for my own information on #3, consideration be given to a method of reimbursement by Covered Bridge, do you have something in mind how that would work.

Mr. Primavera stated various utilities charge a tap on fee for tapping on to the line, I guess it's something that John and I need to set down and discuss and come up with something.

Mr. Larry Paris stated we aren't talking about anything that we've already done.

Sellersburg Town Council
Regular Meeting
May 22, 1995
Page 3.

Paul Primavera Addresses Council/Covered Bridge Golf Course

President Tucker stated I understand. I appreciate the clarification but I understand, as I mentioned John will be back probably Monday morning. I will personally make sure that John gets this. It is nice to put it in writing so that it is part of the minutes.

EMC Addresses Council

Mr. Phil Thompson stated I just wanted to give a real quick update on what's happened this past week. This week we are flushing water lines, just wanted you to be aware of if you're doing laundry. This past week we collected over \$37,000.00 in revenue. The average flow at the Waste Water Treatment Plant was doubled due to the rain and there weren't any violations on the state or federal level. Everything is going well.

Minutes of Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and requested a motion to approve them as presented.

Motion made by Council Member Eddings and seconded by Council Member Broady to approve the minutes as presented.

Vote 4-0

Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of April 25th through May 22nd in the amount of \$1,649.25.

Motion made by Council Member Truman and seconded by Council Member Eddings to approve the claim as submitted.

Vote 4-0

Don Brown Addresses Council/Possible Surcharge on Non Town Residents

Mr. Brown stated I was just looking over the last minutes here and Mr. Truman wants to know if I'm on legitimate town business. I tend to think so. I had in question the proposal that Mr. Truman made or had the town attorney look into raising sewer rates for the people in the suburbs, has that been approved. Is that underway.

President Tucker stated no sir.

Mr. Brown stated do you intend to raise the rates for people in the suburbs.

President Tucker stated at this point in time it was a proposal to be looked into, it is not a fact. There is some information being gathered, it is not in the form of an ordinance.

Sellersburg Town Council
Regular Meeting
May 22, 1995
Page 4.

Don Brown Addresses Council/Possible Surcharge on Non Town Residents

Attorney McCall stated I have it in the form of an ordinance but it is not complete. My understanding of this ordinance was primarily for people who live outside of the town, for construction and contractors to make sure they receive a bill for what their usage was.

Mr. Brown stated are you speaking of Essroc.

Attorney McCall stated no, this came up earlier in the year regarding Covered Bridge and developers and they were being charged a greater rate and they were complaining about that.

President Tucker stated we are not in a position tonight to pass that ordinance, there needs to be further discussion as far as we are concerned.

Attorney McCall stated I just have a rough draft of the ordinance.

Mr. Brown stated then I would defer what I had to say about the subject until the time that the ordinance comes up again and request to be on the next agenda.

Council Member Eddings Addresses Building Inspector, Stephen Prather

Council Member Eddings stated Steve I wondered if you can look into two lots on Greenwood Road I think they are owned by the same person. They are right behind the truck stop, both lots of grass are waist high. Need to find out who that is and contact them.

A resident stated that belongs to Mullencamp's.

Council Member Eddings stated you need to contact that person and see if you can't get them to cut these lots, just give them the normal amount of time, 10 days or whatever and if he doesn't have Mark cut them and send them the bill.

Mr. Prather stated are there structures on these lots.

Council Member Eddings stated vacant lots, both of them.

Council Member Eddings Addresses Council/Signatures on Easements

Council Member Eddings stated those easements that we sold, we agreed unanimously, we received \$500.00 or \$600.00. We need to sign the easements.

President Tucker stated we've already approved that.

Council Member Eddings stated yes, it's already been approved, we are just making it legal.

Sellersburg Town Council
Regular Meeting
May 22, 1995
Page 5.

Council Member Broady Addresses Council/Bidding Out Town's Insurance

Council Member Broady stated I think we've all got copies of the bid package on the insurance and I'd like to see us bid that out.

President Tucker stated that was what that was put together for that, the bid package, it was strickly for us to look at, at this point in time.

Council Member Eddings asked do we publicize this or what.

President Tucker stated we've publicized this before.

Ms. Schafer stated before I was given a list of about 7 companies.

Motion made by Council Member Broady to take the bid package that we have and go ahead and get the bids in before our insurance expires and seconded by Council Member Eddings.

Council Member Truman asked who prepares this document.

President Tucker stated our insurance company. I requested that he take and put down everything that we have on the town's insurance so that if Earl was going to bid on it, we would bid apples to apples rather than apples and oranges.

Council Member Truman stated the concern I have and I've looked through it briefly although I have not gone through it in great detail but I believe there is something in here that says that if you didn't comply specifically with all of this your bid would not be considered and I mean I'm trying to, if this just follows along word for word with Bliss McKnight policies and someone else's policy does not follow along with what Bliss McKnight does, does that mean they are disqualified but if you read this literally that's what it is saying.

Council Member Broady stated I withdraw my motion and turn it over to the attorney to look over.

President Tucker stated the motion has been seconded it would have to be voted down.

Council Member Truman stated I agree with what Dave is saying as far as proceeding with this but you know, again I've looked through it, I haven't had a chance to digest it but I'm concerned for example there's a and I don't know if it's in here about the distinction between claims made and occurrence type policies. I don't know if that distinction is in here. If that's something that you're only going to bid on occurrence policies or not except bids for claims made policies.

President Tucker stated if they want to alter the motion they can do that.

Council Member Truman stated as long as it is clear.

Council Member Broady stated my intentions were to make sure that everybody was bidding apples to apples.

Council Member Truman stated but you see my concern about one of the insurance companies preparing the bid specs.

Council Member Broady stated what do you suggest we do.

Council Member Broady Addresses Council/Bidding Out Town's Insurance

Council Member Truman stated well for us to look through this and again I've read through it once, but I've not gone through it that thoroughly yet. I'd like an opportunity to go through it a little more and if there's things that may need to be revised. I guess we need to set when we want to consider, when we want to have the policies in and when do we have to have all of this finalized.

Council Member Eddings stated at the end of August isn't it.

President Tucker stated we have to have it in obviously by the 1st of July, all I asked the insurance company to do was to put together in essence the perimeters of our insurance so we would be bidding apples to apples, you wouldn't be bidding apples and oranges.

Council Member Truman stated unless you want to purchase oranges.

President Tucker stated yes, if you want to purchase oranges that's fine. Well would you like to have this tabled at this point in time.

Council Member Truman stated what time frame are we looking at here that we've got to get it out.

President Tucker stated I think the decision has to be made prior to August 1st.

Council Member Truman stated the decision on the insurance, what about having this available to the agents.

President Tucker stated I think by the first meeting in June at the latest.

Ms. Schafer stated that's not much time.

Council Member Truman stated would the next meeting be to late.

President Tucker stated you have time to review it and we'd review it and then by the next meeting we'd set the perimeters and have the public at that point in time and make it around June the 10th or something like that, it should give them at least 45 days.

Council Member Truman stated and then we would choose at the first meeting in July.

President Tucker stated at the 2nd meeting in July.

Council Member Truman stated you know I might look through it and not find anything or any changes.

Motion made by Council Member Broady to have a chance to review it and at the next meeting it will be available to the public and that the policies have to be in by the last meeting in July and seconded by Council Member Eddings.

Council Member Truman stated so any revisions we need to bring those up at the next meeting.

Ms. Pixley Addresses Council/Sellersburg's Tax Rate

Ms. Pixley stated I'd like to know about this tax that I'm reading about in the paper. The 12% on the hundred.

Ms. Schafer stated the CCD Fund.

Ms. Pixley stated what is it.

Ms. Schafer stated it is the Cumulative Capital Development. It is an existing fund that has been there forever you simply have to publish and renew it every three years. You don't take it off what happens, it is there, you have to renew that fund, it is there to do capital improvements to the town, it's an existing fund that was there before this board came in so it's nothing other than something that's only being renewed that currently exists.

Ms. Pixley stated we're not going to get a raise on that.

Ms. Schafer stated no.

Ms. Pixley stated I've got to know what I'm going to do, my taxes have been raised like the devil since Sellersburg took us in and we are not getting a thing from Sellersburg. I've been on it for a year and a half now and in 3 years you're suppose to get us some help down there, streets, lights, you're going to give Jesse Ballew all of the help that he needs, tax abatements.

President Tucker stated we did not give him a tax abatement. We made it a revitalization area and that gives us the opportunity to give him a tax abatement but we have not given him one.

Ms. Pixley stated what about our property.

President Tucker stated well if you undustrialize it, it can be done.

Ms. Pixley stated I've already got a building on it, my taxes at that one place are higher than anybody else's that come in.

President Tucker stated there are no other businesses in that area except yours, on your side of the street.

Ms. Pixley stated what about Zena Corp.

President Tucker stated it is not an operating business and they are being taxed.

Ms. Pixley stated you mean if I close my business I don't have to pay taxes.

President Tucker stated Zena is paying taxes.

Ms. Pixley stated I just think it is absolutely terrible, I'll tell you I'm going to do everything I can to get out of Sellersburg. I think it's the worse place in the world to come along and do the things that they've done. We rented the building out, the man thought that I was lying when I told him what our taxes are. Why isn't everybody in Sellersburg paying the same thing. Sellersburg should be really rich if they are.

Ms. Pixley Addresses Council/Sellersburg's Tax Rate

Ms. Schafer stated the tax rate is 3.4518, if you will check with Jeffersonville and the Town of Clarksville you will see that they are much higher.

Ms. Pixley stated but they get more than what the people of Sellersburg are getting.

Ms. Schafer stated I agree there but it's as low as it possibly can be.

Ms. Pixley stated but what am I getting for that though. I wasn't paying that much when I was in the County and I'm getting no more than what I was getting when I was in the County.

Ms. Schafer stated well I really don't have any idea, probably as much as I'm getting and I feel my taxes are to high so I work to try to keep them down as cheap as I possibly can.

Ms. Pixley stated so how do you do it.

Ms. Schafer stated be very conservative, don't spend if you can get it free.

Ms. Pixley stated I try to get my taxes free.

Ms. Schafer stated I would like to get mine, mine were about \$1400.00 and I feel that's high for a home but I'm sure other people pay a whole lot more.

Ms. Pixley stated I know that other people are not paying what we are paying. I know this and I don't think it is right.

Ms. Schafer stated yes but it is the lowest rate, if you will check with Clarksville and I know there's no use in comparing because the County is a little cheaper but 3.4518 is your tax rate and that is the cheapest in the area, so you can call the other areas with the exception of the County tax and that's probably why you're seeing such a difference there because you were annexed into the Town of Sellersburg.

Ms. Pixley stated I still don't know what we're paying for, we aren't getting anything for it. Why didn't they just leave the county taxes alone.

President Tucker stated for future development.

Ms. Pixley stated future development. I think it stinks. People are coming here from all over. We are from Sellersburg, we are from right there and we get no help. People come in from outside and they get tax abatements, they get the water, they get the sewer, they get everything brought in and the city does it for them and they don't hire hardly anybody from within the city.

President Tucker stated we haven't done any of that for Mr. Ballew.

Ms. Pixley stated I'm not talking about Mr. Ballew, I'm talking about the other places that are in the city and over in the industrial park. You've done that with them.

President Tucker stated yes ma'am we have.

Ms. Pixley Addresses Council/Sellersburg's Tax Rate

Ms. Pixley stated yes you have and half of the people don't live in Sellersburg. President Tucker stated all I can say ma'am is we are trying as hard as we can.

Clerk Treasurer Schafer Addresses Council/Bid Opening-Allison Lane Project

Ms. Schafer stated we had a bid opening at the town hall today and this is the sumation of the meeting that we had.

There were two (2) bids received as follows:

Dan Cristiani Co., Inc.	\$116,411.48
Irish Park Inc.	\$49,488.00

Ms. Schafer stated we told the contractor's that we would have the town council take this under advisement until the town attorney had a chance to review the documents and present them at a later date, any comments on that. There is a big difference there.

President Tucker asked Attorney McCall to review the bids for the next meeting.

Clerk Treasurer Schafer Addresses Council/Mobile Home Title For Nonie Jenkins

Ms. Schafer stated I had Mr. Jenkins come in and he has a mobile home that has an active lien, apparently at one time the lien was signed off and he lost the original title and he lost the lien release. Perry checked, he thought maybe it was a HUD lien and I checked for a sewer lien and it was neither one so I'm requesting that the council president, since it is apparent there is no active lien on this title at all that the council president sign off releasing the lien so he can have his property.

President Tucker stated Attorney McCall would you advise me to sign this.

Attorney McCall stated yes, I couldn't find anything on it. It would be my advise to release the lien.

Clerk Treasurer Schafer Addresses Council/Affordable Drapery & Blind Co.

Ms. Schafer stated I checked with a local company as far as window coverings, aluminum blinds, it's Affordable Drapery & Blind Company from the Town of Sellersburg and I requested them to put the quote in writing and it's \$528.00 for the new town hall so that was extremely reasonable, it came up to \$46.00 or \$48.00 per window so I thought I would run that by you. I don't think we can get them any cheaper. I thought with them being in Sellersburg that we ought to consider them first.

Clerk Treasurer Schafer Addresses Council/Excavation Work At New Town Hall

Ms. Schafer stated I had requested from Vice President Eddings to look into getting bids on excavating the new town hall, in some areas where the town hall has been paved and repaved it sets up higher than the new town hall. If it's not excavated what we will end up with is the water running through the new town hall and out the front door. It really got complicated because this is part of the storm drain study and we really need to have, since it does affect the drainage and there's going to be storm drains maybe put two here and some placed over here. There really needs to have an engineer to look at that to do a design where it won't affect or damage residents property in that area. I had said something to Mr. Grimes as far as how much he would charge to look into that. He's with John Toombs office, but really you do need an engineer since it is so thick in that area.

President Tucker stated we will give it to John, he will be back on Monday.

Ms. Schafer stated I'll fax a copy to him, Nathan saw it today and we really need to have someone look into that.

Clerk Treasurer Schafer Addresses Council/Letter From Umbaugh & Assoc. RE: Sewer Bond

Ms. Schafer asked did you receive a letter from Umbaugh & Associates.

President Tucker stated actually Perry got it, I haven't got a chance to look at it.

Ms. Schafer stated you know I don't have a problem with looking into it if it's okay with the council but it appears that we can save about \$170,000.00 on the sewer bond at this point.

Clerk Treasurer Schafer Presents Claims for the Civil, Water & Sewer Departments

Clerk Treasurer Schafer presented the claims for the civil, water & sewer departments for the last two week period.

Motion to approve the claims as presented by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

Attorney McCall Addresses Council/Allentown & St. Joe Property

Attorney McCall stated approximately 4 months ago Bob Isgrigg was here on behalf of Duard Avery regarding the property located Northeast on the corner of Allentown & St. Joe Road and furnishing water to that area. There is a 4" line there and Silver Creek serves them. They wanted to know if the Town of Sellersburg could agree with Silver Creek water and furnish them water. I just got a call from him again and they wondered if any progress has been made.

President Tucker stated my understanding is, this has to do with the line running back to Hill N Dale and we've received some kind of correspondence if I remember correctly that the gentleman who owns Hamstead Heath would put up a certain amount of money and John was involved in it. You may want to check with John.

Attorney McCall stated I'll talk to John, he knows about it.

Building Commissioner, Stephen D. Prather Addresses Council/Letter From Resident

Mr. Prather stated I had a letter written from a resident in the Hill N Dale area stating in regards to a neighbor's goldfish pond. They have the over flow running off on my property and it is mainly a problem when it rains. I recently invested X amount of dollars for fencing my backyard and my gate where the run off enters my property, this is resulting in water standing 3 or 4 inches when it rains. I'm very concerned for the well being of my 1½ year old daughter because of the possibility of drowning and unsanitary conditions because of misquito's. I would appreciate your assistance in this matter. The reason I'm bringing this up to the town council, you don't have any ordinances that pertain to goldfish ponds and I have nothing under my ordinances that I go under with building codes that assists me in doing anything. Do you have any suggestions.

President Tucker stated why don't you write a letter back to this lady and also to the neighbor and arrange a meeting so that everybody can be at the same place at the same time and you can be there to represent the town and if that ends up being more difficult then we'll take it from there.

Building Commissioner, Stephen D. Prather Addresses Council/Permit for Pole Barn at WWTP

Mr. Prather stated I don't know if I was talking to Mark about the pole barn at the waste water treatment plant and I asked if that was part of the original plan that permits had already been issued on. Was that part of the original plan.


Council Member Eddings stated it was not part of the original plan, Starlight will get the permit.

Adjournment

Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Alexander.

Vote 4-0

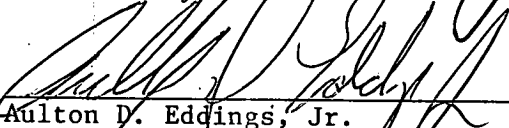
With no further business this meeting was adjourned by President Tucker at 7:15 p.m.



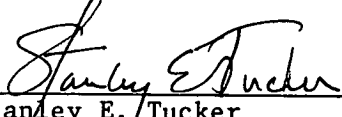
David Broady



Karl Truman



Aulton D. Eddings, Jr.



Stanley E. Tucker



Kenneth Alexander



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

June 12, 1995

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Vice-President; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney, with Karl Truman, Council Member arriving at 6:10 p.m. and Kenneth Alexander, Council Member, arriving at 6:20 p.m.

Called To Order

President Tucker called the Executive Session to order at 6:03 p.m.

Topics of Discussion

Renewal of Contract/Attorney McCall
Allison Lane Project
Umbaugh & Associates/Refinancing Bond Issue
Universal Uniform Contract/Renewal
Town Hall Building Fund/Office Equipment
CCD Fund
St. Joe Road/Allentown Road Area
Indiana Ave. Allhands Ave./Drainage
Old Sewer Plant/Agreed Entry
Remonstrance
Jacobi, Toombs & Lanz Claims
Covered Bridge
Ballew Property
Surtax
Ohio Ave. Project

Adjournment

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

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member, Karl Truman, Council Member; Linda G. Schafer, Clerk Treasurer, Perry McCall, Town Attorney, with David Broady, Council Member, arriving at 7:00 p.m.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 2.

Called To Order

President Tucker called the Regular Meeting to order at 6:45 p.m.

Prayer

Reverend Gary Fenner offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of the Last Meeting

President Tucker dispensed with the reading of the minutes of the last meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Eddings to approve the minutes as presented and seconded by Council Member Alexander.

Vote 4-0

Don Long Addresses Council/Parking Lot On Broadway

Mr. Long stated I have a couple of things. In 1986 I built some apartments on Broadway and I came before the zoning board and they had regulations that I followed and I have copies of the minutes. I gave a copy to Ms. Schafer.

Ms. Schafer stated I gave it to Doug Eddings.

Mr. Long stated I guess you don't have copies of the minutes, which that is a copy of the minutes. I got another letter about two years later, 18 months to 2 years later telling me my parking lot was not paved and I was to do it and I agreed to do it. Well I came to the board and told them that I had a basement there about 6 foot deep and it hadn't had time to settle and I said I'd like another year or so for it to settle. Well the board talked it over and all agreed that I'd have no problem. Well I have got a problem. I filled it once about 3 years ago with about 3 inches of asphalt and now it has settled about 6 inches again. You can see the outline of the basement plus it has holes in it about 3 foot deep. I would like for you to fix it. I feel you are responsible, I feel the board is responsible.

President Tucker stated the Planning Commission Board or the Town Board.

Mr. Long stated well I guess, I called the Planning Commission Board and they wanted no part of it, they said take it up with you, is that correct.

President Tucker stated so you think it's the town's responsibility to complete your parking lot because it was prematurely layed.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 3.

Don Long Addresses Council/Parking Lot On Broadway

Mr. Long stated yes, due to them forcing me to do so.

President Tucker stated and we have in the minutes that it was prematurely layed or there is some evidence to that. I mean I don't know. I wasn't on the board then.

Mr. Long stated there you can see that paper, it you have a copy of it telling me to do it and a year later I came before the board and pleaded not to do it because of the basement and they insisted that I go ahead.

President Tucker stated the Planning Commission did.

Mr. Long stated and so I followed instructions and went ahead and did it. I've had problems before like I said I filled it about 3 inches 2 years ago and now it has settled and holes are developing in it 3 foot deep, same as caving in.

Council Member Eddings stated what year was is paved.

Mr. Long stated Libbs Paving did it in 1988 but I really didn't have the, even though I got the permit in 1986 the house wasn't tore down until 1987 as I explained to the board at that time and it only had about a year to settle. I wanted to get another year to settle and they refused to let me have it. They said no, you go ahead and have it paved, you wont' have any problems.

Council Member Eddings stated I'm not really sure that, you did wait a year before you payed it.

Mr. Long stated yes I did.

Council Member Eddings stated I'm not sure that if you'd wait 2, 3 or 4 years, it may of still done the same thing.

Mr. Long stated well don't you think it would of been a little less likely though. I said I requested, due to the fact that I even asked if I could leave that part vacant there and not pave that part and they said it all had to be done.

President Tucker stated well my suggestion and again I haven't looked at it, but Mark Warren, who is the Street Superintendent, I would like to have him look at it and basically see what is going to be needed to repair it.

Mr. Long stated I spoke with Jack Haas and he said there's not much you can do to repair it, just fill it in, so I guess it would have to be done like I did 3 or 4 years ago. It would have to be filled in with asphalt and it's going to take anywhere from about an inch going to 6 inches over an 18 X 24 foot area. You can see the outline of the basement.

President Tucker stated well if you give us a little time to take a look at it.

Mr. Long stated I have another question. I had the water turned on down on Broadway the other day and they turned the water on and took off. The water was on in the apartment and flooded the upstairs apartment down to the bottom and I think you also ought to be responsible for that clean up and repair.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 4.

Don Long Addresses Council/Parking Lot On Broadway

President Tucker stated you turned the water on.

Mr. Long stated I didn't, you did, the town did. They turned the water on and just went off and the water was on in the sink and it over flowed the apartment, the top down into the bottom. Isn't there a procedure I think if I'm not mistaken I've had water refused to be turned on due the fact nobody was there. I thought the procedure was that the person turning the water on watched it and if there was a flow they turned it off and contacted the owner before he left it on. This procedure was not followed.

President Tucker stated again all I can do is ask that they look into that and we will get back to you with the answer on that. This is the first I've heard of it.

Mr. Long stated now one other thing I'd like to schedule another meeting on the town ordinances for changes. I've talked to alot of people and I'm going to get a petition to change some of them. I'd like to speak at the next meeting.

President Tucker stated the process and I'm not trying to be difficult. The Planning Commission developed those and some of us are a part of that, so we need to go back to the Planning Commission with the recommendations to be presented to the town board. You need to call Rod Pate to get on the agenda, he's at Benita Springs.

Mr. Long stated look I've tried to reach him a number of times and I've never found him there yet. I've been there 6 or 7 times, should I call before I go.

President Tucker stated you could call and make the appointment.

Mr. Long stated when I go down there and ask they don't know where he's at or what time he will be back.

President Tucker stated I'm not trying to be difficult but he's the person in charge of the Planning Commission.

Council Member Truman asked what is Mark going to do.

President Tucker stated go out and look at it and see what it takes to fix it and we will get back in touch with you.

Verlea Roberts Addresses Council/Sewer Backup in Basement

Ms. Roberts stated I've had sewage standing in my basement two times in the last week and it was sewage, it was deep, I have a picture of it coming out of the commode and bathtub. I've called down and they've given me about 3 different stories. It caused alot of damage. They tell me I can put a check valve on but I'd do it to my expense. I pay the sewage bill just like the rest of the residents of the town and I don't think they've got sewage in their basements. There are people on each side of me, they don't have a problem. They say I'm hooked up to a different sewage line, I don't care what line I'm hooked up to I don't deserve sewage in my basement. They told me the rain, that's why back in 92 it rained so hard. I've never had water in my basement. I've lived here 23 years. This time I had raw sewage.

Verlea Roberts Addresses Council/Sewer Backup in Basement

Mr. Roberts stated they told me it was due to rain, have you ever seen it rain toilet paper and stuff that goes through the sewage, it stinks like the devil. They told me it was due to the fact that they hooked me up to Covered Bridge, now if you set a glass in the middle of that table and you fill it up with coke and keep pouring it's going to run over and if that's the case, it's the town's fault, it's not mine. They told me that it was due to the rain, well we've had rains like this before and we are going to keep having them. They told me later on down the line they may put in another tank and that would take care of it, well in all of these years I've never had sewage in my basement, the last few times it has rained I've had it and it is not fun. I think the town ought to pay for my damages. They have told me that they've done it in the past but they just quit. How can you just up and quit on someone. Would you like to have sewage all over your basement. A few years ago the town board gave us a letter or a paper where we had our sump pumps draining into the sewer lines and they had to be removed or you would be fined, well why didn't you all follow up on that. Everybody around me moved theirs. Mine wasn't there but if it had of been I'd of moved it so don't put the sewage in my basement because their rain water runs into the sewer if anybody should pay for somebody else it should not be me and then they told me too that they just wouldn't fix it and I have the picture, do you all want to see.

Council Member Truman stated has this been turned into the town's insurance.

Ms. Roberts stated I called the town board and they were the ones who told me all of these stories.

Council Member Truman stated well what about the town's insurance.

Ms. Roberts stated well I asked them if they had town insurance and they said it seldom ever paid off and your employees, I'm not going to say who, but the employees of the town board said they had put these check valves in for other people and they did not charge and I feel as mine should be fixed and I feel that my damages and losses should be paid for.

Council Member Truman stated I feel like our insurance ought to pay it.

Ms. Roberts stated well whoever I've got to talk to, I was told to come to the town board meeting. I talked to Mr. Edwards and he told me I should talk to the insurance company and here to, so I called Linda.

President Tucker stated we have several issues here, you have rather a long list of complaints. We need to know what it is going to cost to repair what happened, the damages.

Ms. Roberts stated I can soon get that to you.

President Tucker stated we need that to turn into our insurance company, to my knowledge, we, the town, have not put in check valves. We've asked the people who have the problem to put the check valve in.

Ms. Roberts stated I have a neighbor who told me that you put one in for his neighbor.

President Tucker stated well again during the last 3½ years that we've been on this board we have not put check valves in.

Ms. Roberts stated it was last summer sir.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 6.

Verlea Roberts Addresses Council/Sewer Backup in Basement

President Tucker stated well to my knowledge and Clark is setting back there. Clark have we put any check valves in over the last 3½ years and paid for them.

Mr. Henson stated the customer paid for the check valve but we did put them in.

Ms. Roberts stated well what did you do before 3½ years, how could you just all of a sudden say no I'm not going to do that.

President Tucker stated I don't know what happened prior to 3½ years ago because we weren't on the town board.

Mr. Roberts stated don't you feel if I pay my sewage bill just like you do that I should get the same kind of service as you do.

President Tucker stated well if I'm not mistaken you have some kind of pump in your basement is that correct and that's where the problem lies. Isn't that how it works Clark.

Mr. Roberts stated this was sewage coming out of the commode and the bathtub.

President Tucker stated Clark would you be able to go to send someone over to her house and see which one this is so we know how to treat it, whether it needs a check valve or what, at this point I don't know the answer.

Mr. Roberts stated the employees of the sewage place told me what has to be done. This is where I got the check off valve. They told me this was what I had to do and they saw the commode running and asked Mr. Edwards to come in and he said he didn't want no part of it. I have lost alot and cleaning it and smelling it is enough to kill you.

Council Member Broady asked Mr. Edwards if he had been out there to see it.

Mr. Edwards stated I was out there and the manhole was completely filled. This lady here I've never talked to in my life. I did speak with this young lady and she is addressing that I spoke with her which I have not.

Ms. Roberts stated are you Mr. Edwards, that's what I thought. I spoke with you on the phone sir. She spoke with you when you came to the house. I had lazer surgery on my eyes and I did not come to the door that day but I did talk to you on the phone. I wasn't insinuating a lie but you had spoke to me.

Mr. Edwards stated when we went out there as I said the manhole was surcharged all of the way up.

Council Member Truman stated what does that mean.

Mr. Edwards stated the water had backed up all of the way through the collection system. We did talk about a check valve at that time I stated I could not answer these questions whether the city would pay for it, if it was private property or not.

Council Member Truman stated do you know if the backup was caused by the town's lines.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 7.

Verlea Roberts Addresses Council/Sewer Backup in Basement

Mr. Edwards stated yes, absolutely it was. The line was not clogged, it was due to all of the heavy rain. We had received 3 inches of rain, 1½ inches one day and 1½ inches the second day. The first time the line backed up, the second time the line backed up we'd received about 3.7 inches in about 5 hours.

Council Member Truman stated I think she needs to get some bills and we need to turn it in to our insurance, maybe they'll pay one of them someday.

Ms. Roberts stated someday, when can I hear from that.

President Tucker stated well if you'll provide the bills to Linda and she will get them to me.

Ms. Roberts stated where do I get these bills to you Linda.

Ms. Schafer stated just bring them into the town hall.

Ms. Roberts stated will my insurance bills and what I've been out be beneficial.

President Tucker stated if you show me what it's going to cost to repair it.

Mr. Roberts stated and how quick do I have to have these.

President Tucker stated as soon as you can get them.

Chief Kinder Addresses Council/Hiring Of Police Officer

Chief Kinder stated we've had Officer Ellenbrand quit the department and we've interviewed and I'd like permission to hire a new officer for the replacement of Ellenbrand.

Motion made by Council Member Truman to approve the hiring of a new officer for the replacement of Officer Ellenbrand and seconded by Council Member Eddings.

Vote 4-0

EMC Addresses Council/Contracted Management

Mr. Edwards stated I'm with EMC. The waste water treatment plant and the water facility did quite well over the past two weeks. The billing office revenue was \$90,730.18, getting back to the surcharge of the sewer system our state inspectors did come down and speak to me about installing some sort of equalization tank to take the additional water off of the system. I do feel that this is something that we do need to be addressing in the future, as soon as possible.

Council Member Edding stated this equalization tank, is this something that is constructed.

Mr. Edwards stated it can be constructed, it can be a concrete type. The State of Indiana has expressed to me that they would like to see something done before the wet season.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 8.

Building Commissioner, Stephen D. Prather Presents Claims

Mr. Prather presented his claim for building permits and inspections from May 23rd through June 12 in the amount of \$5,170.64.

Motion made by Council Member Truman to approve the claim as presented and seconded by Council Member Alexander.

Vote 4-0

Council Member Eddings Presents Claims From Jacobi, Toombs & Lanz, Inc.

Council Member Eddings presented the following claims from Jacobi, Toombs and Lanz, Inc.

Job No. 9022/Sellersburg Swimming Pool	\$100.75
Job No. 8823-A/Sburg Water Co. Survey	\$658.59
Job No. 8823-A/Sburg Water Co. Survey	\$80.00
Job No. 8823-A/Sburg Water Co. Survey	\$85.00
Job No. 9022/Sellersburg Swimming Pool	\$53.25

Council Member Eddings made a motion to approve the claims as presented and seconded by Council Member Truman.

Vote 4-0

Council Member Eddings Addresses Council/Claims for Koetter Construction

Council Member Eddings stated we have three invoices for Koetter Construction for the town hall. The first one is for Koetter to be written to the Escrow Acct. for \$8,119.50, the second two are just regular payments for \$2,232.15 and \$42,410.85 and this catches us up to date.

Motion made by Council Member Eddings to approve the claims as presented and seconded by Council Member Truman.

Vote 4-0

Council Member Eddings Addresses Council/Claim From Norman Estes Excavating

Council Member Eddings stated we have a claim for Estes Excavating for \$5,182.50 for half of the work done at the waste water treatment plant. The other half has to wait for the poles to be set and he will come back and finish up.

Motion made by Council Member Eddings to approve the claim as presented and seconded by Council Member Truman.

Ms. Schafer stated I know that is a water voucher but is that a split bill among three departments or is it a sewer bill as how it's being done at the sewer department.

Council Member Eddings Addresses Council/Claim From Norman Estes Excavating

Council Member Eddings stated I think we should go ahead and take it out of the building fund and we know we are going to be short some and we may have to borrow some to complete that project. We haven't got the paving paid for either.

Ms. Schafer stated but we can take that from the sewer utility reserve fund because it's going on a sewer property.

Council Member Eddings stated well if you've got another way to fund it.

Ms. Schafer stated it's safer doing it that way; we won't have to borrow any. It is a sewer asset, it's going on sewer property. I'm concerned with putting water or a civil asset on sewer property.

Council Member Eddings stated well let's take it out of the building fund first to get it paid and then we will take a look at it and reimburse the building fund back if we decide to go that route, can we do that, switch those funds.

Ms. Schafer stated town hall building fund, it's not really town hall, that's in the general fund.

Council Member Truman stated seems like what Doug is saying would be the easiest since it's all part of the same project.

Ms. Schafer stated but it's not the town hall building.

President Tucker stated Dave said it was okay to take it out of the utility reserve fund.

Vote 4-0

Council Member Eddings Addresses Council/Holman Lane & Allison Lane Projects

Council Member Eddings stated lastly the Holman's Lane project and the project on Allison Lane at the bridge is going to total a cost and both of these projects that the state is making us do. The total cost \$63,230.00. We have roughly \$29,900.00 in the capital improvement account for the servend project. That money had been earmarked to try and help the situation out in Hill n Dale to try and run some water lines out there, all cost estimates on that project ran up in the \$60,000.00 range so we are looking for help from developers in that area to try and help get some additional water flowing in that area. The way it turns out we are not going to be able to hang on to that money. If we use the capital improvement account servend fund for what the state is making us do we are still going to be short \$33,738.00 roughly \$34,000.00. There is roughly \$15,000.00 in the water department capital improvement account we'd still be \$18,000.00 short for the project that the state is making us do. What I'm recommending that we do is use the servend money and the capital improvement money in the water department to fund as much as we can on these two projects and then borrow a short term note so that we can, if we can't fund the money anywhere else we can borrow a short term note from the bank to go ahead and pay for both of these projects instead of the state paying for them.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 10.

Council Member Eddings Addresses Council/Holman Lane & Allison Lane Projects

Ms. Schafer stated I was thinking of borrowing from the sewer utility reserve or the bank. If we borrow from the bank we can set it up on a payment plan that wouldn't affect us as much. If we borrowed from the sewer utility we could commit the fourth payment of the agreement with Clarksville.

Council Member Truman asked has EMC looked into this at all.

Phil Thompson stated we haven't but we can look into it and get two or three different proposals.

Council Member Eddings asked what would happen if we said we aren't going to do it, we don't have the money, the state's going to have to do it.

Motion made by Council Member Eddings to use the money that the town has in certain accounts and if needed borrow on a short term loan and seconded by Council Member Truman.

Vote 4-0

Council Member Broady Addresses Council/New Albany Fire Department

Council Member Broady stated I've got this info here from the City of New Albany Fire Department. They've sent us a letter of request that they may continue using the frequency they are now using 158.82. Their decimals are close to what our water department uses. I looked into this, according to one frequency place they said there shouldn't be any problem. Then we called APCO, which is the company that handles out frequency and they said it would probably cause a problem, the frequency being that close in mileage but then I found out today that New Albany has been using this frequency for approximately 16 years or so for quite some time which I wasn't aware of, which we haven't had any problems. For 16 years they've been using 158.820 and our frequency is 158.805, they've been using this and they've had to relicense for some reason. There were 3 other people they had to contact, Crawford County and Woodford County in Kentucky.

President Tucker stated what do you recommend.

Council Member Broady stated I have no problem working with the City of New Albany Fire Department. I wasn't aware they had been using the same frequency for the past 16 years, if that's the case have we had that many problems in the past.

Ms. Dean stated we get bleed over but they are not sure who it is from.

Council Member Broady stated I don't want to affect their whole program.

President Tucker stated is there a way that we can approve the use of this unless we have a problem.

Council Member Broady read what the application stated. We can table it and get some more information if you would like.

President Tucker stated if they've been doing this for 16 years and we've had relatively little problems.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 11.

Council Member Broady Addresses Council/New Albany Fire Department

This topic of discussion was tabled until more information could be obtained and will be discussed at the next meeting.

Council Member Alexander Addresses Council/Paving

Council Member Alexander stated I need to make a motion to ratify the bid process for the hot asphalt. We've already spread and packed it in place.

Motion made by Council Member Alexander to ratify the advertising of the paving in the Town of Sellersburg for this year and seconded by Council Member Truman.

Vote 4-0

Council Member Alexander Addresses Council/Spring Clean Up

Council Member Alexander stated the second item I have is Spring clean up. Everybody has been asking and we still don't have anything basically what happened was last year the community realizes the problems we sometimes cause with trash but we also have problems. The landfill last year we had tires, batteries, freon filled refridgerators and so forth and we can't have that, they would not except it. We have to put it under a controlled environment this year. The only controlled environment we have this year would be the waste water treatment plant so I have talked with Tom and we've still got alot of ground work to do hopefully Spring clean up will be sometime before Summer but it is going to have to be under a controlled environment. We don't have a choice.

President Tucker stated what do you propose. We've talked about putting someone out at the waste water treatment plant.

Council Member Alexander stated right, we will probably put 10 dumpsters out at the waste water treatment plant. We have contacted some facilities, BFI seems to be the one we used last year and they are working with us very well, as far as not charging us any rental for the dumpsters. The only other question I had was as far as getting someone to work late, first I'll ask for a volunteer but if I don't have a volunteer who gets the person to work late.

President Tucker stated who are you asking.

Council Member Alexander stated anybody. I don't know, I mean is that my responsibility to find that person to work late or...

President Tucker stated to work late at the dumpsters.

Council Member Alexander stated I mean I basically say okay volunteer and no volunteers, say it's you.

President Tucker stated are you talking about at the dumpsters at the sewage treatment plant.

Council Member Alexander stated see they will be there until 8:00 at night.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 12.

Council Member Alexander Addresses Council/Spring Clean Up

President Tucker stated I think you would need to ask Mark. I think he is in charge of most of the people there and come up with a solution to that problem.

Council Member Alexander stated okay I just wanted to make sure.

Council Member Alexander Addresses Council/728 Pennsylvania

Council Member Alexander stated the only other thing I have is 728 Pennsylvania Ave., basically there is an easement that runs through that and the gentleman was wanting permission to put a storm drain. He wants to put a garage in the back by his neighbors, it is the age old problem and basically when I went out and looked at it there is a five foot easement on each side and there really isn't a place for a driveway because we normally don't let driveway's go across easements do we.

John Toombs stated driveways we do.

Council Member Alexander stated I think it is a drainage easement, it should be checked into but the plans they gave, we've got problems over in that area and if we ever wanted to come back in we would be duplicating something. It is in Hill n Dale. There never was a driveway there, it use to be a creek, it use to come out and drain and he blocked it off to make a driveway and it pushed all of the water on to the neighbors house and now he wants to go a step farther and actually get a driveway put in there which will even make the problem worse. He wants to put a drainage system in but I don't think it's big enough. If it's going to be done he needs to do it the way we would do it. I have no problem with him doing it but it has to be done the way we want it done and it's going to require a much bigger pipe.

John Toombs stated these two people have been at it for a couple of years now.

A resident stated that was a natural drain and he put a driveway up and explained the problems in that area and stated it is the only water drain in a 4 block square.

Council Member Alexander stated I understand, I mean what would be correct. I mean he's probably not going to want to spend, the only correction that would be, it's going to be 30 to I don't know what it was, with a pretty good catch basin, he said it's going to come all of the way out plus it's going to go down the street and hook up with the other drain.

John Toombs stated this gentleman was at my office a couple of weeks ago, the problem also goes around the corner and up to some houses that fan out behind his house.

Council Member Alexander stated there are some problems out there and I'm not telling the neighbor no he can't do it it's just if he needs to do it before we have the money to go in and fix some of the Hill n Dale problem he's got to do it the way we would do it. I mean I know we're slow but we need to eventually, we've got some problems over in Hill n Dale but if he wants it done it has to be done the exact way we would do it and I'm sure he's not going to want to come all of the way down the street to catch up with the next catch basin.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 13.

Council Member Alexander Addresses Council/728 Pennsylvania

President Tucker asked if John Toombs could get with Council Member Alexander and go out and take a look, let the gentleman know at the same time.

Council Member Alexander stated the first thing is to give him the option and if he wants to spend the money but we need to give him that option.

Council Member Alexander Addresses Council/Yard Waste

Council Member Alexander stated we've still got one more month's worth of evaluation. We've recorded 11 complaints, they weren't complaints they were suggestions. Plastic bags will never be excepted period. You can stop calling and asking why won't plastic bags be excepted because they never will, it won't happen. The cost came in okay, the pick up was a little more brisk, there are a couple of days we are going to change around, we'll let you know. We did get something, June 1st, the yard waste ban, some of it was rescinded, the landfill will take it, that's all I can say. We are under contract, what we can control we have to take to Nickles, what we can't control can go out to the landfill.

Clerk Treasurer Schafer Presents Claims For The Civil, Water & Sewer Departments

Ms. Schafer presented the claims for the last two week period for the civil, water and sewer departments and requested a motion to approve the claims as presented.

Motion to approve the claims as presented made by Council Member Eddings and seconded by Council Member Alexander.

Vote 4-0

President Tucker Addresses Council/Renewal Of Contract For Attorney McCall

President Tucker stated we were presented with a proposal by Mr. McCall a few meetings ago, hopefully all of us got a chance to look it over. I would like to make the recommendation that we approve the contract with the salary increase but I would like because of the competitions involved with the remaining independent contractors to not have the social security and extra taken out because it ends up costing the town more money to do it that way and this is retroactive back to the first.

Motion made by President Tucker to approve Mr. McCall's contract that would increase his contractual fee to \$28,000.00 a year, pay future appeal work at \$65.00 per hour to a maximum of \$7,000.00 for a total compensation of \$35,000.00 and that he remain an independent contractor and seconded by Council Member Eddings.

Council Member Truman asked any particular reason why this is being brought up mid year.

President Tucker stated we didn't do anything at the beginning of the year, this is retroactive back to January 1.

Council Member Truman stated so is he going to get back paid for all of that.

Ms. Schafer stated retroactive means back pay yes.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 14.

President Tucker Addresses Council/Renewal Of Contract For Attorney McCall

Council Member Truman stated I don't understand why it is retroactive.

President Tucker stated we normally talk about this every year, it just didn't come up on a timely basis. The suggestion was we make it retroactive back to January 1. I have that in my motion and it has been seconded.

Council Member Truman stated well I'm not personally in favor of paying 6 months back pay for the increase.

Ms. Schafer stated actually we probably owe him interest on it.

Council Member Alexander asked the appeal that we are in right now.

President Tucker stated it doesn't include that, it is only future appeals.

Vote 4-1, with Council Member Truman voting against.

President Tucker Addresses Council/Outside Audit Firm

President Tucker stated as part of the EMC, a couple of weeks ago, when EMC came on board one of the conditions of the contractual agreement was that an audit be performed by an outside firm. We've had a couple of people suggested, one was Eskew Gresham which is a local firm, one was Anderson, Bryant, Lynowski and Winslow and I would like to make a recommendation that we approve Eskew & Gresham as the outside audit firm so that they can get in touch with you guys and work together to see where all of the numbers are coming from and this will actually expedite as opposed to delay all that's taken place.

Motion made by President Tucker to approve Eskew and Gresham as the outside audit firm for the EMC contract and seconded by Council Member Eddings.

Council Member Truman stated I think it needs to be defined as to what their role is. I mean when you say audit does that just mean to verify the numbers they are using. I think we all need to know up front what the role of this accounting firm is.

President Tucker stated I will call them personally, Bobby Adkins is out of town. I will get all of this in writing before anything takes place.

Vote 5-0

President Tucker Addresses Council/H. J. Umbaugh & Associates

President Tucker stated last but not least H. J. Umbaugh & Associates, Dave Frederick came down this past week and Linda and I talked with him. There is a bond that can potentially be refinanced and save the town approximately \$100,000.00 dollars, if it can be refinanced and save the town \$100,000.00 then I would like to go ahead with it. If it would not save that much money then we will not do it.

Sellersburg Town Council
Regular Meeting
June 12, 1995
Page 15.

President Tucker Addresses Council/H. J. Umbaugh & Associates

Motion made by President Tucker to have H. J. Umbaugh & Associates look into the refinance of this bond and if \$100,000.00 can be saved to proceed, seconded by Council Member Eddings.

Vote 4-0

Council Member Broady Addresses Council/Insurance Bids On Town Insurance

Council Member Broady stated at the last meeting we talked about the insurance being bid out.

Council Member Truman stated we are going to discuss some other contracts. I did review it a little more thoroughly and I do have a few comments as far as very minor revisions or clarifications on it. One of the things I'd like to briefly touch on, from what I understand it's not going to be a major issue as far as the specifications whether the board in past years we've had alot of discussion on claims made versus occurrence policy, is that going to be an issue in specifications. It alludes to it but it is kind of ambiguous.

President Tucker stated is there a way we can redo it so it's ... you can take it out. I don't have a problem with it.

Council Member Truman stated I think there is some language. I can't remember the page where it said that unless it conforms to exactly what this says it will not be considered, perhaps having a reference that it meet the general guidelines.

President Tucker stated I have no problem with that.

Council Member Truman stated one point of clarification under workers comp. we do have one police officer who is under comp. and the rest are under Perf, comp. for medical and Perf for disability. Is that right Dave, aren't you the only one that is under comp. everybody else is under Perf. That may need to be clarified in there. On page 23 I think, in reference to actual cash value, I think that needs to be rephased to be replacement value, page 23 says 80% of actual cash value and I think it should be replacement value. On page 24 I think, they have the police station and the contents reversed it was \$60,000.00 and \$30,000.00 and I think that is backwards. It was Police Station \$30,900.00 and contents \$63,000.00, I think that is backwards. There is a reference limiting the claims to discovery period of 2 years I think conceivably there could be a discovery period beyond 2 years and the way I read this that would not be covered. If there were a discovery period beyond 2 years perhaps this should be deleted.

President Tucker stated give me these and I'll get back with you and get this revised and I'll get a copy back to you in the next couple of days.

Council Member Eddings stated with those revisions can the proposals go out.

Motion made by Council Member Eddings to make the revisions that Council Member Truman has suggested and bid out the insurance and seconded by Council Member Truman.

Council Member Truman asked what about setting a date.

President Tucker stated I think we hypothetically set a date last time, does anybody remember, I think by the last of July because of the August 1st due date. It needs to go out as quickly as possible.

Council Member Broady Addresses Council/Insurance Bids On Town Insurance

Ms. Schafer stated we need some sort of specs. to give out.

Council Member Truman stated this is June 12.

President Tucker stated I will do my best to get it out by, if I can get these changes, I'll try and get it out by next week.

Ms. Schafer stated okay the 1st publication 10 days prior to the opening of the bids and then 3 days again before the meeting.

President Tucker stated I'll try to get it done the week of the 19th of June.

Adjournment

Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Truman.

Vote 4-0

With no further business this meeting was adjourned by President Tucker at 7:54 p.m.

President Tucker reopened the regular meeting at 7:55 p.m.

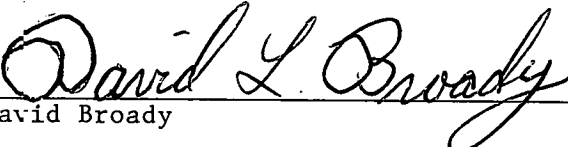
President Tucker Presents Claim For EMC

President Tucker presented the claim for EMC in the amount of \$15,289.23 and requested a motion to pay the claim as presented.

Motion made by Council Member Eddings to pay the claim as presented and seconded by Council Member Truman.

Vote 4-0

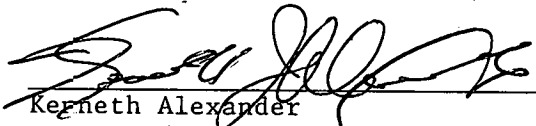
With no further business the meeting was adjourned by President Tucker at 7:58 p.m.




David Broady

Absent

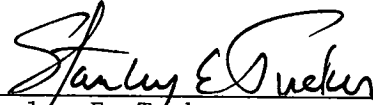
Aulton D. Eddings, Jr.



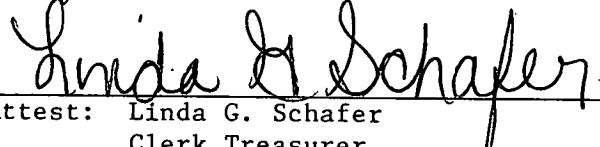
Kenneth Alexander



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

June 26, 1995

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Kenneth Alexander, Council Member; Karl Truman, Council Member; David Broady, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney; with Aulton D. Eddings, Jr., Council Vice-President being absent.

Called To Order

President Tucker called the meeting to order at 6:33 p.m.

Prayer

Reverend Gary Fenner offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting.

Motion made by Council Member Broady to approve the minutes as presented and seconded by Council Member Alexander.

Vote 3-0

Steve Brown Addresses Council/Tax Abatement

Steve Brown stated I'm here because I'd like to ask the committee to view the statement of benefits that I have filled out. I have a local business here that I'm looking to expand and I'd like to build a new building and buy some new equipment to increase the capability of production. I'd like to ask for an abatement.

President Tucker stated do you have any questions. Steve how many jobs? I think one of the questions asks the number of jobs.

Mr. Brown stated immediately there's 6. Our goals are far greater than that. We look to the future, probably, well we hope to have, one of the goals I was to have would be in ten years have 100 employees. I can't make any promises but that's a goal I've set. It would not only be nice for me but for Sellersburg to have another big company to make us better known.

Sellersburg Town Council
Regular Meeting
June 26, 1995
Page 2.

Steve Brown Addresses Council/Tax Abatement

President Tucker stated that's in Larry Gilbert's Industrial Park and it has already been designated for a tax abatement so it's pretty well set in concrete so to speak, that we would allow the land for ten years and the equipment for five years.

Motion made by Council Member Truman to approve the tax abatement for five years on the equipment and ten years on the land and seconded by Council Member Broady.

Vote 4-0

President Tucker stated I'm going to sign in and Linda needs to attest it and let her make a copy for our files and you can stop by the office tomorrow or the next day and pick it up.

President Tucker Addresses Council/Eskew & Gresham

President Tucker stated let me mention an item before I go on to something else. I think I gave all of you guys some information from Eskew & Gresham to have to do with the audit with EMC and since that time I've talked to the gentleman from Eskew & Gresham and it's possible that the fee could be slightly less but it still would be at least \$4,000.00, personally I feel that is a whole lot of money. I think we need to make a motion or discuss either eliminating that from the motion or agreeing to pay it.

Attorney McCall stated I was going to suggest something. I reviewed this and I had the opportunity to talk with Umbaugh & Associates regarding this bond that we may be refinancing, that may be coming up and they are going to have to, in other words review the bond refinancing, they are going to have to look at the utilities and also EMC, that would be appropriate to do that. I talked to them last week. I talked to Umbaugh & Associates and they were going to get the figures and the information. I believe they've obtained some information in regards to the bond. They've been in contact with Chris Franzman, who is with Ice, Miller, who is the bond counselor that we've used before and I talked with him and he was going to basically review the information provided but Umbaugh & Associates wanted to look at the books to determine whether or not it would be feasible.

Council Member Truman stated I don't think what they would do would be the same thing. I liked the idea of what we had expected Eskew & Gresham to do but I am concerned about the cost of six or seven thousand dollars. I think it's just a lot of money. I had envisioned a couple thousand dollars. I never anticipated six to seven thousand dollars.

Attorney McCall stated I wasn't proposing that Umbaugh to a detailed audit. I thought they'd made sure we were financially sound and with EMC's contract to determine if it would be feasible. It was just a suggestion.

Council Member Broady stated do you think we could talk to them and get them to do it for less.

President Tucker stated I've talked to them and the least it could be is \$4,000.00 and that's basically eliminating one of the guarantees.

Attorney McCall stated is that at an hourly rate.

President Tucker Addresses Council/Eskew & Gresham

President Tucker stated a flat fee.

Council Member Truman stated even \$4,000.00 for \$4,000.00, I mean I'm just saying you know do with out the audit all together for that kind of money. My personal preference would be to have it but I just don't know that it's worth that kind of money.

Council Member Alexander stated I agree, I think it's too much money.

Council Member Truman stated I don't know whether there's another accountant although it's getting close on time here.

President Tucker stated I did check with another accountant and the ballpark figure would be the same. I think it's the liability.

Council Member Truman stated I'm comfortable with although we've just got some preliminary figures from EMC, I'm comfortable with doing it without the audit, I mean I'd prefer not to but I don't think it's worth that kind of money.

President Tucker stated well since it was made in the form of a motion don't we have to make a motion to unmpion it.

Motion made by council member Truman to enter into contract negotiations with EMC without the audit from Eskew & Gresham and seconded by Council Member Alexander.

Chris McKee with EMC stated I'll get the proposal to you asap because that was the only thing holding it up.

Council Member Alexander stated I don't think the audit would of covered it anyway. I know Linda had some objectives as far as how it was affecting us on the town's side as far as insurance's and so forth like that. I don't know if you've had time to put that together so that we are evaluating all of this or waiting until day one.

Ms. Schafer stated no, because I haven't reviewed the contract, oh you mean how it would affect the civil town, it would cancel the AUL pension retirement, also the people in the utility would, it would also cancel Indiana Deferred Comp. and also the PERF for those people.

President Tucker stated I don't think that the audit was going to answer those questions.

Council Member Alexander stated right.

Ms. Schafer stated I know but what it would do as far as health insurance taking those people away from the town would increase the town's portion.

President Tucker stated when they give us the proposal we'll have the opportunity to digest that and talk about it and so forth, when we get the proposal.

Council Member Alexander stated I just didn't want to wait until it was the date to sign the contract and all of this various material come up.

Sellersburg Town Council
Regular Meeting
June 26, 1995
Page 4.

President Tucker Addresses Council/Eskew & Gresham

President Tucker stated I will get with Eskew & Gresham tomorrow and say thank you but no thanks.

President Tucker Addresses Council/Resignation of Mark Dean, Animal Control Officer

President Tucker stated I was sad to see that Mr. Dean has given us his resignation as the Animal Control Officer. His job won't permit him to be on 24 hour call as he was before so we probably need to address that issue. He's going to be with us until July 22nd so we probably need to address that sometime soon, please give him my regards. I know he did a great job.

Ms. Schafer asked do you want me to post that.

President Tucker stated yes.

Chief Kinder Addresses Council/Lost & Stolen License Plates

Attorney McCall stated there will be an ordinance regarding the fee of \$5.00 for license plates that are lost or misplaced. That money will go into the Law Enforcement Continuing Education Fund.

President Tucker stated is that when you have to inspect a car.

Chief Kinder stated everybody is coming in to file these papers that are filled out by the Bureau and they have to be attested to by a police officer when they have a lost or stolen plate and we are getting them from Jeffersonville, Clarksville and all over because the license branch won't give them a plate and they won't go back to their own police department so we've decided to put a fee on it and if they still want to pay the fee we'll do it but other than that we don't have the time.

President Tucker stated okay I just didn't know what it was.

Chief Kinder stated I hope that you all, we know about Mark. We are going to publicize, is that correct.

Ms. Schafer stated I'm going to republish that position and hope we get some applicants.

Chief Kinder stated the police department will really miss Mark more than anybody, we really depended on him.

President Tucker stated probably not as much as Cheryl.

Chief Kinder stated he has done an outstanding job.

President Tucker stated it's a tough job.

Sellersburg Town Council
Regular Meeting
June 26, 1995
Page 5.

Clark Henson Addresses Council/IDEM Results

Clark Henson stated I've got the results back from IDEM. I did not pass the test but the provisional license are good until December 31st. I can go back in November to retake the test but I have to go to school to do it.

President Tucker stated if you need a study guide or some help give us a call.

EMC Addresses Council/Past Two Weeks of Operation

Tom Edwards with EMC stated I'd like to give you a summary of the past two weeks of operation at the waste water, water and billing office. The waste water and water department continued to operate quite well. We have one major project at this time, at the waste water treatment plant the construction of a pole barn. They started last Friday and are coming along quite well. The billing office revenue for the past two weeks was \$98,236.12.

Stephen D. Prather, Building Commissioner Presents Claims

Stephen Prather, Building Commissioner presented his claim from June 13th through June 26th in the amount of \$600.75.

Motion made by Council Member Truman to approve the claim as presented and seconded by Council Member Broady.

Vote 3-0

Council Member Broady Addresses Council/Ball & Renn Damage-Sewer Back Up

Council Member Broady stated I have one think on Lisa Ball and Herman Renn, they've suffered some water damage and water in their basement. I have submitted this to our insurance.

Council Member Truman stated on the topic of insurance, were there dates set on that, was that published.

President Tucker stated yes, July 17th is D-day.

Ms. Schafer stated that's correct.

Council Member Truman stated that's the request for proposals, the deadline for that.

Ms. Schafer stated yes, I also published that and I've only had the Montgomery Agency pick up the first packet, no one else has responded.

Council Member Broady Addresses Council/1996 Budget

Council Member Broady stated I know budget time is coming up, have you started on it.

Ms. Schafer stated no sir I haven't. I've been trying to work, I would like to have council input as far as any projects that you're speculating or any interests that you want in the budget. I know that the Chief has a couple of vehicles that need to be replaced. I mean that's probably mandatory at this point. We had decided in the past, now that we've got a balanced budget to not finance, that saves quite a few thousand of dollars in interest. I know that is one thing definite. This year we also purchased a new garbage paker so we do have a debt. service but anything else, I mean you need to think about what you would like to have for your individual departments or whatever and give me some figures to work with.

President Tucker Addresses Council/Plaque for New Town Hall

President Tucker stated that reminds me of something, I thought it appropriate now that the new town hall is about complete that we put some kind of plaque up saying it's the new town hall and so forth like that and we have a proposal from Best Stamp & Seal Company in Louisville for a 14 X 18" plaque in the amount of \$440.00 and for another \$20.00 they will put it up in place basically it's going to say the Town of Sellersburg and who's on the town board and the architect and contractor. What you typically see on a building. I would entertain a motion to approve Best Stamp and Seal Company to provide us that plaque.

Motion made by Council Member Truman to approve Best Stamp & Seal Company to provide the plaque to the new town hall and seconded by Council Member Broady.

Ms. Schafer stated I do have one comment, since Roy Everitt had spent so many years on the Council, what's your opinion, I really feel his name should go in place.

Council Member Alexander stated I agree, I came in January 1st and we voted on it the very first meeting.

Council Member Truman stated I think it ought to be on there to.

President Tucker stated I think both names ought to be on there.

Ms. Schafer stated I don't have a problem with that.

Vote 3-0

Council Member Alexander Addresses Council/Summer Clean Up 1995

Council Member Alexander stated I need to make a motion after this, I'm going to explain it first. There will be 13 dumpsters provided down at the waste water treatment plant. We've worked with Tom, he's taking care of us from 7:00 a.m. to 4:00 p.m., Mark's taking care of us from 4:00 p.m. to 8:00 p.m. We could not put them out through the town due to the illegal dumping. Last year we collected over 200 thousand tons of garbage, I don't know if Sellersburg generated all of that or not but basically we used BFI last year and BFI went out to the landfill this year and set it all up earlier.

Sellersburg Town Council
Regular Meeting
June 26, 1995
Page 7.

Council Member Alexander Addresses Council/Summer Clean Up 1995

Council Member Alexander stated we were proposing to put it through town and the landfill said no because of the restrictions of certain applicances that contain freon, batteries, tires and so forth. We couldn't make it an uncontrolled atmosphere. We are going to put a controlled atmosphere on it. The dumpsters will be at the waste water treatment plant. The restricted items that will not be excepted, anyone needing a copy, there will be some up at the town hall plus there will also be some with the person in charge of the dumpsters. There will be no liquids, no batteries, no asbestos, no grass, no limbs, appliances and machinery that do contain freon we will accept, there will be a charge of \$28.00 basically you will pick up a slip at the town hall allowing you to dump, you will pay for it at the town hall, take your slip down to the waste water treatment plant and they will allow you to dump. If you don't have the slip it won't be allowed to be dumped, car tires, if you need to get rid of those, it's \$4.00 per tire, truck tires are \$8.00 per tire. The cost on this adventure is \$100.00 everytime they pick up the container, last year we ranged right at, we had 37 last year and I think they picked it up for 30, right at 22 to 28 hundred dollars plus the fee for tipping the garbage. This year hopefully under a controlled environment will do the residents good but will lower the cost.

Mr. Crum stated for all of the stuff that you're not picking up we are getting it out in the country, boxes, trash, limbs, huge appliances, everything is coming out there.

Council Member Alexander stated what kind of controls would you like to see.

Mr. Crum stated I'm not sure, but they keep dumping out there.

Council Member Alexander stated you do understand the restrictions with the Environmental Protection Agency as far as how we dispose of products, basically what you're asking is for us to change human nature. I don't have any control over human nature. If they can take it out to the county they could just as easily take it out to the dump. The Solid Waste District is working on certain problems, they are looking into liquid recycling, money only goes so far. I really am starting to see that they are looking out for our best interest. The hours on that to pick up your receipt to dump anything with freon and tires is between 9:00 a.m. and 4:00 p.m., the town office hours also when you come out to dump you will have to show either a drivers license or water bill. You have to show residence, you have to show us that you are from Sellersburg.

Motion made to approve the Summer 1995 clean up made by Council Member Alexander and seconded by Council Member Truman.

Council Member Alexander stated the dates are July 11, 12, 13 and 14th, Tuesday through Friday.

Vote 3-0

Council Member Alexander Addresses Council/Illegal Dump Money

Council Member Alexander stated the first of January, the Solid Waste gave us \$1500.00 for illegal dumping. I called Jerry Fuller and asked him what if our community is a real nice community and they don't have any illegal dumping, may we use this money as a reward back to the community for like a fall pick up and it was approved. If Sellersburg doesn't have to use....

Sellersburg Town Council

Regular Meeting

June 26, 1995

Page 8.

Council Member Alexander Addresses Council/Illegal Dump Money

Council Member Truman stated what is that used for, what does that mean.

Council Member Alexander stated it's to do like what he was suggesting. If someone drops off a bunch of leaves and limbs in the ditches and we had to have manpower go out and clean it up the Solid Waste gave different communities an allotment of money to pay for those costs. Now what they are saying is if your community doesn't illegally dump, you don't have to use the money to clean up an illegal dump site, we can use this money basically as we are doing, as a Summer clean up.

Council Member Alexander Addresses Council/Mr. Donnal Long's Parking Lot

Council Member Alexander stated next I was suppose to check into the Long property. I did some checking into it and the only question, I don't have is with the material that I was given, was there a time when you went back to the town board and said I can't pave it.

Mr. Long stated no, I said I wanted to let it settle another year and not the town board, the zoning board. I said I'd like to have it settle another year before I paved it and they all made the decision that it had settled enough and I wouldn't have any trouble.

Council Member Alexander stated when was this, this wasn't the April 7th, 1996 meeting.

Mr. Long stated no, like I say the house wasn't even tore town and filled until 6 or 7 months after that.

Council Member Alexander stated the information I have here is where you agreed that a year later you would pave it.

Mr. Long stated right, and they sent me a letter to do it because the year was up and I came before the board and asked the board if I couldn't go another year and explained the fact that it was filled and it needed more time to settle.

Council Member Alexander stated so was it compacted or rocked.

Mr. Long stated Jack Haas filled it in.

Council Member Alexander stated was it compacted and rocked when they filled in the basement was it compacted at the time.

Mr. Long stated what ever they had there, the stuff on the property.

Council Member Alexander stated the only thing I'm trying to understand here is since it was a basement if it wasn't broke up it had to be compacted or you would have settling, it would fall in.

Mr. Long stated I think he pushed the sides of it in and filled it. Jack Haas did it.

Council Member Alexander stated the only thing I can suggest is maybe let Perry review it and give it to the insurance company.

Sellersburg Town Council
Regular Meeting
June 26, 1995
Page 9.

Council Member Alexander Addresses Council/Mr. Donnal Long's Parking Lot

Attorney McCall stated I've reviewed it, as far as exposure, legal exposure, the town is not responsible, as far as what the town wants to do.

Mr. Long stated all I'm saying is if you'd given me the other year I wouldn't be here complaining about it.

Attorney McCall stated it's contingent on so many unknown factors, as far as proof, it's just not there.

Council Member Truman stated I don't think this board ought to be held responsible for something that happened in 1986. I mean that's almost ten years ago.

Mr. Long stated it didn't happen in 86 it probably happened in 1987.

Council Member Truman stated well the minutes are 1986.

Attorney McCall stated and also the lapse in time to, it could of gone 15 years and come back and say for example if we'd of done it this way.

Mr. Long stated I complained about this 3 years ago when I had to fill it in the first time. I've had it filled in once.

Council Member Alexander stated I just didn't want to set a precedence that everytime we, with the zoning, something happens, we're held responsible.

Attorney McCall stated as far as the legal obligation, we are not under legal obligations.

Mr. Long stated you're not responsible for your decisions, is that what you're saying.

Attorney McCall stated I'm saying, based on what I see in the minutes, based on what I've read, based on the facts presented, I don't believe that the town is responsible, that's what I'm saying.

Mr. Long stated so you're not responsible for your decisions.

Attorney McCall stated based on that information there, if there's another minute out there that says we want you to fill it in now and basically you said it's not feasible.

Mr. Long stated but you have records of your meetings.

Attorney McCall stated I beleive we keep minutes of all of our meetings.

Mr. Long stated but you don't have it.

President Tucker stated it was not a town board meeting, unfortunately when I came into office and went to the zoning board there hadn't been minutes taken for 8 years.

Mr. Long stated that's the minutes from the meeting right there, there were minutes taken.

President Tucker stated well we couldn't find them.

Sellersburg Town Council
Regular Meeting
June 26, 1995
Page 10.

Council Member Alexander Addresses Council/Mr. Donnal Long's Parking Lot

Mr. Long stated if you had your minutes you'd have your information.

President Tucker stated but I had no control over that and basically what our Attorney is saying, if I'm understanding him correctly, is we are not responsible.

Council Member Alexander Addresses Council/Children At Play Signs

Council Member Alexander stated we've received some information down from the Pothole Gazette with the FHA saying basically in the letter it says the bottom line is this, that these signs should not be installed and if they have been installed in the past they should be removed, basically they're saying that we are condoning kids playing in the middle of the street by having a slow, children playing so Perry has reviewed it, Dave looked at it and next week we will be taking down our children at play signs. There's 31 of them, appropriate signs that came on place is slow.

A resident asked did the state say to take them down.

Attorney McCall stated it's based on a lawsuit that occurred but it was successful based on the sign and the gazette I guess got a hold of it and simply put out a warning, you can take it or leave it. It's simply a suggestion, it's not saying you have to do it.

Council Member Alexander Addresses Council/Street Cleaning

Council Member Alexander stated I have a proposal on the street cleaning/sweeping contract, basically we have 30 miles, not all of them would be cleaned, looking at the whole picture, 30 miles means 60 miles, one way on one side and one way on the other side. The amount came out at approximately 50 to 65 dollars and hour, basically they said it would take approximately 8 hours to clean all of the streets, now some of our streets don't even have gutters, the streets that we would be concentrating on would be the gutter type streets. That would cost us \$520.00 a pop. In talking with Mark even when the other street sweeper was working it took them close to a year to do it once, right now we are using dust pans and brooms. We still need to look into further information but I would like you all to start digesting this, with the machinery not having to take care of and the labor involved it looks like a pretty good deal.

Council Member Alexander Addresses Council/1987 Crown Victoria Needing Repair

Council Member Alexander stated the only other thing I have, we have a 1987 crown victoria with a blown motor. Clark went to get estimates basically the car is in, I mean as far as exterior and interior and subframe it is in pretty good shape. They've used the car for everything, reading meters or what ever, it's a general use car. The book value on the car is anywhere from \$3500. to \$4500. in excellent condition with a blown motor you know 2 or 3 hundred dollars. The estimate on the motor is between \$2,000. and \$2,400. which included misc. water pump and so forth, the lowest bidder was Louisville Motor Exchange. I'd like to entertain a motion that we put a motor in this, they will give a 18 month warranty.

Ms. Schafer asked and pay it from where.

Sellersburg Town Council
Regular Meeting
June 26, 1995
Page 11.

Council Member Alexander Addresses Council/1987 Crown Victoria Needing Repair

Council Member Alexander asked who's car is that.

Ms. Schafer stated it's a town hall vehicle but I have never used it. It was originally asked for for the council and they've never used it.

Council Member Truman stated it was originally asked for by you to run to the court house.

Ms. Schafer stated no I think it was originally asked for, Roy Everitt was here at that time.

Council Member Truman stated the town council never asked for it but that's immaterial at this point. I don't see any point in putting \$2,000.00 in an old beat up police car.

Ms. Schafer stated the water department uses it to read meters.

Council Member Alexander stated basically it's like this, you can throw it away for \$200.00 and I guess when he buys a couple of them we can ask for another used police car or it doesn't have any resale value, you put a motor in it and you can get 18 months use out of it, it could start having chasis problems, transmission problems.

President Tucker stated motion was made by Ken, do I have a 2nd to his motion to get the engine replaced in the car.

This motion was tabled by Council Member Alexander.

President Tucker Presents Claims for the Civil, Water & Sewer Departments

President Tucker presented the claims for the civil, water and sewer departments for the last two week period and requested a motion to approve the claims as presented and stated the only question I have, where it says Levy Excess on the civil.

Ms. Schafer stated it's 1994 Levy Excess of the taxes paid after we had received our tax draw with all of the finds it totals about \$30,000.00 so I have to remove a portion from the general, a portion from the parks and other areas that were ordered by the tax commissioners to put into a seperate Levy Excess fund, you still have that money.

Motion to approve the claims as presented made by Council Member Broady and seconded by Council Member Alexander.

Vote 3-0

President Tucker Presents Claims for Koetter Construction

President Tucker stated I have two bills for Koetter Constructions, one for the construction of the town hall in the amount of \$46,187.10 which is about 2/3 of the way through with the project and the other one is for \$2,430.90, which is a 5% escrow retainage draw.

Motion to approve the claims as presented made by Council Member Truman and seconded by Council Member Broady.

Vote 3-0

Ms. Schafer stated I would like to point out that on claim #4, a portion of that was sidewalks so I did go to Street & Sanitation, it's going to be approximately \$7,000.00 whether I'll have enough to pave the town hall parking lot, it's going to be real close. That's \$3,500.00 of approximately \$7,000.00 that we can charge to sidewalks.

President Tucker Presents Ordinance 95-624/Transfer of Appropriations-1st Reading

President Tucker stated at the last meeting we extended Perry's contract retroactive from January 1, 1995 to December 31, 1995. We need to pass Ordinance 95-624 which reappropriates money out of the general fund into the town attorney's salary and also that for the general fund into the building inspector's salary because whatever money he draws, he puts into the fund and we turn around and give it back to him. This is an accounting exercise to make the state happy. I would entertain a motion to approve Ordinance 95-624 reappropriating money to the town attorney and the building inspector as follows:

Acct. #, Name & Amount

To Acct. #, Name & Amount

General Fund

General Fund

TC-112 Town Manager Salary \$300.00
TC-341 Ins. Other Than \$10,000.00

TC-131 Town Attorney Salary \$300.00
TC-312 Bldg. Inspector Ser. \$10,000.00

Motion to approve Ordinance 94-624 made by Council Member Broady and seconded by Council Member Alexander.

Council Member Truman stated since the building inspector's payment comes from fees that he's already generated I think it would be more appropriate to go through an additional appropriation rather than transferring from another category. I think that really accurately reflects where that money is coming from.

President Tucker stated isn't that where the money goes in.

Ms. Schafer stated the money goes in to miscellaneous revenue within the general fund or into permits. It wouldn't make any difference if it was \$100,000.00 you'd still have to have the appropriations there, the budgeted estimate last year I had asked Mr. Prather and he said \$15,000.00 and we had alot of additional building this year so this is the proper thing to do rather than to pull on any more additional appropriations. We can transfer and this is a whole lot better than what he is recommending.

President Tucker stated I'm sure you've talked with the State Board of Accounts.

President Tucker Presents Ordinance 95-624/Transfer of Appropriations-1st Reading

Ms. Schafer stated yes.

Council Member Truman stated I just think it is misleading as to where the money is coming from.

President Tucker stated well she checked with the State Board of Accounts and they told her to do it this way and they are the governing body.

Council Member Truman stated they aren't the governing body.

President Tucker stated they are the ones that audit us.

Ms. Schafer stated we have been through several transfers of appropriations and have never had a problem before. It wouldn't make any difference if I went in for additional appropriations or if I transferred appropriations, there still has to be appropriations there so I'm recommending to the majority of the council that they approve this ordinance.

Vote 3-1, with Council Member Truman voting against.

President Tucker Presents Ord. 95-625 Amending Ord. 94-600, 1995 Salary, Holiday & Longevity Pay-1st Reading

President Tucker stated the second Ordinance amending Ordinance 94-600 concerning the salary, holiday and longevity pay so that will coordinate with what the town attorney is going to make retroactive to January 1, 1995 as follows:

ORDINANCE 95-625

AN ORDINANCE AMENDING ORDINANCE NO. 94-600 CONCERNING
1995 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 8th day of August 1994, passed Ordinance NO. 94-600, establishing the 1995 Salary, Holiday and Longevity pay for the employees of the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has been informed of the need for changes that need to be made in the calculations of the pay rate for the following contracted employee of the Town of Sellersburg, Attorney William P. McCall III; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, now wishes to make said changes in the calculations of said employee's rate of pay; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, believes that said change is in the best interest for the effective administration of Town government.

THEREFORE, BE IT ORDAINED AND ORDERED, by the Town Council for the Town of Sellersburg, Indiana, that Ordinance No. 94-600 concerning 1995 salary, holiday and longevity pay, shall be and hereby is amended to reflect the following changes:

SEWER DEPT

Town Attorney be changed from 11,250.00 per year to 12,600.00, retroactive back to January 1995. Per contract 06/12/95

WATER DEPT.

Town Attorney be changed from 11,250.00 per year to 12,600.00, retroactive back to January 1995. Per contract 06/12/95

GENERAL FUND

Town Attorney be changed from 2,500.00 per year to 2,800.00 per year, retroactive back to January 1995. Per contract 06/12/95

Sellersburg Town Council
Regular Meeting
June 26, 1995
Page 14.

President Tucker Presents Ord. 95-625 Amending Ord. 94-600, 1995 Salary, Holiday & Longevity Pay-1st Reading

Motion made by Council Member Broady to approve Ordinance 95-625 and seconded by Council Member Alexander.

Council Member Truman stated I was opposed to a six month retroactive. I don't see that was justified so I'm opposed to this also.

Vote 3-1, with Council Member Truman voting against.

Council Member Alexander Addresses Council/Resignation of Claude Samuel Harper

Council Member Alexander stated we had an employee that left the town, Sam Harper, under good terms and we need to post that position. Thanks Sam.

Attorney McCall Addresses Council/Water Damage at 317 Broadway/Donnal Long Property

Attorney McCall stated in regards to Mr. Long's request for the town to reimburse him for water damage. We have a hold harmless statement signed by the resident of that particular apartment, apartment #4 at 317 Broadway indicating that:

You have requested the Town of Sellersburg begin water service to your residence or business. There has been no set date and time for the Town of Sellersburg to connect your water service.

You hereby agree to hold the Town of Sellersburg harmless for any water damage caused to your residence or business as a result of connection of the water service. Upon the connection of the water service, you hereby agree to hold the Town of Sellersburg harmless from any and all liability which may flow from the connection of said water service as a result of any defective condition existing in the structure, including, but not limited to water pipes, drains, fixtures, kitchen fixtures, and all other interior and exterior pipes which provide water to the structure. All resulting damage shall be at your own expense.

Attorney McCall stated it is signed by the resident at 317 Broadway, apartment #4.

Mr. Long stated he cleaned it up.

Attorney McCall stated he had asked that it be turned on and signed this agreement.

Mr. Long stated so any tenant can come in and request the water be turned on and you turn the water on and if the faucet is on and floods, you are not responsible.

Attorney McCall stated as long as they have signed the hold harmless agreement, it's your tenant.

Mr. Long stated I thought the policy was you came and turned the water on and if there was a flow, you've done this to me before, if there was a flow then you wouldn't turn the water on and I came back and said why'd you turn the water off and you come back and told me there was a flow so you couldn't turn it on, did your policy change.

Sellersburg Town Council
Regular Meeting
June 26, 1995
Page 15.

Attorney McCall Addresses Council/Water Damage at 317 Broadway/Donnal Long Property

Attorney McCall stated it's always been there.

Ms. Schafer stated I'm sorry I requested that form.

Attorney McCall stated because we'd had this come up before and in the past damage claims because there was no hold harmless statement, if you request the water turned on at that moment, the town came up with this form.

Mr. Long stated so you just turn the water on and just go ahead.

Attorney McCall Addresses Council/State of Indiana vs Sheryl Adams

Attorney McCall stated I got a letter regarding the State of Indiana vs Sheryl Adams, some of you may be familiar with that case. I contacted Denise Ware regarding this and part of the presentence investigation was that she pay restitution to the Town of Sellersburg, which is what we'd like to happen and that's what's going to happen.

Attorney McCall Addresses Council/Construction of Reservoir

Attorney McCall stated you asked me to check into the reservoir and John Toombs is not here. EMC had indicated that we needed this right away or asap. I contacted Chris Franzman, the person that is responsible for the bond issue, a counselor for the bond issue. He basically explained to me there are certain funds that the bond monies fall into, that one fund we have is an improvement fund and that perhaps we can access that to help pay for that particular project. He's going to review to see if we can access.

President Tucker stated Tom didn't you mention there may be enough land there to do something.

Mr. Edwards stated we looked at the old waste water treatment plant, it would be alot more expensive to go that way. It would be better to purchase some land at the waste water treatment plant.

President Tucker asked Ms. Schafer if she could talk to someone who owns the land.

Ms. Schafer stated I just need the authority to make a deal with a maximum cap on that and I know probably what the price is.

President Tucker stated if I'm not mistaken we paid \$10,000.00 an acre for the property at the sewer plant.

Ms. Schafer stated that's correct.

President Tucker stated I think there's a possibility that Ms. Dreyer would sell 5 acres for the reservoir for the same amount of money and if that's the case I would like to make a recommendation to give Linda the authority to either get a contract with Ms. Dreyer and return it to the town board for approval for the purchase price of \$50,000.00. Do you all have a problem with that, we do need a reservoir right.

Sellersburg Town Council
Regular Meeting
June 26, 1995
Page 16.

Attorney McCall Addresses Council/Construction of Reservoir

Council Member Broady asked how will we pay for this.

Attorney McCall stated we need to iron out where the money is coming from.

Ms. Schafer stated I know where it's coming from. It can come from the debt service utility reserve fund.

Council Member Truman stated I'm not in favor of giving anybody even a board member up front authority on negotiating a contract and discuss it in executive session and then vote on it at the meeting that's one thing but to vote for approval on something.

President Tucker stated I didn't make a motion to that affect, all I was doing was talking.

Ms. Schafer stated if you would like for me to talk to Margaret, I would be more than happy to and see if she would be willing to even sell the property.

President Tucker stated I'll go.

Attorney McCall Addresses Council/Umbaugh & Associates

Attorney McCall stated the letter I received from Umbaugh & Associates just recently the town indicated they wanted Umbaugh & Associates to move forward if it would save the town \$100,000.00. In talking to Dave Fredrick with Umbaugh & Associates, he indicated that the market was moving in such a direction that they could do that. I then sent a letter to Chris Franzman, which I have here basically asking him for the perimeters, which I anticipate to hear from him soon.

Attorney McCall Addresses Council/Bidding EMC Contract

Attorney McCall stated there was a question asked about bidding the EMC contract and I received some information, however, I've went through it and found the house bill itself 13-98 which was made into law May 10, 1995 effective immediately, it appears that operating agreements allow for the operation, maintenance and repair. The paragraph that has us all miffed is. Attorney McCall read the paragraph and stated basically what I'm getting here is if you don't opt in, does that mean you don't have to be under the DOT agreement. We are trying to figure out the house bill itself and see if that's what is says and hope to have an answer for you next week.

Attorney McCall Addresses Council/Ban On Burning In Clark County

Attorney McCall stated you may know that the ban on burning in Floyd and Clark County passed. There is a ban on open burning in Clark and Floyd County, our ordinance that we have, Ord. 207 has allowed open burning from the hours of 5:00 p.m. in the afternoon until 8:00 a.m. the next morning and that's no longer going to be possible in Clark County. There are some exceptions to that and I will have a copy of the active ordinance for people in the audience if they would like to have a copy. My suggestion is a little language change here. I think we went through ~~this~~ before and the language was a little bit different.

Attorney McCall Addresses Council/Ban On Burning In Clark County

Attorney McCall stated they did make a change in that so I would advise you that there's going to be an ordinance at the next meeting regarding the open burning removing that section from the town code. This is a state law July 1st. There are four counties involved, Clark, Floyd and two others up North. There are some exceptions I think for pep rallies, scouting events, outdoor cooking. There could be variances under certain circumstances. We will have to look at it.

Council Member Truman Addresses Council/Plaque From Old Town Hall

Council Member Truman stated talking about the plaque. I don't know what they did, what Koetter did with the old placque.

Ms. Schafer stated I have it in my office, we are going to put it up inside the meeting room. I thought that would be nice.

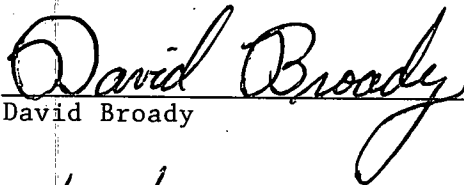
Council Member Truman stated I just wanted to make sure they didn't misplace it or anything.

Adjournment

Motion made by Council Member Broady to adjourn this meeting and seconded by Council Member Alexander.

Vote 3-0

With no further business this meeting was adjourned by President Tucker at 7:33 p.m.



David Broady

Absent

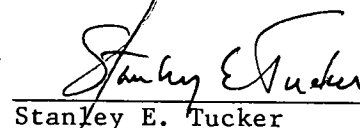
Aulton D. Eddings, Jr.



Kenneth Alexander



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

July 10, 1995

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney; David Broady, Council Member, arriving at 6:08 p.m. and Karl Truman, Council Member, arriving at 6:25 p.m.

Called To Order

President Tucker called the Executive Session to order at 6:01 p.m.

Topics of Discussion

Dreyer Agreement
Retention Pond
Covered Bridge, Phase I & II
Air Frequency/City of New Albany
Interlocal Agreement/Animal Shelter
Remonstrance
John Schmitt Property
EMC Contract
Louisville/Indiana Railroad Easement
Street & Sanitation Worker/Animal Control Officer

Adjournment

With no further business President Tucker adjourned the Executive Session at 6:45 p.m.

REGULAR MEETING

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were: Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Karl Truman, Council Member; David Broady, Council Member; Linda G. Schafer, Clerk Treasurer; and Perry McCall, Town Attorney.

Called To Order

President Tucker called the Regular Meeting to order at 6:47 p.m.

Prayer

Reverend Bob Hauselman offered the prayer for this meeting.

Sellersburg Town Council
Regular Meeting
July 10, 1995
Page 2.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of the Last Meeting

President Tucker dispensed with the reading of the minutes of the last meeting and requested a motion to approve the minutes as presented.

Motion made by Council Member Broady to approve the minutes as presented and seconded by Council Member Alexander.

Vote 4-0

Chief Kinder Addresses Council/Weight Limits In The Town Of Sellersburg

Chief Kinder stated I need to talk with the board. There seems to be two ordinances regarding weight limits on the streets in Sellersburg, at one time they did pass a special ordinance for 8000 pounds on Terry Lane and Wilson Lane. New Albany Street is suppose to have a 8 ton limit on it but it says 8 tons per axle.

President Tucker stated didn't we always have a 8000 pound limit.

Chief Kinder stated yes and no, the way it's written New Albany Street is 8000 pounds per axle.

President Tucker stated maybe we just need to correct it.

Chief Kinder stated I'd like to see it go to 8000 all over town.

President Tucker stated I was under the impression it was 8000 all over town with the exception of somewhere over in Hill N Dale.

Chief Kinder stated that was Terry and Wilson Lane in Gillenwater Subdivision.

President Tucker stated if you can get a copy of the ordinance and we see that it's written incorrectly then we can revise the ordinance.

Clark Henson Addresses Council/Holman Lane Project

Clark Henson stated they started working on Holman's Lane today and they found the old fire hydrant that had been broken off and pulled it out of the ground. I had warned them three times that there was a hydrant there but I wasn't sure exactly where it was. We had to cap it off and we shut off water to about 16 or 17 customers.

John Toombs stated they shut the road off completely today to through traffic. The states contractor which is Mid States Paving snagged the fire hydrant.

President Tucker stated good way to start.

Sellersburg Town Council
Regular Meeting
July 10, 1995
Page. 3

Clark Henson Addresses Council/Holman Lane Project

Council Member Eddings stated did we have a lot of man hours in that.

Mr. Henson stated we worked through lunch from about 10:30 a.m. to 3:30 p.m.

Building Commissioner, Stephen D. Prather Presents Claims

Mr. Prather presented his claim for building permits and inspections from June 27 through July 10 in the amount of \$2,740.60.

Motion made by Council Member Truman to approve the claim as presented and seconded by Council Member Alexander.

Vote 4-0

Stephen D. Prather Addresses Council/New Town Hall

Mr. Prather stated there was another thing that I wanted to bring to the attention of the council. You may as a group or individually be aware but in the new town hall, the last finished wall that's in the new section between it and the original town building where they had the plastic hanging and you've probably seen on the inside, I think part of Cheryl's office and part of the clerk's area where Andrea and Cindy are at and part of the hallway the drywall got pretty well soaked with water during one of the rain storms, it caused alot of mildew. It's been painted over and obviously bled back through and it will continue to do so. From an inspecting standpoint there's nothing that I can make the contractor do to change that because it is not a structural code problem but I think the council as individuals or as a group may need to address Koetter to cut out that section of drywall and have it replaced. It's about the lower three foot all the way across the wall but that's something that would have to be between the town and the contractor.

President Tucker stated I think Doug is going to take care of that.

Council Member Eddings stated I'm going to do a walk through.

Mr. Prather stated I think Linda and both of the clerks had asked if something could be done and technically from an inspecting standpoint that's not a structural code violation, it would have to come from the owner and the board would act as the owner.

EMC Addresses Council

Phil Thompson stated Tom had to be called away to attend an emergency. I will briefly recap. The pole barn has been completed, there is some excavation that needs to be completed. There was \$67,000.00 in revenue from the billing office. I also have a copy of our bill for the past couple of weeks.

President Tucker stated thank you.

Sellersburg Town Council
Regular Meeting
July 10, 1995
Page 4.

EMC Addresses Council

Mr. Thompson stated it is somewhat larger than the previous one because some of the bills are starting to catch up. If you have any questions. This has alot more detail, hopefully this one will avoid any tie ups.

Motion made by Council Member Truman to approve the claim as presented and seconded by Council Member Eddings.

Vote 4-0

President Tucker stated Chris I'd like to thank you for making it more detailed.

Mr. McKee stated no problem.

Vote 4-0

Attorney McCall Presents Ordinance 95-626 Amending Ord. 207-Pertaining To Open Burning

Attorney McCall stated I have an ordinance regarding burning within the Town of Sellersburg. Our previous ordinance #207 stated that it was unlawful to burn between the hours of 5:00p.m. until 8:00 a.m. and we are changing that because of recent changes in the legislature that it will be unlawful for any person to burn any trash, leaves or other matters on the outside at anytime during the day or night except as provided by I.C.13-1-1.

Motion to approve ordinance 95-626 on the first reading made by Council Member Eddings and seconded by Council Member Alexander.

Attorney McCall stated there are some exceptions.

Vote 4-0

Attorney McCall Presents Ordinance 95-626 Amending Ord. 207-Pertaining To Open Burning

Attorney McCall presented ordinance 95-626 to the council for approval as follows:

ORDINANCE NO. 95 - 626

**AN ORDINANCE AMENDING ORDINANCE NO. 207 (SECTION 6-12) OF
THE SELLERSBURG TOWN CODE PERTAINING TO OPEN BURNING**

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 11th day of December, 1958, pass Ordinance No. 207 which made it unlawful for any person to burn any trash, leaves or other matters on the outside between the hours of 5:00 o'clock in the afternoon and 8:00 o'clock the next morning; and

Attorney McCall Presents Ordinance 95-626 Amending Ord. 207 Pertaining To Open Burning

WHEREAS, the Town Council for the Town of Sellersburg has learned as of July 1, 1995, it will be unlawful pursuant to State regulation for any open burning to occur in Clark County, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg desires to amend its ordinance to reflect its compliance with state law; and

WHEREAS, the Town Council for the Town of Sellersburg has considered this matter in an open meeting in which the public was invited to, and participate in.

BE IT THEREFORE NOW ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG, INDIANA, that Ordinance No. 207 (Section 6-12) of the Sellersburg Town Code shall be, and hereby is, amended as follows: It shall be unlawful for any person to burn any trash, leaves or other matters on the outside at any time during the day or night, except as provided by I.C. 13-1-1, et. seq.

BE IT FURTHER ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG, INDIANA, that this Ordinance shall be published in accordance with Indiana Code 5-3-1.

Motion to approve Ordinance 95-626 made by Council Member Eddings and seconded by Council Member Alexander.

Vote 4-0

Chief Kinder stated last week Mr. Bridges was burning down by the bowling alley, he was clearing off property. We had a complaint on it and he stated it was farm land. It reads if you are maintaining farm land and this does not qualify so we sent the fire department down to put it out and he was very upset but if you are not maintaining it as a farm it does not qualify.

Sellersburg Town Council
Regular Meeting
July 10, 1995
Page 6.

Attorney McCall Presents Ordinance 95-626 Amending Ord. 207 Pertaining To Open Burning

Council Member Alexander stated it is mainly for fencerows. I didn't read where they had to check with anyone if they have to get a permit or anything.

Council Member Eddings Presents Claim From Starlight Construction

Council Member Eddings stated we have an invoice from Starlight Construction for the storage building at the waste water treatment plant. The invoice is for \$20,551.00. We had approved them as low bid on the project and there are a couple of items on here, there was an adder for drilling through the slate, they had ran into more slate than what they anticipated and that's to the tune of \$600.00. I was on vacation at the time they were doing this. Did anybody on the board or did they get permission from you John to go ahead and drill and charge us \$600.00.

Ms. Schafer stated I could be mistaken but honestly I thought he said that Toomb's company told them to do whatever they needed to do to complete the project.

Mr. Toombs stated I didn't do it but it doesn't mean that Nathan didn't tell them to go ahead.

Council Member Eddings stated the building permits, we told them to go ahead with. The only question I had was the \$600.00 and I'd like to check it out. I might be able to get the \$600.00 knocked down some.

Motion made by Council Member Eddings to approve the claim to Starlight Construction and with that motion question the \$600.00 to see what took place and try and get it lowered and seconded by Council Member Broady.

Vote 4-0

Council Member Eddings Addresses Council/Contract Negotiations With EMC

Council Member Eddings stated EMC has presented a proposed contract and a proposal. Each one of us has a copy. I think at this time I would be in favor of going ahead and beginning the contract negotiations with EMC. We've stated once before EMC can become just a management firm for us or we could have the town employees work for EMC, it could fall anywhere from one end of the spectrum to the other. They have a starting point which is good and I think it's time to start negotiations.

President Tucker stated how do you propose to do it.

Council Member Eddings stated well negotiations would be something that a time would have to be agreeable with EMC and the town board. We should have two town board members as part of the committee so we are not having a public meeting, all of the public would be invited to the negotiations and have two town employees that represent the two different interests for the town, create a schedule and start negotiations.

President Tucker stated would you like to go ahead and tentatively put something in place now, we will have to notify the papers.

Sellersburg Town Council
Regular Meeting
July 10, 1995
Page 7.

Council Member Eddings Addresses Council/Contract Negotiations with EMC

Council Member Eddings stated since this is not a public meeting I don't think we have the ten day period.

President Tucker stated do you know which employees from the town are going to represent the town employees.

Ms. Schafer stated you would really have to solicit them independently.

Council Member Truman stated I agree with what Doug is saying although one of the things we haven't done yet is for the town council and I think we can do it in executive session to decide what objectives we want I mean you can't really go out and negotiate until the board has decided what we want to accomplish from the negotiations and that's not been done.

Council Member Eddings stated well everyone has a proposal package to review and at this time now would be a good time to have an executive session so all five of us could get together and say here's the things we would like in the contract and then start negotiations.

President Tucker stated so we need to schedule a special meeting.

Attorney McCall stated then you would need to notify the public.

Council Member Truman stated unless we announce it in a public meeting so I think we need to go ahead and set one at this time.

Council Member Eddings stated what time is good for you all.

Council Member Truman stated you can set it for any time after 48 hours.

Council Member Alexander stated I'd like it to be night time this time, 4 o'clock, 5 o'clock.

Council Member Eddings stated Thursday afternoon, is that okay with everyone.

Council Member Truman stated what's a good time 5:00, 5:30.

Council Member Eddings stated do you want to make it 5:30.

Ms. Schafer stated where is this meeting at.

Council Member Eddings stated I'll just put it for the library and if I can't get the library we'll just meet where ever you want to meet.

President Tucker stated so is this the 13th.

Chris McKee stated did you want us to be at this meeting.

President Tucker stated my sensus is and I don't know this, but my sensus is, the first meeting we need to kind of discuss what direction we want. You've given us alot of information and either we have or will digest it by Thursday.

Sellersburg Town Council
Regular Meeting
July 10, 1995
Page 8.

Council Member Eddings Addresses Council/Contract Negotiations with EMC

Council Member Truman stated I think the objectives of the negotiations will be to have a final document to vote on at our next meeting.

Council Member Alexander stated are we going to try to present this with basically one more meeting in July, we're going to present this and vote on it the same night.

Council Member Eddings stated well we are going to try to.

Council Member Alexander stated I mean if there's a way next week maybe sometime to have an open meeting just for that and have everything ready to go for the next meeting.

Council Member Truman we'll have to have something resolved by the next meeting.

Mr. McKee stated we could go into August.

Council Member Truman stated I think the only reason that might happen is if for some reason the agreement presented at the next meeting would fail.

President Tucker stated are we now at the point where EMC need to be present.

Attorney McCall stated my advice is perhaps EMC could be on hand and if needed be called into the meeting, it may speed it along.

Council Member Truman stated and I would think if questions come up, if someone could be available by telephone, we wouldn't have to have someone here because that would be a heavy burden.

Council Member Eddings stated it might make it easier.

Mr. McKee stated if you need clarification I could come in and answer questions.

Council Member Eddings stated okay Thursday at 5:30 p.m.

Council Member Broady Addresses Council/Letter From John Schmitt

Council Member Broady stated I had a question on the letter we received from John Schmitt.

President Tucker stated Perry will contact the Indiana Department of Highway on this matter.

Council Member Broady stated it is on the State Highway.

Council Member Alexander Addresses Council/Paving Bids

Council Member Alexander stated we've got the bids in on the paving. We only received one from K & I Construction. It came in for \$20.90 for the surface and \$18.00 for the milling.

Motion made by Council Member Alexander to approve K & I Construction to do the road work in Sellersburg and seconded by Council Member Truman.

Sellersburg Town Council
Regular Meeting
July 10, 1995
Page 9.

Council Member Alexander Addresses Council/Paving Bids

Council Member Broady stated do you have any idea what it will cost.

Council Member Alexander stated yes the paper you've got which we can still discuss later total funds was \$5,588.00 and basically you all were given a paper, John did you get one, and as long as we are not doing something like down in the Utica area, doing it twice.

President Tucker stated we're going to spend \$117,600.00.

Council Member Alexander stated we came up with approximately \$131,000.00 and that's in LRS, basically what we want to do is pull everybody together before they even start and show them our budget, show them the streets we want done and make sure everything goes real smooth and everybody knows what's going on before they touch anything, so we will include you.

Vote 4-0

Council Member Alexander Addresses Council/Summer Clean Up

Council Member Alexander stated the dumpsters are in place, we start at 7:00 a.m. tomorrow morning and we are ready to go at the sewer treatment plant, make sure you have a driver's license showing you are a resident of Sellersburg and there are lists down at the town hall and at the treatment plant of the items that we will not take or the items that you have a fee charged to you for.

Council Member Alexander Addresses Council/Yard Waste June 1995

Council Member Alexander stated next yard waste for June, 95, it came in at 39¢ per stop, participation was up, we are up to 334 stops, one problem that occurred during the next years budget I would like to address because the full department does not hold CDL's, we had a driver out picking up yard waste and he had to go somewhere, well nobody else had a CDL so we ended up having to pick it up with a dump truck which gave me two hours down time which means two hours somebody was fiddling around trying to figure out which truck to drive. There's no incentive in the department for everyone to get a CDL, you make just as much whether you do have a CDL. I'd like everyone to consider while we are going through the budget creating some kind of incentive so that every person in these two departments have a CDL so this problem won't occur again.

Clerk Treasurer Schafer Present Claims For The Civil, Water And Sewer Departments

Ms. Schafer presented the claims for the civil, water and sewer departments for the last two week period and requested a motion to approve them as presented.

Motion made by Council Member Eddings to approve the claims as presented and seconded by Council Member Alexander.

Vote 4-0

Sellersburg Town Council
Regular Meeting
July 10, 1995
Page 10.

President Tucker Addresses Council/Louisville/Indiana Railroad Agreement

President Tucker stated it was recommended by Attorney McCall and I think we've read over this. Louisville/Indiana Railroad owns the right of way and we have certain pipes that run underneath that railroad and we are suppose to pay a fee. It is a \$6,000.00 fee or \$300.00 a year for how ever long it is run under there. It was recommended that we pay the \$6,000.00 and that is a one time fee.

Motion made by Council Member Broady to pay the one time fee of \$6,000.00 to Louisville/Indiana Railroad and seconded by Council Member Eddings.

Ms. Schafer asked which department pays this fee.

President Tucker stated I think it's Sewer and Water and asked Clark Henson to get with Linda on this matter.

Vote 4-0

President Tucker Addresses Council/City Of New Albany Air Frequency 158.805

President Tucker stated there was a question of a license station KSN276 operating on frequency 158.805 in Sellersburg. They want to be able to utilize that wave length. I would entertain a motion to approve my signing so that particular MHz can be used by the City of New Albany that we have no objection and there is a provision in there that if it does cause interference with the town that they would have to take corrective action.

Motion made by Council Member Eddings to approve President Tucker signing the agreement and seconded by Council Member Broady.

Vote 4-0

President Tucker Presents Ordinance 95-624/Transfer of Appropriations

President Tucker presented Ordinance 95-624 to the council for approval as follows:

ORDINANCE 95-624

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1995, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC6-1.1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existion annual budget for the year of 1995 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various junctions of the several departments to meet the emergencies.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

ACCT. #, NAME, & AMOUNT	TO ACCT. #, NAME, & AMOUNT
<u>GENERAL FUND</u>	<u>GENERAL FUND</u>
TC-112 TOWN MANAGER SAL. 300.00	TC-131 TOWN ATTORNEY SAL. 300.00
TC-341 INS. OTHER THAN 10000.00	TC-312 BLDG. INSPECT. SER 10000.00

President Tucker Presents Ordinance 95-624/Transfer of Appropriations

Motion made by Council Member Broady to approve Ordinance 95-624 and seconded by Council Member Alexander.

Vote 4-1, with Council Member Truman voting against.

President Tucker Presents Ordinance 95-625/Amending Ordinance 94-600 Concerning 1995 Salary Holiday And Longevity Pay

President Tucker presented Ordinance 95-625 to the council for approval as follows:

ORDINANCE 95-625

AN ORDINANCE AMENDING ORDINANCE NO. 94-600 CONCERNING
1995 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 8th day of August 1994, passed Ordinance NO. 94-600, establishing the 1995 Salary, Holiday and Longevity pay for the employees of the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has been informed of the need for changes that need to be made in the calculations of the pay rate for the following contracted employee of the Town of Sellersburg, Attorney William P. McCall III; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, now wishes to make said changes in the calculations of said employee's rate of pay; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, believes that said change is in the best interest for the effective administration of Town government.

THEREFORE, BE IT ORDAINED AND ORDERED, by the Town Council for the Town of Sellersburg, Indiana, that Ordinance No. 94-600 concerning 1995 salary, holiday and longevity pay, shall be and hereby is amended to reflect the following changes:

SEWER DEPT

Town Attorney

be changed from 11,250.00 per year to 12,600.00, retroactive back to January 1995. Per contract 06/12/95

WATER DEPT.

Town Attorney

be changed from 11,250.00 per year to 12,600.00, retroactive back to January 1995. Per contract 06/12/95

GENERAL FUND

Town Attorney

be changed from 2,500.00 per year to 2,800.00 per year, retroactive back to January 1995. Per contract 06/12/95

Sellersburg Town Council
Regular Meeting
July 10, 1995
Page 12.

President Tucker Presents Ord. 95-625/Amending Ord. 94-600 Concerning 1995 Salary, Holiday
And Longevity Pay

President Tucker requested a motion to approve this ordinance as presented.

Motion made by Council Member Broady to approve Ordinance 95-625 as presented and seconded by Council Member Alexander.

Vote 4-1, with Council Member Truman voting against.

Council Member Alexander Addresses Council/Bidding Town Insurance

Council Member Alexander stated the loss runs, are they up there yet.

Ms. Schafer stated I had requested in writing. I have already sent the letter, they are not here yet.

Council Member Alexander stated we bided out the insurance and the information that is required to put in a bid hasn't been made available yet.

Ms. Schafer stated well I received a letter in writing from the Montgomery Agency on June 29th hand delivered and I wasn't aware that I was suppose to respond immediately and she called me like the following Monday, his secretary, I immediately prepared a letter and Cheryl took it on her way home so we just haven't received the information yet. It was not requested until late.

Council Member Alexander stated but I think it is in the bid specs. I mean we bid it out, we had bid specs but we don't have information. I don't like what's going on.

President Tucker stated we understand what you are saying.

Council Member Alexander stated they can't get the loss runs and I mean everything should of been there when they came up to pick up the bid specs and it's not there and it's slowing the process down.

Council Member Truman stated in order for a carrier to submit a quote for the insurance they have to have a copy of the loss runs and a copy of the budget. The bid specs alone are not enough to give the quote.

Council Member Alexander stated they are wasting valuable time trying to put these together and I think they have a deadline of what, next month.

President Tucker stated I will call tomorrow and do my best to get it taken care of.

Council Member Alexander stated well if it's not taken care of by Friday I'd like to have an extension. I don't see where somebody should be because of our lack of.

President Tucker stated I understand.

Council Member Alexander stated if nothing is done by Friday I'd like to see it be extended past the 17th.

Sellersburg Town Council
Regular Meeting
July 10, 1995
Page 13.

Council Member Alexander Addresses Council/Bidding Town Insurance

Motion made by Council Member Alexander that if the loss runs and the information needed to bid on the town's insurance is not given in sufficient time that we extend this until July 31st if the information is not here by Friday.

Council Member Truman stated when is the deadline if it is here by Friday.

Ms. Schafer stated I believe it was the 17th, I could be mistaken.

Council Member Truman stated I mean that's next Monday, if someone gets it Friday that's not much time.

President Tucker stated let's extend everyone until July 31st.

Council Member Alexander stated but what about our coverage, it ends August 5th.

President Tucker stated then we will pay a little amount of money, this has happened before.

Council Member Alexander stated I think it would be agreeable that if it was there by Friday, as long as they had it by Friday, it only needs to be extended until the next Friday.

Council Member Truman stated I think it would be cleaner just to say until the 31st for everybody.

Motion made by Council Member Alexander to extend bid proposals until July 31st and seconded by Council Member Truman.

Vote 4-0

Council Member Truman stated have we set a time to open those.

Ms. Schafer stated if you're extending your offer of proposals then you need to set a cut off time.

President Tucker stated 4:00 p.m. on Friday.

Council Member Truman stated I assume it's all going to be like any other bid where it's all submitted sealed and opened at a specific time.

Motion made by Council Member Truman that all bids be sealed and opened together at 4:00 p.m. on July 31st.

A resident stated July 31st is a Sunday.

Council Member Truman stated then I say open them up at noon on Monday the 1st.

Attorney McCall stated the 31st is a Monday.

Motion was seconded by Council Member Alexander to open the bids at 4:00 p.m. on July 31st.

Council Member Alexander Addresses Council/ Bidding Town Insurance

Vote 4-0

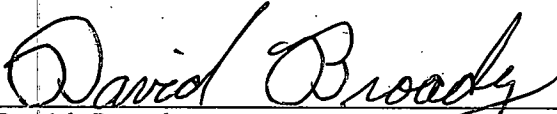
President Tucker stated it is Monday the 31st at 4:00 p.m.

Adjournment

Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Truman.

Vote 4-0

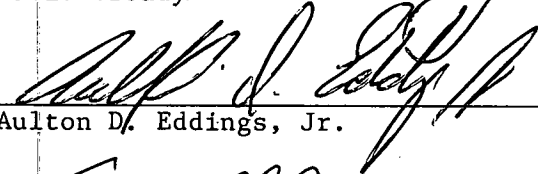
With no further business this meeting was adjourned by President Tucker at 7:30 p.m.



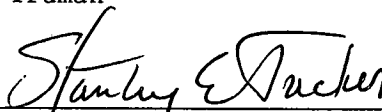
David Broady



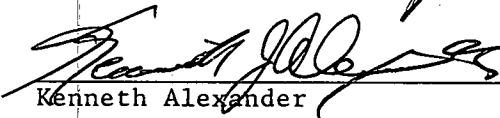
Karl Truman



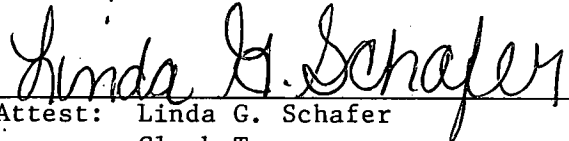
Aulton D. Eddings, Jr.



Stanley E. Tucker



Kenneth Alexander



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

July 13, 1995

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 5:30 p.m. to discuss the contract with EMC to manage the Water and Sewer Utilities. Those present were: Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Vice President; Kenneth Alexander, Council Member; David Broady, Council Member; Perry McCall, Attorney; Linda G. Schafer, Clerk Treasurer; with Karl Truman, Council Member arriving at 5:48 p.m.

Called To Order

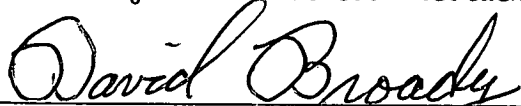
President Tucker called the Executive Session to order at 5:37 p.m.

Topics of Discussion

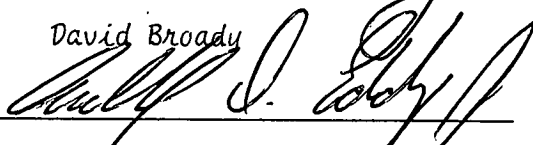
Contract proposal between the Town of Sellersburg and EMC to manage the water and sewer utilities.

Adjournment

With no further business President Tucker adjourned this meeting at 6:50 p.m.



David Broady



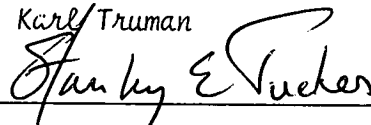
Aulton D. Eddings, Jr.



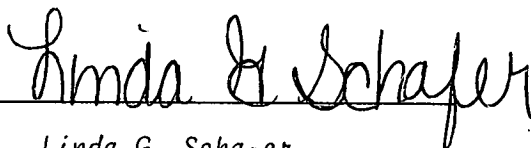
Kenneth Alexander



Karl Truman



Stanley E. Tucker

Attest: 

Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

July, 24, 1995

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p. m. Those present were: Stanley E. Tucker, Council President; Aulton D. Eddings, Jr., Council Vice President; Kenneth Alexander, Council Member; Karl Truman, Council Member; David Broady, Council Member; Linda G. Schafer, Clerk Treasurer, with Perry McCall, Town Attorney being absent.

Called To Order

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

Prayer

Reverend Rich Poe offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes Of The Last Meeting

President Tucker dispensed with the reading of the minutes from the last meeting and requested a motion to approve the minutes with one minor correction.

Motion made by Council Member Eddings to approve the minutes and seconded by Council Member Broady.

Vote 4-0

Phyllis Haas Addresses Council/Council's Decision To Contract EMC

Ms. Haas stated I don't have much to say. Dave don't believe that. I had a big boy a while ago. She's a couple of weeks early but I think the stress done that. She's alright, I'm going down in a few minutes. I wanted to tell the town council that Kenny Alexander called me and I appreciate his call. Did you tell the fellows what I said about them.

Council Member Alexander stated no, I felt I shouldn't.

Ms. Haas stated I told him I had showed my ignorance. I was very upset over this. I considered you my friends, I still do, even though you don't speak to me, Dave, Doug, none of you, you act like I'm nothing but I'm still your friend. I went and got my petition to have you impeached. I got all of the signatures. Lee Hamilton called me and asked me to reconsider.

Sellersburg Town Council
Regular Meeting
July 24, 1995
Page 2.

Phyllis Haas Addresses Council/Council's Decision To Contract EMC

Ms. Haas stated Jim Lewis also asked me to reconsider and Paul Robertson. They told me I was too much of a lady to put myself down and hurt the democratic party so I agreed. I think you guys are making one heck of a big mistake to do our town residents this was. I still believe it. The only think I can say is if you have enough rope maybe you can hang yourselves and I don't have to do anything. I'm still a democrat. I still work for the party. I've always considered Karl my friend.

Council Member Truman stated I appreciate that and you know I have no problem with our differences. I don't have any problem talking to any citizen that has a difference of opinion.

Ms. Haas stated that's about all I have to say. I have to get to the hospital because Andrea did have her baby.

President Tucker stated tell her hello from us.

Ms. Haas stated I really have to go she might get upset because her mon thought more of the meeting than her.

President Tucker stated you'll be there.

Ms. Haas stated thanks and good luck to all of you boys.

President Tucker stated thank you and congratulations.

Chief Kinder Addresses Council/Animal Control Officer

Chief Kinder stated have we done anything about the animal control officer yet, is it pending.

Council Member Alexander stated we looked at because of the salary problem, we've looked at the salary problems and we can hire someone on salary. They would be working 55 hours it would be the normal pay of the street department and it would work out under the schedule of the street department pay plus animal control. I'd like to have a motion to at least advertise it in that manner. If there's no objections.

Ms. Schafer stated I've advertised both positions. You mean as a combination.

Council Member Alexander stated as a combination. We've definately got to have an animal control officer and I talked with Mark Dean this week and there were alot of hours that went with the \$682.00 and what he was averaging out.

Chief Kinder stated well Mark did a very fine job and right now we're getting calls because I checked the phone log over the weekend and he even got some calls at home to find out that he was no longer the animal control officer. We do have a problem.

Council Member Alexander stated we've got birds inhabiting Sellersburg again.

President Tucker stated aren't you going to address that issued when it comes around or are you doing it now.

Sellersburg Town Council
Regular Meeting
July 24, 1995
Page 3.

Chief Kinder Addresses Council/Animal Control Officer

Council Member Alexander stated about the birds.

President Tucker stated about the animal control officer.

Council Member Alexander stated I'm addressing it now. It's been brought up. I would at least like to have a motion to proceed combining the two unless there are any objections.

President Tucker stated is that the motion that you want to make, to combine the two together, which would be a street department and work as an animal control person.

Council Member Alexander stated yes.

President Tucker stated and we're just going to list that in the paper and see if there are people who want to take that.

Ms. Schafer stated I have listed both but not together.

Motion made by Council Member Alexander to combine the street and sanitation worker and animal control officer and post the job in the paper and seconded by Council Member Truman.

President Tucker stated we've had unfortunately a bird problem in the past and the animal control officer was taught to take the machinery that we purchased for the birds, we do have alot of animal control problems and I think it's a general consensus that we do need an animal control officer and this is one way to approach it.

Council Member Truman stated have you looked into if the person is an employee, is there overtime problems.

Council Member Alexander stated in talking with Mark, the eight hours during the day would take care of 90% of the problems. The fifteen hours he said I would probably be averaging, probably 5 hours to many. I mean there's going to be situations to where yes, there's going to be some overtime but basically that could be comped out.

Vote 4-0

EMC Addresses Council/Monthly Report

Kendall Coleman stated I'm filling in for Tom, for those of you who have not been made aware Tom came down with appendicitis today and had surgery. I don't know why he couldn't be available tonight but this is a copy of the monthly report. I talked with Tom briefly this morning and there are no major problems or concerns to report for the month. The waste water treatment facility performed excellent during the month, any questions or comments.

President Tucker stated are you all collecting NSF's.

Mr. Coleman stated NSF's.

President Tucker stated non-sufficient fund checks.

Mr. Coleman stated yes, we are.

EMC Addresses Council/Monthly Report

President Tucker stated I just happened to see one here.

Mr. Coleman stated one thing I need to make you aware of is back in January, you had a compliance inspection by IDEM and they requested us to respond and our response has to be by the 26th of this month and what you have there is a copy of the response that Tom has put together for the compliance inspection. What I'd like to do is give a copy to John, let him review it and if he's got any questions or concerns pass those on to me before the 26th so we can get the response to them. In fact, Stan this letter would need to be signed by you, this is something requested for your designating Tom as the certified operator to sign off on the monitoring reports. I have the original. I can send it in or I can leave the original with you however you want to respond.

President Tucker stated it's going to two different people.

Mr. Coleman stated you can sign that and give it back to me.

President Tucker stated I'll just ask for a motion to authorize Tom Edwards as the authorized agent to sign the monitoring reports. I have been given those in the past and apparently it doesn't have to be designated to me we can appoint someone else.

Mr. Coleman stated you can have a certified operator sign those reports.

Motion made by Council Member Truman to appoint Tom Edwards as the certified operator to sign the monitoring reports and seconded by Council Member Broady.

Vote 4-0

Mr. Coleman stated I'll let John review that and if he has any questions or concerns, please get back with me John so we can make sure to get the response in.

President Tucker stated can you give me a copy of that.

Mr. Coleman stated I'll make sure I get one for you.

Council Member Truman stated are you going to have them bring up their contract now.

President Tucker stated I thought Doug or Dave would do it. Doug are you going to bring it up, they've been on the committee. Doug are you going to bring it up.

Council Member Eddings stated yes sir.

Council Member Eddings Addresses Council/EMC Contract.

Council Member Eddings stated Dave and I have went through two or three negotiation meetings with the associates that work for the Town of Sellersburg and EMC and hammered out the contract and it's been revised. All parties have agreed to it and just to briefly go over some of the things that have been added to the contract, It's going to change in single medical coverage. EMC has agreed to pay out of pocket costs should the single coverage not match the town's benefit coverage which is in the worst case scenario it wouldn't.

Sellersburg Town Council
Regular Meeting
July 24, 1995
Page 5.

Council Member Eddings Addresses Council/EMC Contract

Council Member Eddings stated in those cases EMC has agreed to pay the difference also they've put a clause in for any preexisting conditions, it would cover people for no more cost than what they incurred with the town's insurance. They specified out in the contract the savings that goes back to the town in the form of maintenance, electrical and chemical. All of the town associates that work for the water department and sewer department will become EMC employees. The contract has been written to expire December 31st, 1998, with a 3 to 5 year option for renewal, also in the contract there's a guarantee for the term of EMC's contract that all town associates coming on board could not be fired or layed off for any reason except just cause. The only way an associate could be layed off is for just cause.

Council Member Eddings stated also in the contract they've agreed to a weekly pay instead of biweekly, also in the contract with prior notice vacations can be paid when the vacation is taken like the town does as long as ample notice is given. Those were basically the contract issues, operating policy issues, all town associates will be required to wear uniforms. Take home vehicles will be supervisor's only, any associate being called in will have to come in and punch the time clock and get a vehicle to go out, also vision care will be the same as the towns, we will adopt or keep the towns, work boots and coveralls will be provided on a replacement basis. Call outs will be a 2 hour minimum, the first man out gets beeper pay and a 2 hour minimum, if there happens to be a need for a 2nd man, he will be a 2 hour minimum. They have agreed also to a 6 months review of staffing, after 6 months upon signing the contract they will set down with the associates and review staffing, if any additional help is needed and the only other thing is the associate of the town wanted a guarantee that should we opt out at the end of the contract to no longer have EMC as manager of the utilities that they were given the right to come back to the town. So to let everyone know we had negotiations with two associates of the town, one represented the water department and the other represented the waste water department, Dave, myself and EMC. The negotiations were good negotiations. When the associates for the town walked away they felt everything was going fairly. They've gotten quite a bit out of the negotiations. They are all willing and ready to go to work for EMC. We have the contract prepared, it has not been reviewed by our town attorney as of date. We also have prepared a statement that would require signatures from the town associates and the council that guarantees them that at the end of the contract should we not renew it they can come back to work for the town which does need to be reviewed by the attorney as well. What I'd like to do tonight is pending the attorney's review, I'd like to go ahead and vote on this contract and once Perry has read it and accepted it.

Council Member Truman stated are those revisions since we've had this in our box.

Council Member Eddings stated no since Friday, if you picked that up Friday that's it.

Council Member Truman stated I don't remember reading all that. It was before Friday, you mean there's been a second revision in our box.

Council Member Eddings stated you should have a July 20, 1995 copy.

Council Member Truman stated I don't see all of that stuff.

Mr. McKee stated some of that stuff is policy stuff.

Council Member Eddings stated some of these things are policy, like the work boots and coveralls, they are changing their policy manual to reflect this, take home vehicle is a policy issue, punching a time clock is a policy issue.

Sellersburg Town Council
Regular Meeting
July 24, 1995
Page 6.

Council Member Eddings Addresses Council/EMC Contract

Council Member Truman stated that's why you threw me because I didn't see all of that stuff.

President Tucker stated the only, I don't know if the word is concern or not but I thought it was interesting that on page 12 the extension of exercising a specific option must be completed in writing not before 120 days prior to the expiration of this agreement. The fact of a formal notice 90 days prior to the expiration of this agreement will result in an automatic 3 year extension. I guess I put this on you guys because your going to be on the board and if you don't remember in October of 1998, then it automatically renews. Is that how it reads.

Council Member Eddings stated but also at the same time EMC is giving us in the contract, if we are not satisfied with their operation we have the right to hold \$3,000.00, so if we are holding money back because we are not satisfied with the operation, the 90 day notice should be ample time.

President Tucker stated that's fine, I just thought it was unusual.

Council Member Alexander stated I think what he was talking about was at the end of this contract if we don't send them notice within 90 days that we no longer want their services we are committing ourselves for another three years.

Council Member Truman stated I think that's pretty typical in a service contract. I mean there has to be some termination type action.

Council Member Alexander stated yes but what I'm saying is who's going to know it's ending. I mean you are dealing with the town council.

President Tucker stated that was a bad choice of words.

Council Member Truman stated the only concern I have with those last revisions was the guarantee of re-employing, you know at the end of the term. You know I haven't seen that document yet that you were talking about but that's the only thing.

Council Member Eddings stated that's pretty straight forward, it was prepared by EMC for us. I want both of them reviewed by the town attorney before we actually sign them.

Council Member Truman stated yes but this doesn't provide that if the town were to contract with another management company, then you're obligated to rehire these employees.

Council Member Eddings stated I think what the employees are concerned with is security.

Council Member Truman stated and that's legitimate.

Council Member Eddings stated if it comes back to the town they come back to the town.

Council Member Truman stated well I think that is a legitimate concern but I think it ought to be phrased that way.

Sellersburg Town Council
Regular Meeting
July 24, 1995
Page 7.

Council Member Eddings Addresses Council/EMC Contract

Council Member Eddings stated that's why we are going to have Perry look at it, basically in a nut shell all that the town associates were really after was pay wise, benefit wise, comparable or better benefits. We feel they bettered themselves in both benefits and pay. They wanted to make sure they had security which in that they can not be layed off. If you look at the staffing we have with the waste water and water, it's a very good staffing level, EMC is satisfied with it. They have no reason to think they can come in and lay people off and they are guaranteed that in the contract, things like having to wear uniforms, some of the town associates don't really like to wear uniforms but EMC was a stickler on that issue, they presented their case in the negotiations and it went in their favor.

Council Member Truman stated I don't have any problem with it I just think that it should be phrased as such that if the town resumes operation of the utilities.

Council Member Eddings stated that's fine.

A resident asked about the staffing in the water and waste water departments.

Council Member Eddings stated right now we have one supervisor and he will remain a supervisor and two employees that are not supervisors will become supervisors so actually there are two new positions here, higher positions.

A resident asked if it saves us money will the residents feel the difference.

Council Member Eddings stated that's what we are hoping for.

Council Member Truman stated we are projecting a savings at this point of close to \$50,000.00 a year.

A resident asked will that come back to the town.

Council Member Truman stated that will be a savings to the town.

Motion made by Council Member Eddings pending Attorney McCall's approval that we sign the contract, if Perry says everything is okay, that we sign the contract effective August 1, 1995 with EMC to manage the waste water and water utility and seconded by Council Member Broady.

Vote 4-1, with President Tucker voting against.

Motion made by Council Member Eddings pending Perry's review that should we not decide to renew the contract with EMC or any other management service that the employees return to employment with the Town of Sellersburg and seconded by Council Member Broady.

Council Member Truman stated my only concern with voting right now without having the final, seeing all of the final wording, I agree in principle but to vote on the final document, you know I don't think we are in a position to vote on a final document. I agree in principle.

Sellersburg Town Council
Regular Meeting
July 24, 1995
Page 8.

Council Member Eddings Addresses Council/EMC Contract

Council Member Eddings stated all I want to do is get it approved tonight and get one draft how about if I change my motion.

Council Member Eddings changed his motion to state pending Attorney McCall's review and Council Member Truman's review, if they both have no problems with it, to sign at the next meeting and seconded by Council Member Broady.

Vote 4-1, with President Tucker voting against.

Council Member Eddings Addresses Council/Claim From Gilbert Campbell, Architect

Council Member Eddings stated I have a bill from Gilbert Campbell. I'm not real sure if we want to pay him in full or not.

Ms. Schafer stated that's why I wanted to let you review it.

Council Member Eddings stated it's for \$2,225.00, this is the architect, he managed the project. We had a walk through the other day and he has recorded all of the ceiling problems, molded drywall that needs to be replaced. We've paid him \$8,000.00 out of the \$10,000.00. I wouldn't mind going ahead and paying him half of this amount now and paying the balance when it is completed.

Motion made by Council Member Eddings to pay half of the amount now and the remaining balance when the town hall is completed.

Council Member Broady stated you'd be paying him 90%. I'd wait until the project was finished.

President Tucker stated there was no second to the motion.

Council Member Eddings stated I withdraw my motion and we will pay him the balance when the project is finished.

Council Member Truman Addresses Council/Hoosier Codification

Council Member Truman stated just one thing I would like to bring before the board. I contacted Hoosier Codification about updating the town's ordinances. We got the codifications but we haven't updated them for two years or so. We need to keep them current, all we do is send them the ordinances and they will automatically update the codification and the contract is for a one year period and it automatically renews itself from year to year unless there is a 60 day written notice, kind of like what we talked about on the other contract, the automatic renewal.

Motion made by Council Member Truman to approve the contract with Hoosier Codification for the automatic update of ordinances and seconded by Council Member Broady.

Council Member Broady asked what is the fee.

Council Member Truman stated it's spelled out in there, so much per page. The book is no good if you don't update it.

Sellersburg Town Council
Regular Meeting
July 24, 1995
Page 9.

Council Member Truman Addresses Council/Hoosier Codification

President Tucker stated remember we didn't have a book when we came in here. We really do need to do this.

Vote 4-0

Council Member Truman stated at one of the meetings a long time ago I think we voted on buying 8 additional copies.

President Tucker stated I think we got them.

Council Member Truman stated I asked this woman, Kathleen Ferrand about that and she said she had talked to you about it once but she was never given the go ahead.

President Tucker stated do you think we still need 8.

Council Member Truman stated well 1 for each board member which of course still remains the property of the town and when the board member goes out they would give it back to the next board member, 1 for the library, there were a couple of others for something, maybe the town attorney.

Chief Kinder stated the police station.

Council Member Truman stated you have one or you need one.

President Tucker stated motion has been made by Council Member Truman to reactivate the 8 copies of the ordinances that have been codified and the motion was seconded by Council Member Alexander.

Chief Kinder stated we need some way for the police officer's. We buy the law books every year. We almost need a copy of these ordinances to enforce the laws. We don't need the whole book but there are certain parts of that book that we need.

President Tucker stated I'm not trying to be difficult but I think the easiest thing would be to xerox the parts that you need.

Council Member Truman stated at \$65.00 a book, that would be too expensive to buy one for each police officer.

Chief not as much as a lawsuit would cost.

Council Member Truman stated well I think he'll have to do his homework ahead of time.

President Tucker stated if we xerox a copy and put it in a binder, we could probably do it for \$12.00 as opposed to \$60.00.

Council Member Truman stated you could paper clip the pages you want and take it down to Kinko's and they'll do it for minimal cost.

Council Member Eddings asked how many do you actually need.

Sellersburg Town Council
Regular Meeting
July 24, 1995
Page 10.

Council Member Truman Addresses Council/Hoosier Codification

President Tucker stated well Karl says 8 and I agree with that number, how many police officers do we have 11 or something.

Chief Kinder stated 10 really 7.

President Tucker stated well that's about, I can't do it in my head but it's about \$475.00. I think it might be less expensive to let Kinko's make the copies.

Council Member Eddings stated I don't need one if there's one at the town hall.

Chief Kinder stated if it could be broke down in segments.

Council Member Alexander stated how many are on a shift.

Chief Kinder stated two if we are lucky.

Ms. Schafer stated I think Ms. Ferrand is an attorney maybe it would be a good idea to ask her if it could be broken down into sections.

President Tucker stated I think the question here if I'm not mistaken is whether we get 16 instead of 8 of them.

Council Member Eddings stated could we go with like 5 of them, I don't need one, do you need one. Is five good enough.

President Tucker stated we have 8 coming.

Council Member Truman stated just get the 8 and whatever you want to do with them.

Vote 4-0

Council Member Truman Addresses Council/Purchase Of Bulletin Board For New Town Hall

Council Member Truman stated one other thing I'd like to mention I'd like for the town to purchase a bulletin board kind of like what the library has out here to put inside the front door for all of the notices; alot of transition has gone on with the new town hall and I think it would look nice to get a bulletin board like the library has for all of our notices.

President Tucker stated not trying to be Mr. Frugal but there use to be one in the old town hall. Did we lose that in the transition.

Ms. Schafer stated it wasn't really a bulletin board it was a home made one and I agree with Karl on that we really need something.

Motion made by Council Member Truman to purchase a bulletin board for the new town hall for notices and seconded by Council Member Eddings.

Vote 4-0

Sellersburg Town Council
Regular Meeting
July 24, 1995
Page 11.

Council Member Alexander Addresses Council/Summer Clean Up

Council Member Alexander stated the summer clean up went real well. I don't have many figures. We will have them next time. I don't think we had a complaint, did we.

Ms. Schafer stated no, none at all.

Council Member Alexander stated everything went fine. I really appreciate Tom taking care of his part. It stayed clean. Thanks to the, they are not here but thanks to the Street Department they were down there in the heat, trying to catch cold air every once in awhile.

Council Member Truman Addresses Council/Surcharge On Sewers

Council Member Truman stated several meetings ago we were talking for quite some time about a surcharge of some type. I'm not sure if that's the right word to use on the sewer usage for people on the town sewers that do not live in town and we talked about that I don't know if we are in a position to act on it or not but I'd like for us, I've reviewed some ordinances from Jeffersonville and surrounding communities basically they all do that you know, New Albany, Clarksville, Jeffersonville. They all charge an additional charge for people not in the town yet on the sewers and I'd be glad to make a motion on that if we are prepared to move on that you know I think some of them I think they typically do it on an additional rate you know one think I was considering was just a flat fee, an additional flat fee, you know looking at the average of, for example, what Jeffersonville does you know another an additional. You've got a monthly charge and I don't know how much typically it adds to their bill you know I don't know \$20.00 or \$30.00 flat fee would be appropriate or to go by the usage but I think it would be appropriate for the town to do that.

President Tucker stated I've asked Perry several times to look into this, right before he left on his vacation, he has the ordinance completed. It is a question of filling in the blanks with the amount. As a suggestion if you could give that to Linda to make a copy to put in all of our boxes so we can see what the other people have done then by the next meeting when Perry has the ordinance then we can fill in the blanks and get the numbers. I do think it's probably a good idea. I did catch him last night before he left on vacation and he said he would have that for us at the next meeting.

Council Member Truman stated that's fine.

Council Member Alexander Addresses Council/Application For Employment

Council Member Alexander stated we might have an application coming in tomorrow from Travis Walters to fill the vacancy for Sam. I think we need to discuss that. I guess we can discuss it later. That's it.

Clerk Treasurer Schafer Presents Claim/David Koetter Construction

Ms. Schafer presented the claim from David Koetter for the construction of the pole barn at the waste water treatment plant.

Council Member Eddings stated he was authorizing Ms. Schafer to go ahead and pay the claim.

Clerk Treasurer Schafer Presents Claims For The Civil, Water & Sewer Departments.

Ms. Schafer presented the claims for the civil, water and sewer departments and requested a motion to approve them as presented.

Motion to approve claims as presented made by Council Member Eddings and seconded by Council Member Alexander.

Vote 4-0

Clerk Treasurer Schafer Addresses Council/1996 Budget And Salary Ordinance

Ms. Schafer stated briefly I've sort of put a budget together for the council. I used input from some of the council members on that and it's only for review, it's not for passage today but also the salary ordinance is on there so if you have any questions or comments you know I'm at the town hall.

President Tucker stated I would like to reenforce that as well. Linda has done a nice job of putting this together for us again as she's done in the past, so if everybody could review it and if there's any changes or questions, if you could get back with Linda, she basically has the master plan. We kind of get into a closeness of time here and I'll let her explain.

Ms. Schafer stated on the 21st at the library we will have a meeting and again on the 25th if necessary for a preadoption type meeting and then again the 28th would be the actual adoption and that would be the very last date to adopt the budget.

President Tucker stated so could everybody review it and get back with Linda.

Ms. Schafer stated the first public hearing would be on the 21st and that is a special meeting and that will be advertised with my levy. I'm working on that right now.

President Tucker asked could Cheryl or somebody put something in our boxes reminding us we have the 21st, 25th and 28th so everybody will show up.

Ms. Schafer stated I'll do that and I've already notified the library since the town hall won't be finished until mid September.

President Tucker Addresses Council/Interlocal Agreement Jeff/Clark Co. Animal Shelter

President Tucker stated I've got a note here that has to do with a interlocal agreement with the Jeff/Clark County Animal Shelter and what I'm reading here from Perry, it says I have contacted all parties with this interlocal agreement and no one has an executed copy of the agreement and if the town council decides to opt out it would be necessary to approve such an option, if we decide to opt in, then we could do that. Do we want to opt in or out at this point in time. No one has a signed executed agreement.

Ms. Schafer stated I had written Perry a letter, I could not find an administered copy so therefore I couldn't justify the payment and no one has one of those.

President Tucker stated what I suggest is we table this until Perry gets back so he can answer it.

Sellersburg Town Council
Regular Meeting
July 24, 1995
Page 13.

President Tucker Presents Ordinance 95-627/Refinancing Of 1991 Sewer Works Bonds

President Tucker stated I'll try to explain this as clearly as possible. We have a bond issued and the bond issue is a sewer works revenue bond from 1991. I have talked to Dave Fredrick of Umbaugh and Associates and John's been kind of involved, basically there's an opportunity that we might be able to refinance this bond and save the town approximately \$100,000.00. What we need to do in essence is go through a new ordinance and a couple of papers to give me the approval to sign and we send this back to Umbaugh and they go back into the bond market and if they can save us \$100,000.00 then they execute it and if they can't save us the \$100,000.00 we don't do it, so the bottom line is we need to approve an ordinance on the first reading and approve it the second time and we sign it and give me permission on these documents to sign and get it all back to Dave Fredrick.

Motion to approve Ordinance 95-627 on the first reading made by Council Member Eddings and seconded by Council Member Broady.

Vote 5-0.

Motion to pass Ordinance 95-627 made by Council Member Eddings and seconded by Council Member Broady.

Vote 5-0

President Tucker stated now I ask permission to sign, it asks for me the Town Board President and Linda to attest in essence a letter to Umbaugh basically giving them permission to do what we've asked them to do and it shows the number of employees and the accrued interest and so forth.

Motion made by Council Member Eddings to allow President Tucker and Clerk Treasurer Schafer to sign the letter to Umbaugh and Associates and seconded by Council Member Broady.

Vote 4-0

Chief Kinder Address Council/New Hire Of Police Officer-Russell Carver

Chief Kinder stated the police officer that we were going to hire Michael Clapp isn't going to come over here to work and I'd like to go ahead and go down the list to hire the next one. Lisa Ball was next and she's not interested at this time so Rusty Carver is next.

Ms. Schafer stated oh Rusty Carver.

Chief Kinder stated I guess we have the approval of one, if I can get the other five.

President Tucker stated I'm sorry you want us to approve the hiring.

Chief Kinder stated yes, we've approved the hiring of a police officer to replace Ellenbrand and Mike Clapp was approved and he wants to stay at Charlestown.

Council Member Broady stated so the last one that we've approved is not coming.

Sellersburg Town Council
Regular Meeting
July 24, 1995
Page 14.

Chief Kinder Addresses Council/New Hire Of Police Officer-Russell Carver

Chief Kinder stated correct.

Council Member Truman stated this is the replacement of a vacant position.

Chief Kinder stated yes, it's replacing Ellenbrand.

President Tucker stated and his name please.

Chief Kinder stated Russell Carver, he lives out in Gillenwater Subdivision.

Motion to approve the hire of Russell Carver to replace Officer Ellenbrand made by Council Member Truman and seconded by Council Member Alexander.

Vote 4-0

John Toombs Addresses Council/Drainage Problems on North New Albany Street/Apartments

Mr. Toombs stated the apartments right out here in the back, over the last few years we've had drainage problems. The lady who owns the apartments wants to know who's responsibility it is. Mark Warren and I have looked at it and Mark made up this little sketch to fix the problem. It would cost several thousands of dollars to fix if Mark does it himself however we also know at one point in time there was a ditch there and a pipe in the middle of it. Whoever owned the apartments previously filled it in. In the winter time it poses a problem for the street department. We have 3 options. Number 1, make them fix it, number 2, we fix it and number 3, she buys the material and we fix it. We do need to do something about it.

Council Member Alexander stated the only problem I have with that is would we be setting a precedence for anybody that comes up that has a similar problem.

Council Member Eddings stated those apartments were built long before we had any specifications.

Council Member Broady stated what do you recommend.

Council Member Alexander stated I mean the recommendation is fine. It's just that I'm worried about, make sure that what we're doing isn't something that anybody can come up.

Council Member Truman stated I'm not really sure, what's the problem.

President Tucker stated drainage.

Mr. Toombs explained the water on the parking lot and running into the road. It's been going on for a couple of years. The water has been tested, it's ground water. It's in the parking lot and runs across the street, it really poses a problem in the winter when it freezes.

Council Member Alexander stated can I make a suggestion, Mark is going to be down for awhile. Can we table this and I'll bring it back next time. I mean it's been there for how many years now.

John Toombs Addresses Council/Drainage Problem on North New Albany Street/Apartments

President Tucker stated I'm not trying to arguementative but door number 3 is if we can see if we can work something our with the lady and that seems a good start if she says no then we will table it and wait for Mark, but if she says yes, it seems fair to me.

Council Member Alexander stated I just want to make it clear because I mean there's alot of problems out there. If we were pretty well caught up it would be different.

Council Member Truman stated I'm concerned about the hazard on the street, if whoever built the parking lot didn't do it right.

Council Member Broady stated it really needs to be addressed.

Mr. Toombs stated we talked about this in the Summer of 1992.

Council Member Alexander stated I agree but we've also got Lane and Nevada and that's what I'm afraid of, open up a can of worms and make sure I'm not the one digging them out. I'd really like to have it tabled and I'll bring all of the ones that go back to 1992. I don't want to pick one or the other. I can't do that.

Council Member Truman stated that's what you're getting paid the big bucks to do.

Council Member Alexander stated let me bring in all of the problems that I'm aware of in the last 6 months and then let's put them in the order of either importance or who was there first. I mean, I've got problems out there exactly the same that has not been addressed.


President Tucker stated okay I recommend that we table it.

Adjournment

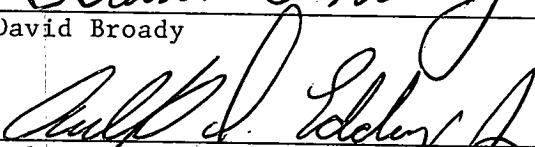
Motion made by Council Member Broady to adjourn this meeting and seconded by Council Member Eddings.

Vote 4-0


With no further business this meeting was adjourned by President Tucker at 7:32 p.m.



David Broady




Aulton D. Eddings, Jr.



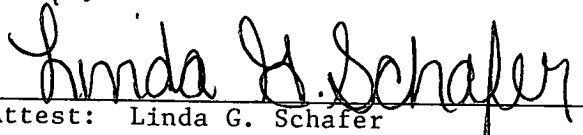
Kenneth Alexander



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer