

SELLERSBURG TOWN COUNCIL

June 28, 1999

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

Called To Order

President Broady called the Regular Meeting to order at 6:31 p.m.

Prayer

Rev. Frank Brand

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBERS ON THE MINUTES OF THE LAST MEETING.

President Broady stated we've got a copy of the minutes of the June 18th meeting in our box, and had a chance to read them. If so, I'll entertain a motion to approve the minutes as presented.

Council Member Fenner stated I make the motion that we approve the minutes.

President Broady stated I've got a motion on the floor do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0

The first thing on the agenda tonight is the St. Paul will address the council concerning the closing of St. Paul Street.

FRANCIS CONROY ADDRESSES THE COUNCIL MEMBERS CONCERNING CLOSING THE ROAD.

Francis Conroy stated Thank You Dave and the Town Board, there is a copy of the petition as well as copies of the petition. I know you already had it but this is another one. I'm here on behalf of St. Paul and St. Joe Hill Parish's and our school. On our petition to request that the town to close the section of St. Paul Street to Highway 31 to the intersection of Sellers Ave. There is 31 out here, St. Paul's Street, we're going to close back to Schellers Ave, it splits our property right now with the existing school on the south side and the new facility over on the north side of St. Paul Street. Our reason for doing that is for the safety and protection of our students. There will be a lot of activities, crossing back and forth between the two facilities. St. Paul Parish and school has been a part of the community of Sellersburg for 50 years. We are celebrating our 50th anniversary this fall. The school K-6th and the same as Sellersburg, we have been experiencing a lot of growth in the last 6 to 8 years. The schools enrollment in 1990-1991 was 108 students, and this coming year 99-2000 we have 282 students registered. The original school had the capacity of about 220 students and in order to meet the needs of the two Parish's families wanting to attend the school, we're wanting to expand the school. This was done in conjunction with St. Joe Hill Parish joined together with us to

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expand the school. The new facility consists of a gymnasium and 5 classrooms with the capacity of 150 students. Due to the fact that part of the students are Kindergarten through 2nd grade will be in the new facility. Third through 6th will be in the old facility. There are part of the classroom presentations will be in both schools as well as the gymnasium and then for the services that they have, sometimes in the church. Our only reason is looking after the safety of the students as they are crossing the streets between the two facilities and our real concern is the fact the fact that we are so close to the Highway 31 here, and the volume of traffic on there, that when somebody turns on, especially if they are going North on 31, on to St. Paul, in order to make sure that they cross, once they make that turn it's too late for the students that are crossing the street. Because it's only about 50 or 60 feet from the corner back up to the doorways between the two buildings. We believe with an alternate routes are available if this section of the street is this section is closed off for the people involved in the neighborhood. The one step that we have taken to address the issue, as we have told the town board before, we would grant an easement along St. Paul Street, Oak Street and Hauss St. you could widen those streets in those areas. And part of it has already been done in those areas, and the town has indicated they will be doing the rest of it later on. So we believe that the people will have the option of coming down this way going out Schellers down to Utica Street. They can come on Sellers to Utica, down to the highway or they can go this way, Oak Street and Hauss Street out to 31. The one thing that we would ask is it be done by the town is that the entire area around this lot of ours is the street would be designated No Parking along the street, because if we widen the street, the street still, from the time you take off, if someone is parked they can make passing very bad. So, therefore we do feel that it would be important that, that would be designated "No Parking" along that street. The one issue that was brought up last year was the congestion created along Sellers in the afternoon when the parents pick up the students up and so we instituted a policy last fall that the parents came inside. We close our playground to the students at dismissal time and the parents park inside there and not out on the street. You don't get 100% cooperation but I think the school is going to take some steps to force cooperation fully, so people do not park along Sellers in the afternoon picking up students. We've met with Bob Shireman of West Clark Schools to discuss the school bus routing, and he had indicated their preference for the school busses is that they come up Utica, go down Schellers, drop off and pick up the kids here at the intersection of St. Paul, and Schellers, and then exit out and around that way. He said he can't guarantee that that's what is going to be done for sure. He said one of the problems is they come out Schellers onto Utica is that if there are any cars parked along here on Utica which is common that the busses have extremely difficult time making the turn and sometime they even have to back up in order to make the turn. He said that sometimes they even have to back up in order to make the turn. One thing that we would suggest that be done is from the daycare building to the corner of St. Paul Street, be classified as "No Parking" from 1 to 3, when the busses stop to pick the students up. He said there are from 3 to 6 busses a day that come by and they don't all come by at once to pick up and drop off kids. I know one of the issues that have been made is the emergency vehicles responding and I asked Mark Ball to address that issue for us.

Mark Ball stated ok, Thank You, like I said, I'm not really asking the board to close the street, I'm here to try to clarify some questions as far as emergency vehicles responses. We do not use St. Paul Street for our response. Our location of our station has us on Utica Street, which we come straight up to Schellers, turn right. If Schellers would be blocked we would be using Sellers Avenue, which give us complete access to there. If that roadway would be blocked we could still use Hauss Street to Oak Street and back through

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there. Like I said, to my knowledge, 30 years, I've been driving Police Cars, Fire Trucks and Ambulances, I don't ever recall using this street. But I mean if you are going to go ahead and allow this process whenever the school is open, you're going to have a congested area there with traffic and then you are going to have a problem. But as far as causing any problem for the emergency vehicles by closing that street, it's not going to cause us anything there because we're not going to use it anyway, regardless which way you go. Thank You.

President Broady stated Thank You Mark.

Francis Conroy stated Thank You Mark, I'd like to ask JoAnn Kime who is chairperson of our Parish Council.

Mrs. Kime stated I'm just here mainly to mediate we are only concerned with the safety of our children. As responsible adults we feel like it's our job to do everything we can to make sure our children grow up to be adults. Children don't always show good judgement, sometimes in spite of any supervision they are going to dash out into the street. Adults don't always have control of their cars and that is particular a bad corner. So, if someone is taking a shortcut through there which happens quite often, to beat the traffic that is being backed up now and will continue to back up because of the roads in the area. They are taking a shortcut to beat the light. They really can't tell until they have turned on the street that someone is in that street or not. We feel like that with the extra 4 feet that is widening the street that this will give plenty of vehicle maneuverability to any vehicles that have to go through there. So, on behalf of St. Paul's I'm just asking everyone to please vote yes to close the street. Thank You.

Francis Conroy stated I'd just like to ask Kenny Rush who is a school board member from St. Paul and a member of St. Joe Hill.

Mr. Rush stated Thank You, good evening, my name is Kenneth Rush, I represent St. Joseph Hill Parish on the School Commission. I want to Thank you for letting us come before the board to ask for the street closing and as you've heard before it is a extreme concern to everybody at the school. Right now I would like to present to you some petitions. This petition here is from 7 residents that have signed that are in favor of closing the street, this petition here is from basically from all of the parents of all the students at the school. I think everybody in the school signed the petition. One of the main things I'd like to stress that we're not by any means here to dispute the fact that there will be some minor inconveniences when you do close the street. Our major concern is the safety of the children, the safety of our 282 students that go to St. Paul. So, based on that fact we're here to ask for your support for the street closing. Thank You Very Much.

Francis Conroy stated Ann Marie Galligan will talk for us some.

Mrs. Galligan stated as you know I'm usually on your side of the table, so I'm here tonight to do a few things that people do to me all the time. I've been a member of St. Paul's, Parish for probably 15 years now. My kids went to St. Paul's, they are now Providence, they made it through. But, one, a couple of things I want to touch on with you. First of all, the liability aspect, I'm not sure how many cases you've received in tort action in the town, but Indiana Law changed a few years ago, if something were to happen on St. Paul Street I promise you the town would be sued along with St. Paul's and along with everybody else in sight. And one of these problems is you know, as a town

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you have what is called contributory negligence with children it is much more difficult to make that defense because children don't have the judgement that adults have. So, you're setting yourselves up for some problem's knowing that there is a problem on St. Paul Street. I will tell you that when my children were in school at St. Paul's we didn't have the activity center on the other side of the street. There was always a Police Officer at the corner of St. Paul and 31 when school opened and when it let out. Now I understand that is not able to be done anymore because Sellersburg is growing and the Police force is not growing enough to provide that officer there. But that's just one indication of how dangerous that intersection really is. For many, many as years my children went to school there was a Police Officer there. I would certainly ask that you all keep in consideration these, there will be a small inconvenience for people who live there very close to St. Paul's Street. But, that is ofcourse nothing in comparison with the awful loss that would be for some parent or for the rest of the community if we lost a child there. Thank You.

Francis Conroy stated I'd like to ask Fran McTustely the school principal to address the issue of safety concerns and the students going back and forth.

Ms. McTustey stated Hello, I'm Fran McTustey and I'm principal of St. Paul and I've been at St. Paul's for over 20 years, both as a teacher and as principal. Tonight I'd like to tell you about 2 incidents that happened just recently at school. One was with a little first grader, who was just getting on his bus and was almost hit by vehicle speeding around the corner of St. Paul's Street. I think if it wouldn't have been for one of our supervisors that was screaming to get our little one's attention that we probably would have lost him and that happened 2 days before school started. Another incident that was involving a motorcycle and this was shortly before school was out as well, and the motorcycle we think was using St. Paul's as a shortcut. We've seen a lot of traffic coming around St. Paul's recently to avoid the highway travel, the highway traffic. And in this case the motorcycle once again nearly missed two of our children. This too was when they were boarding their school bus to go home. We have had a few of the activities in the new building in the month of May just to kind of have a taste of what it would be like and what we saw was our children really don't see that as a street. They are so excited about the new building they just think that's their school, and they just go even though we do have a lot of supervision. We always require at least two or three adults to be with the kids at all times. Children, being kids, they are just looking at that's my school and I'm going. It's not in their minds that that's a real dangerous street there. So, we just ask tonight that if you would just please consider just closing this little piece between the two buildings. The street bisects our campus now. When school starts we'll estimate from 800 to 1000 students crossings per day and that's, some of our kids will be going back and forth three and four times at least, given the many things they will be doing at the school. Last year, unfortunately during the summer we lost one of our little ones in a horrible traffic accident. We know the heartbreak, we know the pain that this can cause to families in the entire community, and that's why we're here tonight, just asking before this happens again, please close the street for us.

President Broady stated Fran how many students did you say would be crossing daily?

Ms. McTustey stated all of our students use the new building. Now, we will have grades K-2 in the new building, but we'll have PE in the new building and we'll have early morning gathering in the new building, we'll have dismissal in the new building. So, all of the students will be going back and forth across the street. We have computers in the old building and we have other things like that where the kids will have to go back and forth.

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We have lunch over in the basement of the church still. So they will be using all the buildings constantly throughout the day. And so we're just real concerned about the safety of the children.

President Broady stated Thank You.

Father Richart stated do you have any questions of us Dave?

President Broady stated does any of the board members have any questions? Is there anyone here that wants to talk in opposition to it?

Mr. Cook stated yeah, I want to tell you why we don't want it closed. I live on the corner down there, years ago, I've been there 45 years, and whenever there wasn't a holy day at St. Paul's there wasn't a guard there. Our kids had to walk across 31 by themselves. Now, that's the truth if I ever told it. The only time there was a policeman there was when they didn't have a holy day. And as far as the kids getting hurt, there is 80 kids, twice a day walks down our street going to the pool. They've got people with them. On one occasion they got to Oak Street, they were two or three cars sitting there they had to wait until them kids got across the street. And then on top of that when they put them cement barriers up, when they put the brick on St. Paul's School they put a wall out there where we had one way traffic, you all are aware of that, right? Alright all the kids that had to walk there they had to go out in the street to get to the high school. And they don't think our kids are in danger. I feel for the kids too, but our kids are just as important as theirs are. And if you want to close the street, it's up to you people but I just don't think you should.

President Broady stated ok, you have a petition there with some names on it or?

Mr. Cook stated and I also have been told that some of the people up there in the traffic jam they said why do they want to close that street? I mean they are officers. Said 45 people out of 50 are St. Paul using that street. And that's the truth, 90% of the people that come up there are St. Paul people and on top of that, all these kids that voted to close this street, I was told they had to make a grade and they wanted them to stand out there, they had to get a grade on it. Now you think that's right, bribing these little kids here, I don't think it's right. That's what we were told, and I can prove it with some of the people and they are Catholic.

President Broady stated ok.

Mr. Cook stated bribing little kids in grade school to sign a petition and I also heard that some of these live out towards St. Joe, are they paying city taxes? No, they are no, we're the ones paying the taxes up there and that's all I got to say. So, it's up to you people.

President Broady stated ok, Thank You Mr. Cook.

Mr. Cook stated here's some papers I got I want you to look at. We even took pictures at certain times of the day. Right here you can see, it's kind of hard to see these kids right there. But there was no traffic on that street. And they didn't have no parking right there. But whenever you have bingo, two nights a week when they come in they go out St. Paul's Street onto 31. That's the way we go. And when they built it, who do you think

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used that street, all the semi-trailers. All the trucks that come in there, all the dump trucks, which street you think they used? They used St. Paul. And then 4:30 in the morning they was out there pouring concrete.

Mr. Cook stated and we had lights shinning in our bedroom window. We had these beepers there to keep up awake, 4:30 in the morning. We lived in dust from September till they got it done. So we have got a gripe going. That's all, Thank You.

President Broady stated ok, anybody else want to talk in favor or against?

Penny Dean stated my husband couldn't be here, he's out of town on business. But, he had some points he wanted to make and he asked me, ok? When the issue was brought up it was decided that the street would not be closed until it was agreed upon by the residents. We are the residents, it didn't say the church people, it didn't say the children, and it was for their safety. No one from the church has ever come and spoke with us regarding this issue, and Ken, I'm sorry...

Council Member Alexander stated you don't have to be sorry.

Peggy Dean stated you shouldn't be allowed to be voting. Ken has other interests in the church, do you have a wife?

Council Member Alexander stated nope, I've got a wife but not in this parish.

Peggy Dean stated not in this church at all?

Council Member Alexander stated no, sorry.

Peggy Dean stated my husband wrote this, so I...

Council Member Alexander stated I have a sister-in-law.

Peggy Dean stated a sister-in-law, so other interests.

Council Member Alexander stated I have relatives all around Sellersburg so I was hoping none of my voting, for my record had nothing to do with all my relatives.

Peggy Dean stated ok, he goes on by saying he understands there is a petition with 400 names on it. How many people did sign the petition actually live in the neighborhood that will be effected? For what it is worth I could go to Louisville and collect thousands of signatures saying to keep the street open. But, that would have no effect on who signed. We have signatures of people who will be effected. Ok, he does say the church pays no taxes, I don't know why he said that. I've been there 38 years and been paying taxes that whole time. My family has been in the same house for 100 years and we've actually paid for the street over and over again. There was report in the Courier Journal that there had been two near misses of children being almost hit by cars. Who is watching the children? You all said there is always somebody watching the children. If they are getting on the busses, those busses should have stop signs, those people should be stopped. To the best of my knowledge, there has never been anyone injured by an auto in the subdivision. Therefore, if the parents would drive a little slower picking up the children it could reduce the danger to the children. When there are no parents

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picking up or dropping off children the traffic on St. Paul's Street is good. There are two other forms here, so bear with me. Why has no one come up with any other options to closing the street, for example: There could be a crossing guard, or there could be signs posted that there are children present, or the school could have the children picked up inside the old playground. There are many ideas that hasn't even been explored yet. This is such, and I don't know what he means, this is such a blatant attempt at subordinating the wills of people by elected officials who incidentally will be replaced by new electric. I'm just reading it, ok? Let's let it go now and discuss it no further. I don't want my street closed. I think there are other alternatives that we could come up with. And when you guys told us the last time we were here that what the residents want, yes, no, are you changing your minds? The residents still didn't want it shut. There's got to be another alternative. Thank You.

Mrs. Kime stated excuse me, I do want to point out to you all on your petitions I think the petitions are highlighted in such a way, or they are segregated in such a way to show you those who signed that actually live in the neighborhood and those who signed who do not live in that neighborhood.

Resident stated right, the one's who voted in favor of closing our street are in blue.

Resident stated can't here you.

Resident stated the one's that voted in favor are shaded in blue.

Council Member Fenner stated on this petition here?

Resident stated their houses are shaded in blue.

Council Member Fenner stated ok, I understand.

President Broady stated anyone else got anything to say?

James Kent stated yeah, my name is James Kent, I live on Sellers Avenue, I am affirmily against closing that street. Already the traffic has picked up on our street very, very much. Sometimes I have, the other day I counted 21 cars in the morning, at one time till I could get out of my street, out of my drive. The trucks is going to be using that street, it's already a bad place down on the corner of Utica and Sellers, getting in there with the trucks. They come down there, our kids and our grandkids are just as important as those kids that go to school. We have kids out there, and they talk about almost near misses out there. The next door neighbor, has two little boys and one comes down, and they drive when they come down to pick up those kids like they are in the Indianapolis 500 or something. That little boy stepped out in front of the street and he almost got hit by one of those parents that picked up the children right there. I don't see why that they don't take the alternative, instead of closing that street, why they don't put an overhead walk across that street or something. The busses could get under it, the cars could get under it, and you wouldn't even need a guard if they put a fence on each side of that street there and have a crosswalk. Thank You.

Resident stated I don't know how much you all have had to deal with Americans with disabilities lately, however, I don't think it's possible, in that span to make a crossing that would pass muster under A.D.A. can't use steps, you have to have a certain grade and

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you can't get that grade in that short of space. So, it's not possible under A.D.A. to have a crossing like that for this particular space.

President Broady stated anyone else?

Mark Carter stated yes sir, my name is Mark Carter and I won't face the board. I live there right on the corner, my house is probably most effected by this closure. I guess the biggest problem we all have is safety. Safety is what concerns all of us, I mean I live there and the first thing is said to my kid is you can't go outside you'll get run over by the cars. And in the afternoons whenever and watch the people leave the school picking up the children, believe me, there is no...in my mind whenever you see a mom in a caravan with 3 kids yelling and screaming shooting around that corner. You know, I guess the thing is, it's not so much that I'm against the church and school. It's not them against us, I think there would be a more viable alternative. I know that they have been kind enough to show us a map. But, don't you think it would be easier to attack it from the intersection, the highway than just to close the street? A caution light, maybe some signs along the highway. The biggest problem you see is the 24-7. The people are going to want the street closed all the time all day. The school is only open and operating during peak hours, some of the peak hours during. I mean, can't there be a viable alternative to work out the difference? So, let's not close the street.

President Broady stated anyone else?

Leland Joyce stated I'm Leland Joyce, I live on Lisa Avenue. I've lived there for 34 years. My children went to school at Sellersburg and Silver Creek. I would like to say, I'm not in favor of closing the street. There has got to be an alternative to work around. I come home from work in the afternoon and if I get home at the time that school is being dismissed I cannot turn off of Utica Street onto Sellers Avenue to go to Lisa on the count of the oncoming traffic. They will flat run over you, you drive like maniacs down through there. I'm not criticizing nobody, because everybody is guilty of it. You get out here on the road, you see it everyday. I'm a professional truck driver that's what I do for a living. And it irritates me to no end the way people drive. But, you can ask the people that live there, they will flat run over you. You can't turn in your street, now I go out of a morning, there is no problem. I go out St. Paul Street onto, I can hardly get out on Utica Street because of the cars parked on it. Traffic coming out, a lot of time in the afternoon when the traffic, because I come in late, I come in off of St. Paul's street. But I've always been very careful to watch for children. And I'll still say, there has got to be alternative to closing that street. Thank You.

President Broady stated anyone else?

Mrs. Harold Cook stated as my husband told you, our kids went to school there just like he said, cross over and we never lost a child. But they had to really cross morning and night and they did it, and we didn't ask them to close 31 W. No, I-65 was there, it was bumper to bumper. That was harder, they've got a little short place to cross that street. If there is an instructor there which there is supposed to be just going from building to building and if that instructor can't control children from Kindergarten through 6th grade then I wouldn't want my child even going there. And far as the steps are concerned, I've been up in that building off them and those kids, my grandchildren and everything have run up and down all kinds of steps.



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steps wouldn't be a problem for a crosswalk. But, if you can't do that, I suggest a push button signal and paint a crosswalk. That would eliminate a little speed. I just don't think it should be closed. And also, we're all seniors back there and we've got heart attacks, we got strokes, we got high blood pressure people, and if they need emergency that is the fastest way in and the fastest way out.

President Broady stated anyone else?

Mr. Hoffman stated I just want to say about the new building that they built, they got the asphalt in there, we're getting that runoff from that asphalt on our property, all the water is running down. It's up the town now, because they didn't want the expense of doing it, so they give it to the town.

President Broady stated ok.

Mr. Hoffman stated it ruined the beautiful driveway of the people live there.

President Broady stated ok, we're going to move on, yes Mr. Cook.

Mr. Cook stated we'd like to ask how many here of the neighbors oppose the streets? How many are from St. Paul's? How many live in Sellersburg? How many live in the effected area?

President Broady stated real quick.

Mr. Cook stated that's what you call stacking the votes.

President Broady stated there's been no vote yet taken Mr. Cook.

Mr. Hoffman stated the last time the board was petitioned up until now, what has changed is what I'd like to know? Just the building has been built, right?

President Broady stated right, ok, Doug you got something to say?

Vice-President Eddings stated yeah, I think I'm speaking for most of the Board Members up here, it's our personal choice if we close the street tomorrow.

Resident stated we can't hear back here.

Vice-President Eddings stated I think I'm speaking for most of the Board Members up here, if it was our personal choice we would close the street tomorrow in the interest of the safety of the children. And all you people from St. Paul's have to realize that we are elected officials, and we have to represent the people in the effected area. That's not to say that I'm not disappointed with the whole way the situation was handled. I'm disappointed with the way the situation was handled. I'm disappointed with the way St. Paul handled the situation on the project from the get go and I'm disappointed in some of the residents who appear to be against closing the street for no other reason than it's St. Paul. Now, what we need to do is work out a solution. One of the residents said there is no alternative. We've got some drawing and some plans right here in front of us. We got three different alternatives that we'll close St. Paul's Street or partially close St. Paul's Street. Some how or another the residents and the church and the school needs to get together and come up

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with an alternative or agrees to an alternative. Because the pressure from the church on the elected officials is going to just keep on and keep on. They are not going to give up on this issue. They are that dedicated on their cause of the child's safety and I don't blame them. If I was sitting in their seat I would be doing exactly the same thing. I have the unfortunate position to be sitting in this seat where I have to do something because I am an elected official. I have to represent the people who are paying taxes that are paying our salaries that are in the effected area. That is my job. And I have to do my job. Like I said, if it was up to me personally I'd close the street tomorrow. But it's not up to me personally. The people that live in the area need to take strong look at the objectives. The next town board, if this continues, if they keep coming back with petitions the next town board may just vote to close street and you will not get any benefit out of it what so ever. The people from St. Paul's have to realize that the Town Board Members up here are obligated to the taxpayers in the effected area. If the people of St. Paul's were living in a subdivision and an organization moved in next to an organization, whether that be a Fire District, a School District, or a School Building, a Company, a Church or whatever. And that Church decided to expand, it's a good growing organization and it decided to expand, and it expanded and it wanted to take away a benefit from you as a taxpayer, you would be sitting on the other side of the table tonight wanting your Town Board and your Elected Officials to represent you. So, it's a disappointing situation from all ends and I suggest we work out an option because the residents are going to lose in the long run if you don't work out a viable alternative so we can close St. Paul's Street. So, if anyone wants to look at these options, I've got a drawing with all three of them here. I'll be more than glad and sit down and work this thing out right now if you people want to. Ok, option number one is to make St. Paul's Street one-way, exiting out to 31 only. With a traffic Light on 31, caution lights on 31 and signs not allowing entrance into St. Paul's Street from 31 and also school signs and caution light signs with a crosswalk from the building to the new building. That will be option number one.

Council Member Fenner stated are there also concrete barriers to keep people from coming into St. Paul's.

Vice-President Eddings stated concrete barriers to keep people from coming North on 31 from turning into a one-way street. That would be option number one.

Resident stated let me ask you something, these trucks, these tractor-trailer how are they going to be able to go on the one-way?

Resident stated I've never seen a tractor-trailer on there.

Resident stated who said that?

Resident stated I did.

Resident stated let me tell you, you come to my house right after this meeting is over and I'll show you pictures that I've took where you can't even get up and down Schellers Avenue, they have been out there loading and unloading.

President Broady stated everybody sit down, I'll tell you what, you go over these options.

Council Member Voyles stated you can just tell them can't you.

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FRANCIS CONROY ADDRESSES THE COUNCIL MEMBERS CONCERNING CLOSING THE ROAD.

Vice-President Eddings stated they need to see them.

President Broady stated we're not going to argue about this, he's going to give you three options and we're going to look at them, and see if you all can meet an agreement on them, and if you can't, we're going to vote if we're going to close this road, one way or the other after these options are read.

Vice-President Eddings stated this is alternative number 2: calls for us to have to take a little piece of property, and I don't know if the residents that own this property is here at the meeting, but across the street from the new parking lot. That will make what we call an S-turn, and it would be a double wide lane behind St. Paul's, on Oak Street over to Hauss Street, make another S-turn at Hauss Street, come straight out Hauss Street and put a traffic light on 31. The third option is to simply to widen Hauss Street all the way down, widen the road to the barrier that runs into St. Paul's Street, right off Lisa Avenue into the subdivision. We would widen the road all the way down to that barrier that exists there and then create a one-way turn in the subdivision.

President Broady stated let's call for a vote on this. Gary.

Council Member Fenner stated are we getting ready to vote? What are we getting ready to do?

President Broady stated is there any petition to close the road? Can we put stipulations in there?

Council Member Fenner stated I guess that's my question, are we voting just to close the road period, straight close the road, nothing else?

President Broady stated my personal choice, I will to close the road as long as we proceed to improve with another road so that not to, to get the best way out. Give the residents back there, to improve Hauss Street and Oak Street, widen it, take the trees down, make a thoroughfare through there and petition the State and see if we can get a stop light through there. I will not close the road and leave those people in the dark. But I do think that's an alternate route and I think that will give them access to where they are at, and that's the way I'll vote to close the road. Ok

Council Member Fenner stated I would vote that.

Vice-President Eddings stated I have the same vote.

Council Member Fenner stated I would vote that, after, that we would close the road after we have already done those above mentioned things. All right, in other words, after we have already made the improvements, after we've done all those things, then we'll close the road. I would be ready to vote tonight to say, let's make it one-way coming out. But the petition is to close.

Attorney McCall stated the petition is to close the road and it is not to close the road.

Council Member Fenner stated but he asked for stipulations.

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FRANCIS CONROY ADDRESSES THE COUNCIL MEMBERS CONCERNING CLOSING THE ROAD.

Attorney McCall stated yeah, I understand that.

President Broady stated the petition is what we are going to vote on basically is to close the road and then we're going to turn right around and make a motion to follow any stipulations to that. Is that correct, can I put stipulations in my motion to close the road?

Attorney McCall stated your going to make the road closing conditioned on these other things occurring.

President Broady stated yes.

Attorney McCall stated so...

President Broady stated the road closing with the condition of we proceed to get this other worked up. I mean, I don't want to close the roads, we're going to close the road for the safety of the kids and the school starting, I don't want to have the road, now one thing I might go with would be, without vacating the road, vote to close the road in 30 days, until we get this done. But then you're going to vacate it anyhow.

Attorney McCall stated but they are mutually excluding each other. One is petitioned to close the road, the other one would be whatever other action the Town Council thought they could take to elevate the situations for the residents on Schellers Avenue. President Broady stated do I need to make that into a motion.

Attorney McCall stated well, I mean, you're going to vote one, on the petition, you're going to vote tonight or whatever you're going to do on the petition to close the road. The next thing you could do is say the Town Council wants to explore these options at this particular point. But, you're not going to make it part of this petition.

President Broady stated but I can make it in the form of a motion that we do that?

Attorney McCall stated yes.

President Broady stated will everybody go with that motion?

Council Member Alexander stated we've already approved, making it wider.

President Broady stated we need to get it in action then.

Council Member Alexander stated well, we're just waiting on the rest, what we did, when we went over when they get the parking lot done. I know the gentleman made some comments as far as the drainage and we did see that the drainage off of the parking lot was coming at a faster pace than we had anticipated. So that's why it hasn't been paved from the road to the existing black top because we're going to put a gutter down there and take it down to the swimming pool and we're changing the catch basin and pipe that runs up underneath Oak Street into the swimming pool area. This will elevate the drainage that is coming off the parking lot and that's why that hadn't been done. So we have already approved widening the street all the way around to, I think it's 10 feet of Hauss Avenue. The rest of it, once we got over and started seeing and looking around there was a fire hydrant that was in the way and we wanted to move

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FRANCIS CONROY ADDRESSES THE COUNCIL MEMBERS CONCERNING CLOSING THE ROAD.

the fire hydrant, so now we can actually go all the way up to the alley with the widening. So, the only gray area is from the alley through to...

President Broady stated did you get a hold of Mr....

Council Member Alexander stated Rogers.

President Broady stated Rogers, and see if we can get an easement through there.

Council Member Alexander stated ok, I mean the rest, up to that point everythings already approved. It should be done as soon as the drawings come in.

Attorney McCall stated the other as I say, to separate that was, it kind of puts you back in the same position you are today, if that doesn't materialize. You still made an obligation. I think as a town council if you vote on the petition you make a comment to these people on Schellers Ave. to do these things and it's a matter of record to do those things. If that satisfies them.

President Broady stated we're going to improve the road, put it in the minutes, make a motion on it, to approve it and tell John to proceed on it.

Council Member Fenner stated but my problem is that we don't know that we can do that, because we don't know if we can get the easement, we don't know if we can get a traffic light.

President Broady stated we already have the easement.

Council Member Fenner stated the one out at 31 and Hauss, we don't have that easement.

Council Member Alexander stated even at that though, we did go up and look and there may be enough easement there to make it a perfect road, because if you will notice where the curve comes around off 31 there may be possibly enough easement there to just add the extra 2 or 3 feet. But there were trees, they had trees along the one side that may be along the easement. So, I mean, we're only talking about the short section there and I think there's at least 2 feet of the, is already easement that is ours.

President Broady stated one way or another roads got to be put in. Alright I'm going to call for a motion to...

Attorney McCall stated there is still an ordinance in front of you, so you're going to have to assign an ordinance number and adopt the language out of the petition and it's going to be ordinance number 99-717 and you're going to have to make the motion or someone is going to have to move to consider I on a first reading and you have to have a 5-0 vote to do that.

President Broady stated because it takes a motion to do this, we have to have two readings, and the first one, in order to have the second one, has to be unanimous is that correct?

Attorney McCall stated on the first reading.

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President Broady stated if not, then we'll have to pass it on the next scheduled board meeting to officially pass it. So at this time I'll entertain a motion to consider ordinance number 99-717.

Attorney McCall stated to vacate St. Paul, or to close St. Paul Street.

President Broady stated to vacate.

Attorney McCall stated to close.

President Broady stated to close St. Paul Street from 31 to Schellers, does anyone want to make that motion?

Council Member Voylès stated I'll make that motion.

President Broady stated I have a motion on the floor, do I have a second?

Council Member Alexander stated I'll second.

President Broady stated and duly seconded, any discussion among ourselves? If not all those in favor signify by saying I, opposed nay. I's have it. 5-0 Now I'll proceed to...

Attorney McCall stated to consider ordinance number 99-717.

President Broady stated now I would like to have a motion to consider ordinance number 99-717.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor to consider ordinance number 99-717 to vacate St. Paul's Street from 31 to Schellers.

Attorney McCall stated as pertained in the petition.

President Broady stated I have a motion on the floor.

Council Member Fenner stated and you're looking for a second.

President Broady stated who made the motion.

Council Member Voyles stated I did.

President Broady stated sorry, and do I have a second?

Council Member Alexander stated second.

President Broady stated and duly second, any discussion on that? If not all those in favor signify by saying I, opposed nay.

Council Member Fenner stated nay.

President Broady stated one nay.

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Clerk Treasurer Schafer stated is that 4 or 3 for?

President Broady stated 4-1, now I'll entertain a motion that we proceed with improving Oak, by widening it, seeking further easement.

Council Member Alexander stated we've got approval for Oak rounding the corner to Hauss, so basically Hauss Street from Oak to 31.

Council Member Fenner stated and petitioning the State for a traffic light.

President Broady stated and petitioning the State for a traffic light, I want all that in that motion.

Council Member Voyles stated ok, I'll make that motion.

President Broady stated I've got a motion on the floor.

Attorney McCall stated a motion on the floor to obtain an easement.

President Broady stated an easement, to proceed with construction and petition the State for a traffic light, or whatever we have to do.

Attorney McCall stated 31 and Hauss.

President Broady stated widen that and make that a regular street for the people of the...

Attorney McCall stated and to spend town funds to do so.

President Broady stated ok, I've got a motion on the floor, do I have a second?

Vice-President Eddings stated second.

President Broady stated and duly seconded, any discussion on that motion? If not all those in favor signify by saying I, opposed nay. I's have it 5-0. The matter is closed. The petition has been granted, you folks will have a new street which will be started on just as quick as we can get the bid, down Oak Street. Ok, recess for 5 minutes. Ok, is there a Virginia Jackson here? Mrs. Jackson.

Clerk Treasure Schafer stated Virgil, isn't it? Mr. Jackson.

President Broady stated oh, ok.

Clerk Treasurer Schafer stated I'm sorry Virgil.

President Broady stated I'm not going to read what I've got on here, did you see it.

Mr. Jackson stated no, I haven't seen it.

Clerk Treasurer Schafer stated don't show him that.

President Broady stated some petition.

Council Member Fenner stated are you guilty?

Clerk Treasurer Schafer stated I guess I am.

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MR. JACKSON ADDRESSES THE COUNCIL CONCERNING A WATER LINE BREAK.

Mr. Jackson stated I had a , I've got a couple of pieces of property here in Sellersburg and I guess, the problem I've got, occasionally I have water leaks. And I had two leaks on the main lines, one here on Utica Street and one on Paradise. And I've got one bill here for 145.00. I have another bill here for Paradise for 185.68 and one of them, possibly you know I maybe could get it reduced. The second one, I understand you will cut the water, the sewer part of it off occsaionally, but you won't cut the water portion of it off, which is fine, I have no objection to that. But, I'm here for help on the sewer portion of it. These were outside leaks, excuse me.

President Broady stated did you have these repaired, Tim were you aware of these?

Mr. Jackson stated I have the receipts here where it has been repaired.

President Broady stated and you can verify these, ok, I don't have any problem, he's got them repaired, I don't have any problem with knocking the sewer off.

Council Member Fenner stated I make a motion that we adjust his sewer according...

Mr. Jackson stated I understand that from the information I got, you would only adjust one month and the unfortunate part is these are for 2 months.

President Broady stated we'll adjust both.

Mr. Jackson stated I would appreciate that.

President Broady stated we'll adjust the sewer part of it. You'll pay for the water and we'll take the sewer off.

Mr. Jackson stated I have no problem with that what-so-ever.

President Broady stated ok, see Tim there and he'll take care of it.

Mr. Jackson stated ok.

President Broady stated I'll entertain a motion to do so.

Council Member Fenner stated I already made it.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 Ok, Mrs. Kukla.

FLORA KUKLA ADDRESSES THE COUNCIL MEMBERS CONCERNING A POOL ADJUSTMENT.

Ms. Kukla stated I only have one detail, I was hoping they could change the ruling on collecting swimming funds because you really don't know if you're going to have any problems with your pool until you open it up. And sometimes we try opening it up on May the 3rd, and I understand you don't read the bills until the first and now it could



FLORA KUKLA ADDRESSES THE COUNCIL MEMBERS CONCERNING A POOL ADJUSTMENT.

be apparently it could be anywhere from the first until the tenth. And it poses a problem if you open up your pool for Memorial Day and you don't realize you're going to have a problem till you open it up and they've already read the meters. And then you have to wait until a man comes out and fixes your pool and everything and then you finish filling it up on the next time. Then you have two big bills and I was wondering why they wouldn't just add them together and give me an adjustment on it all. It's not your fault you run into these problems.

Council Member Fenner stated I don't know anyone that has ever had a problem filling the pool.

Ms. Kukla stated I did.

Council Member Fenner stated I'm just kidding, I was kidding, I'm in charge of the town pool and we've had nothing but trouble.

Ms. Kukla stated it's a mess, I'm thinking about filling it up with concrete, I'm getting that disgusted with it.

Council Member Fenner stated I was going to use dynamite.

President Broady stated we are always, by policy, one fill-up, you take the sewer off for one fill-up and we have had people to come in and petition us to do so and we have not done so. I can't remember the ladies name that had a problem with her pool, but it is up to the boards discretion to what you want to do so. By policy we have always just given one fill-up.

Ms. Kukla stated but that just doesn't seem fair. If I had waited until the fifth day or whatever you would have had it all on one bill. I mean in other words you're going to have to wait until the tenth or the fifteenth to open it up.

Council Member Fenner stated the problem the council has had in the past is there are people have taken advantage of the situation and who you know want to stretch it out and who want to fill it 2 or 3 different times. Fill it, drain it, fill it...

Ms. Kukla stated oh, you can't do that to mine anyway.

Council Member Alexander stated I may not have heard you, I'm sorry, you say you had a problem with the pool, you had to drain it to fix it.

Ms. Kukla stated I didn't have to drain it all the way, but I would say a quarter or so from the bottom, because the liner was coming out and so...

Clerk Treasurer Schafer stated I have heard that before from other residents, you might want to check with your insurance company to see if they can compensate you for that portion. I've heard before from other residents.

Ms. Kukla stated like I'm saying if you would wait until the fifteenth it would all be on the same bill anyhow and then that would help.

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FLORA KUKLA ADDRESSES THE COUNCIL MEMBERS CONCERNING A POOL ADJUSTMENT.

President Broady stated what's the boards pleasure?

Vice-President Eddings stated did you have someone work on the pool?

Ms. Kukla stated yes, Mr. Fortner, Bill Fortner.

Council Member Fenner stated do you have the bill?

Ms. Kukla stated yes.

President Broady stated it's the boards discretion.

Council Member Fenner stated I think if they can provide proof that there was a problem where they paid someone to fix the problem, I be willing to go along with that.

President Broady stated adjustment on the sewer only.

Council Member Fenner stated yes.

Ms. Kukla stated on both bills.

Council Member Fenner stated yes.

Ms. Kukla stated there is one on this one and there will be one on the next one.

Council Member Fenner stated just on the sewer.

Vice-President Eddings stated as long as you can provide proof that you had a problem.

President Broady stated anybody want to make it into a motion.

Council Member Alexander stated I make a motion that we adjust both bills on proof of repair.

President Broady stated ok, I have a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 Ok, Mr. Lyons, you're seeking a tax abatement on a building you're putting up for a new volleyball court is that correct?

RICK LYONS ADDRESSES THE COUNCIL MEMBERS CONCERNING A TAX ABATEMENT.

Mr. Lyons stated yes.

President Broady stated anybody want to make a comment on this?

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RICK LYONS ADDRESSES THE COUNCIL MEMBERS CONCERNING A TAX ABATEMENT.

Council Member Alexander stated I guess the only comment I have is, I know it is in a manufacturing or industrial area, I mean do you have any, what kind of revenues are you creating? Usually on manufacturing we look at tax abatements, we look at a job, we're looking at property taxes from pretty good size equipment, you know and so forth. No offense, I just have a real hard time for a recreational building even though you are situated in an industrial park.

Mr. Lyons stated even though it is a revitalization area. I know as far as manufacturing and stuff, I don't have that. According to our projections we will be bringing in approximately 1200 people per week into the facility. This could be good exposure for the Town Of Sellersburg. I do have projections, I don't have them with me tonight, as far as the revenue we will be bringing in.

Council Member Fenner stated I'm afraid I've got two objections, one is just as Ken has expressed the fact that, I mean for some of us our intentions for a tax abatement is to attract business that are going to provide jobs for our townfolks. And also going to add to our tax base, you are not going to do very much of that. I mean, that's not your fault, it's just the nature of your business, but secondly you're unfortunately you're caught also we're in negotiations concerning the railroad crossing down there and right now we're not sure where that is going to stand. The last proposal we had was going to cost the town 161000.00 or something like that.

Attorney McCall stated that was the projection.

Council Member Fenner stated that was the projection, possibly and if we're, if there is a chance we're going to have to put money into a railroad crossing down there, then I personally can't support a tax abatement for any business that goes in there. Because they're costing the town money already, rather than helping the town. I mean I hate that but I have to represent the town.

President Broady stated I have a problem with it because it doesn't meet my standards of ne jobs and stuff like that.

Council Member Alexander stated what's the estimated annual salary for the workers?

Mr. Lyons stated for the workers, all the employees will be part time employees because of the nature of the business. It will start at 6:30 in the evening and run until 11:00 or 11:30 at night. As far as the referees, the referees get paid on per game basis, that they ref, that will be 8.50 per game. Concession workers we have projected 7.00 per hour for part-time.

Council Member Alexander stated I hope I don't sound discouraging, but what you're saying in here, it doesn't sound like such a great idea.

Vice-President Eddings stated another thing too you have to look at is this isn't someplace our kids can go to.

Mr. Lyons stated it's going to bring 1200 people into the area. A lot of them will be coming from Kentucky. We are from Kentucky, we have...

Council Member Alexander stated did I read somewhere where you were going to have alcohol?

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RICH LYONS ADDRESSES THE COUNCIL MEMBERS CONCERNING A TAX ABATEMENT.

Mr. Lyons stated yes, we will.

Council Member Fenner stated don't misinterpret whatever we do here by saying that you know, the fact we're not interested in having you here and we're against you being here, we're not. We will be glad to have you, but whether or not we can give you a tax abatement, you know, I have some very serious questions about that.

President Broady stated anybody have anything else for discussion? If not, I'll entertain to approve the tax abatement for Mr. Lyons.

Council Member Fenner stated I'll make the motion just so we can vote on it.

President Broady stated ok, I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, all those opposed nay. (All Council Members voted nay.) We wish you the best.

Mr. Lyons stated ok, Thank You.

President Broady stated Mr. Pully. Mrs. Hicks.

Council Member Alexander stated we got that, John would you like to update us.

JOHN TOOMS ADDRESSES THE COUNCIL MEMBER CONCERNING DRAINAGE IN BACK OF PROPERTY.

Mr. Toombs stated some contractor agreed to do that and every time I call that man, I called him and he's going to do it, it's been months, I don't remember how long ago that has been.

Council Member Alexander stated righ, it's been awhile, I'd like to make a motion that we send a letter to the contractor and Mr. Gettlefinger.

Mr. Toombs stated he want's it.

Council Member Alexander stated expressing that reasonable time has elapsed, that we no longer need his contractor services.

President Broady stated and then proceed with ours.

Council Member Alexander stated and proceed with ours.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Fenner stated I'll second it.

President Broady stated and duly seconded, any discussion? All those in favor signify by saying I, opposed nay. I's have it 5-0 moving right along, Mr. Kinder.

Chief Kinder stated nothing.

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President Broady stated Mark Warren is not here, EMC, do you have anything for us.

TIM CRAWFORD/EMC ADDRESSES THE COUNCIL ON WATER AND SEWER REVENUE AND MONTHLY REPORTS.

Mr. Crawford stated a couple of things tonight, your water and sewer revenue for the June 15th through June 28th and it's 41403.32. The next thing I have is your monthly reports for the month of May. If you will notice the new cover, Mrs. Schafer if you will notice your name on the front of the package.

Clerk Treasurer Schafer stated they spelled it right.

President Broady stated Building Commissioner, Mark, you have anything.

Mark Ball stated no sir.

President Broady stated Doug.

Vice-President Eddings stated I've got some stuff for EMC.

President Broady stated Bill.

COUNCIL MEMBER WILLIAM VOYLES ADDRESSES THE COUNCIL MEMBER CONCERNING PLANNING AND ZONING, SIGNS IN FORREST ESTATES.

Council Member Voyles stated I've got a couple of things, I think that the Planning was looking for a guy to, a republican to be on the board. I've got one name, Tom Schuster. As he said that he would like to join, since it's a high paying job.

Clerk Treasurer Schafer stated is that an extra.

Council Member Voyles stated Mr. Bennett vacated it. Bennett, I think his name was Tony.

Attorney McCall stated I wrote him, I obtained his address and sent him a letter requesting him to notify the Town Council by the next meeting, which was the last, and you didn't hear anything from him, so I assume that he is not interested.

President Broady stated ok, I'll entertain a motion for the board to remove Mr. Tony Bennett from the Planning and Zoning Board.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 We need to send a letter to Tony to let him know he has been removed, I guess. Ok, does everyone, this Tom Schuster, you all know him?

Council Member Voyles stated he was the gentleman that came here just a few meetings ago about the signs, the trash pick-up.

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COUNCIL MEMBER WILLIAM VOYLES ADDRESSES THE COUNCIL MEMBERS CONCERNING PLANNING AND ZONING, SIGNS IN FORREST ESTATES.

Council Member Fenner stated he's a republican.

Council Member Voyles stated yes, and a Kentucky man.

President Broady stated ok, if that's the case, we'll go ahead and appoint Mr. Tom Schuster to the board.

Council Member Fenner stated he is willing to serve...

Council Member Voyles stated yes, I have talked it over with him and he said that would be fine.

President Broady stated ok, I'll entertain a motion to...

Council Member Voyles stated I make the motion that we appoint Tom Schuster to the board.

President Broady stated ok, I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second it.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it.

Council Member Voyles stated I have one other thing, I just want to Thank everybody, tell everybody the signs that the town took care of Forrest Estates have been delivered and put up and it looks fantastic. I just want to Thank you all for that. And another thing I would like to see if you are going to bring up tonight, we put this off, not really put this off, we didn't have enough people about the trash pick-up, not the trash pick-up, the leaves and cardboard.

Attorney McCall stated I got them, a minor change and we're ready to go.

President Broady stated ok, Mr. Beyl.

JESSE BEYL ADDRESSES THE COUNCIL MEMBER CONCERNING A SIGN.

Mr. Beyl stated yes sir, some of you know me, some of you don't, I'm Jesse Beyl from the old town board when this building went up. I've got one little thing I would like to touch base with you, there is a sign with my name on it. I would like to see it on the building, but if you all wouldn't want it on the building, I would like to have it to go to my family.

President Broady stated I would like to see it on the building.

Council Member Voyles stated I would like to see it put on the building myself.

Mr. Beyl stated that's what I would like, but it's been laying and laying and it's never been done and I'm afraid it's going to be thrown away and I would like it...

President Broady stated is it all right if we put it back on the building.

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JESSE BEYL ADDRESSES THE COUNCIL MEMBERS CONCERNING A SIGN.

Mr. Beyl stated yes, just put it back on the building some day, because you guys worked hard enough, too.

President Broady stated ok, do I need a motion to do so?

Council Member Fenner stated just do it.

President Broady stated we'll get it put up, Mark.

Mr. Ball stated while you're hanging signs, will you put back up where the Fire Department, the one that used to be on the front of the building.

Clerk Treasurer Schafer stated that's the same one he's talking about.

Mr. Beyl stated Thank You.

President Broady stated ok, Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL MEMBERS CONCERNING THE POOL/BUDGET.

Council Member Fenner stated the pool is open, we have fixed the problem, it was the filters and it has been taken care of. We're up and running, it was closed today because of the weather, but we were able to get a swim meet in this evening. So, I'm pleased to tell you the pool is open and ready for business. So, I'm pleased to tell you the pool is open and ready for business. The other question I have is, I guess Kenny or Perry, are we working on Mark Robinson's position in terms of bringing him in under the payroll?

Council Member Alexander stated yeah, we're working on the budget.

Council Member Fenner stated ok, but what about the rest of this year.

Clerk Treasurer Schafer stated it begins in January.

Council Member Alexander stated it will begin in January.

Council Member Fenner stated ok.

Clerk Treasurer Schafer stated because of his 1099, he would have a W-2 and a 1099.

Council Member Fenner stated is it a problem for us to wait until January 1st?

Mark Robinson stated no sir, I will take the position at midnight, or January 1st, that would be perfect.

Clerk Treasurer Schafer stated your term will expire on your contract December 31st at midnight and then your employment will begin January 1st.

Council Member Fenner stated ok, as long as we're working on it and he's agreeable to it.

Clerk Treasurer Schafer stated you can so, it in December.

Council Member Fenner stated ok.

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President Broady stated anything else?

Council Member Fenner stated nope.

President Broady stated Kenny.

Council Member Alexander stated two ordinances, yardwaste, this is the one with the limbs, everything else the same. The important thing is that each owner and occupant of property served by municipal refuse and garbage collection shall be entitled to have picked up two times per month 15 limbs no larger than 3 inches in diameter at the largest point. Limbs left for pick-up shall be stacked with the largest portion of the limb facing the curbs. All other provisions of the ordinance shall remain in force and effect without modification. Basically on, when we picked up yard waste, which was recycling days, you would be allowed to put out 15 limbs no larger than 3 inches and facing the roads.

Council Member Fenner stated is that going to be ordinance 718.

Clerk Treasurer Schafer stated yes, 99-718.

Council Member Fenner stated I make a motion that we consider ordinance 99-718 on a first reading.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated second.

President Broady stated and seconded Doug, any discussion?

Council Member Voyles stated I would like to ask one more question, when they come by the leaves and things, are they going to still pick-up the two bags.

Council Member Alexander stated yeah, the rest of the ordinance remains the same.

President Broady stated I've got a motion on the floor and duly seconded, and duly discussed. All those in favor signify by saying I, opposed nay. I's have it, Vote 5-0. I'll entertain a motion to approve ordinance number 99-718.

Council Member Fenner stated I'll make the motion to approve ordinance number 99-718.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll seconded.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0.

Council Member Alexander stated ok, the second one was the famous cardboard,



COUNCIL MEMBER ALEXANDER READS THE ORDINANCE.

ORDINANCE NO. 99- 719

**AN ORDINANCE OF THE SELLERSBURG TOWN COUNCIL  
AMENDING THE REFUSE AND GARBAGE REGULATIONS  
OF THE TOWN OF SELLERSBURG**

WHEREAS, the Town Council for the Town of Sellersburg has heretofore passed and adopted a refuse and garbage regulation for the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that amendment to said Ordinance is necessary for the effective and efficient administration of Town Government; and

WHEREAS, this matter was considered at an open meeting in which the public were invited to attend and participate.

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg:

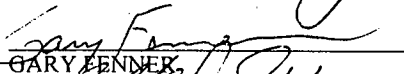
Article 9, Section 6-96 of the Sellersburg Town Council shall be and hereby is amended as follows:

That each owner, tenant, or occupant of residential, commercial or business property in the Town of Sellersburg, Indiana, shall be afforded municipal refuse and garbage collection which shall include the removal of cardboard which has been stacked and tied into a bundle.

~~Removal of cardboard shall take place on every other garbage pick-up day when there is no collection for yard waste or recyclable materials.~~

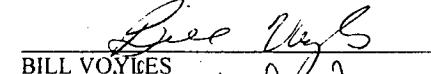
SO ORDAINED THIS \_\_\_\_\_ DAY OF JUNE, 1999.

  
DAVID BROADY

  
GARY FENNER

  
AULTON D. EDDINGS

  
KEN ALEXANDER

  
BILL VOYLES

ATTEST:   
LINDA SCHAFER  
CLERK-TREASURER

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Council Member Alexander the removal of cardboard, well, you were going to remove the section that says, removal of cardboard shall take place on every other garbage pick-up day when there is no collection of yardwaste, recyclable materials.

Attorney McCall stated it is to take place on the recycling day.

Council Member Alexander stated no, we're just going to take it out, there is no recycling of cardboard. It's will just go into the packer.

Council Member Voyles stated so you can just put it out anytime you want to, that's good.

Council Member Alexander stated we're just going to strike the last sentence out. So, I'll make a motion to approve 99-719 on the first reading.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I second that.

President Broady stated and duly seconded, any discussion? If not all those in favor signify of the first reading say I, opposed nay. I's have it. Vote 5-0

Council Member Alexander stated I make a motion to approve ordinance number 99-719.

President Broady stated I've got a motion on the floor to approve ordinance 99-719.

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it, vote 5-0.

Council Member Fenner stated did you hear that.

Council Member Alexander stated what.

Council Member Fenner stated he wants to know when it's going to start.

Council Member Alexander stated 30 days after it is signed.

Attorney McCall stated August.

Council Member Alexander stated yeah, August 1st.

President Broady stated anything else?

Council Member Alexander stated other than the storm drain work that we were doing it works, everything is running down hill.

President Broady stated Perry.

ATTORNEY MCCALL ADDRESSES THE COUNCIL MEMBER CONCERNING TAX ABATEMENT/SPEED LIMITS.

Attorney McCall stated a couple of things, there was a young man who owns and runs S. Brown Wood Products Inc., he was given a tax abatement for his business. What happened he failed his application for particular year on a timely basis, he filed a late application. In order for the State Board of Tax Commissioners to consider his tax

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ATTORNEY MCCALL ADDRESSES THE COUNCIL MEMBER CONCERNING TAX ABATEMENT/SPEED LIMITS.

abatement request at this point they desire to have a support letter from the town council in regard to this tax abatement. And so I drafted a letter and had it for the last meeting and we didn't have the meeting until Friday and I simply didn't bring it to that one. But it basically says Dear State Board of Tax Commissioners, please be advised that the Sellersburg Town Council realizes S. Brown Wood Inc. has filed it's application for deduction for assessed evaluation late. However, the Town Council with the Town of Sellersburg supports the applications for deduction of assessed evaluation even though said application is being filed late. S. Brown Wood Products Inc. is a viable part of the Sellersburg Business Community and is apparently a part of this community on a long term basis. S. Brown Wood Products Inc. employees that are residents of the Town Of Sellersburg. We fully support this application on a late basis.

Council Member Fenner stated what year of abatement is he in?

Attorney McCall stated it is for 1997, he filed for 98.

Council Member Fenner stated what 97 his first one?

Attorney McCall stated I want to say 96 was his first one. Because there was one he got that he did do, then he missed it and then he tried to go back, and they told him, and this is something, I think you talked to me at some point too, that there had to be a letter from the Town Council, and Mr. Brown didn't know what exactly the letter was, and contacted Bonnie with the State Board Of Accounts and she said this is what you need. This doesn't mean we're going to do it, but this is what we need. So...

Council Member Fenner stated do you need a motion.

Attorney McCall stated you just need a motion for Dave to sign the letter on behalf of the Town Council if you so desire to do so.

President Broady stated I'll entertain a motion.

Council Member Fenner stated I'll make a motion to authorize the President of the Town Council to sign the letter of support for S.R. Brown Inc.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0

Attorney McCall stated it was the last Town Council meeting, there had been some talk before about changing the speed limit on Utića Street both east and west, I'm preparing the ordinance tonight, I don't know if the Town Council wants to consider.

President Broady stated do you want to consider it tonight?

Attorney McCall stated 720.

Clerk Treasurer Schafer stated what.

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Attorney McCall stated 720, and I'll read it. It's ordinance changing speed limit on Utica Street, Sellersburg Indiana. And basically it says Town Council, Town Of Sellersburg ordains that the speed limit shall be changed as follows: The speed limit on West Utica Street from highway 31 to Dreyer Lane shall be changed from 20 miles per hour to 30 miles per hour. The speed limit from Dreyer Lane to St. Joe Road East shall be changed from 20 miles per hour to 30 miles per hour. And the speed limit on East Utica Street from Penn Street to the Town of Sellersburg limits shall be changed from 20 miles per hour to 30 miles per hour. The Town Council, the Town of Sellersburg directs that all signs posted in the area indicating the speed limit above has been changed from 20 to 30 miles per hour. And that is the speed.

President Broady stated does everybody here understand what we're doing?

Council Member Fenner stated let me ask a question, I've kind of had second thoughts on a little bit of this since we've talked about it and I have looked at it very closely. I'm concerned about West Utica Street between 31 and Ehringer. Because there is that hill there and because there are enterances and exits other side streets entering and because there is a lot of traffic and conjestion because of the bank on the corner and other things, part of which is the school. I wonder if maybe we'd be wise to make it 20, to leave it 20 from 31 to Ehringer. And then from Ehringer on out raise it to 30. I mean that's just a thought. If you want to disagree, you can.

Council Member Voyles stated are we still going to put "No Parking"

President Broady stated I think make that "No Parking"

Council Member Fenner stated I thought about that, and I looked at the people who parked there on a regular basis, we might be creating a hardship on them. Where are they going to put their vechiles?

President Broady stated they have an alley and garages in back.

Council Member Fenner stated I understand, I still agree with the "No Parking"

Vice-President Eddings stated what's regular school zone?

Council Member Fenner stated 20.

Council Member Voyles stated 25.

Vice-President Eddings stated what's a regular school zone?

Chief Kinder stated 20.

Council Member Voyles stated I thought it was 25.

President Broady stated is it the boards favor to act on this then or do you want to rewrite it?

Vice-President Eddings stated I'm with Gary right there, I think it needs to be 20 until you get past there.

Council Member Fenner stated I'm sorry that I didn't come up with this earlier.

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Council Member Voyles stated I think that's going to create a problem for motorists when they're coming up through there and there could be an awful lot of tickets because of being 20 and jumping to 30. I think if we're going to change it, it needs to be from there all the way to St. Joe Road. But I do think 20 is too slow.

President Broady stated all right everybody get a chance to look over and run your car out there and see what you think.

Council Member Alexander stated if we're driving down there and we're doing 30 or 35, can we just say we're testing the new ordinance?

Chief Kinder stated if you want to make an acceptance for everybody.

Attorney McCall stated go-ahead Mr. Chief.

Chief Kinder stated one thing about that I think, you know, all of the sudden you've got a 20 and a 30, with your transition zone, I mean when you come up on 20 miles per hour, you slam on your brakes and drop down 10. I think that is something you ought to consider. With acceleration there is no problem, with deceleration there is and where do we draw the line, when you get to the 20 sign from the 30 or where?

Council Member Fenner stated Chief don't you think coming up that hill where it is congested I mean isn't it natural for deceleration area?

Chief Kinder stated for some people and for some people it isn't. We stop, no cars over 30 right now and I mean we've been given them at 30, it's just illegal but, you at 21 or 22.

Council Member Fenner stated and I agree with all that, but like I said, I'm just talking about that one little section that I'm worried about because of that hill.

President Broady stated all right moving right along, you got anything else Perry?

Attorney McCall stated nope.

President Broady stated Linda.

CLERK TREASURER SCHAFFER ADDRESSES THE COUNCIL MEMBERS CONCERNING 2000 CENSUS/BILLS.

Clerk Treasurer Schaffer stated a couple of quick things, one thing the year 2000 census is coming up and they have asked, the Census Bureau has asked that all the communities incorporate to let the residents know how important that it is that when they are sent the information sheet on how many residents live in their home, that they fill it out and send it back. It's like 360 times 10 times the number of people you have in your family, but the town of Sellersburg could lose as far as available grant money and several other programs that the town would be eligible for. So, I think Clarksville suggested that all the communities get together and when the census forms come out be sure that the residents do not throw them away. They need to fill them out. Also I'd like to present my bills for this meeting.

President Broady stated ok, everybody's had a copy of the bills before you, and had a chance to read them. If so, I'll entertain a motion to pay the bills as presented.

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

President Broady stated ok, I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second it.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. 5-0 Anything else Linda?

Clerk Treasurer Schafer stated no that's all, Thank You. That's all I have.

President Broady stated I've got two or three things here, first of all I'd like to go ahead and have Linda advertise the, take applications for the new Chief Of Police, we're going to start, the applications that we are going, have you made those up yet?

Council Member Fenner stated yes, I don't have lots of copies but I've got them.

President Broady stated ok, they can pick up the application to apply for the new Chief Of Police starting whenever is convenient for you to advertise.

Clerk Treasurer Schafer stated how many days would you like, 3,5, or...

President Broady stated how many days can they pick them up?

Vice-President Eddings stated run the ad.

Clerk Treasurer Schafer stated run the ad, I mean once we run the ad it should be open until the position is filled. Unless you want to cut-off and interview, is there any criteria for the ad?

Council Member Fenner stated I was suggesting that we receive resumes, applications for the 45 days, June 30th to August 13th.

President Broady stated ok.

Clerk Treasurer Schafer stated is there any requirements? We could run it, like starting maybe on Thursday and run it through Saturday.

President Broady stated Chief.

Chief Kinder stated I would like to address the Chief Magazine, it goes out all over the whole United States, I mean, every week, every month we get it, there's 8 or 10 in there.

Council Member Fenner stated what we're going to be doing, it's not an application as such, we're asking for a resume and for them to fill out the answers to questions we have. So here is a copy of what they need to pick up.

Clerk Treasurer Schafer stated can I apply for this job since I no longer have one.

Council Member Fenner stated sure, we need lots of copies of those.

Clerk Treasurer Schafer stated I understand.

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Council Member Fenner stated I did not make lots of copies of those, but, and also those questions, those are only for the applicants, they are going to be used in the interviewing process.

President Broady stated ok, is everybody squared away on that. You are working on the budget now.

Clerk Treasurer Schafer stated yes.

President Broady stated Mark brought up to put some money for a garbage packer or pick-up truck, dump truck...

Clerk Treasurer Schafer stated yes and also separating the Animal Control and getting his position on a departmentalized budget that the rest of them are on.

President Broady stated ok, are you aware...

Council Member Alexander stated I was aware, but I didn't know whether he had already passed it on, I mean, the garbage truck I can see, the other dump truck, I mean the reason they are wanting it is so they can dedicate that one for the limbs, ok, and that just, you know.

Clerk Treasurer Schafer stated with all the extra work.

Council Member Alexander stated I would cut out the dump truck, and I really don't see where they need the other truck, the pick-up...

President Broady stated the pick-up...

Clerk Treasurer Schafer stated when did we just buy a pick-up?

Council Member Alexander stated 2 years ago.

President Broady stated I don't mind is going back and changing it, I want to.

Council Member Alexander stated we have the same that we had 2 years ago, we haven't added personnel.

Council Member Fenner stated can we ask the Street Superintendent to come in and talk to us.

President Broady stated certainly, before she gets it all done.

Clerk Treasurer Schafer stated I don't want to have to change it.

Council Member Alexander stated what we can do, we can go ahead and decide, we can always transfer, we always have it where you set it up, one portion of the budget where if he wants to transfer then he can.

Clerk Treasurer Schafer stated you can put it in there in other areas, put a 100.00 in sidewalks and transfer your appropriations into or....

Council Member Alexander stated in.

Council Member Fenner stated our goal from what Dave said is to have as identical to

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budget to next year, because of the new council as we had this year. Without a lot of extras.

Clerk Treasurer Schafer stated you probably won't get that because of the increase in supplies and gasoline and 3% on the salaries, the wages, and your insurance increases. You probably won't have exactly the, if I could copy the exact then I would, it doesn't work like that. You're going to have an increase.

President Broady stated try to keep it as low as we can though.

Clerk Treasurer Schafer stated I understand.

President Broady stated sure.

Council Member Fenner stated we're just not looking at any major changes.

Clerk Treasurer Schafer stated it was within 19.00 the year before and 20.00 this past year within the budget.

Council Member Alexander stated how about we go ahead and approve, or not approve, give the ok on the packer.

Clerk Treasurer Schafer stated you all really need to talk to Mark and then if you.

Council Member Alexander stated go ahead and put 100.00 in vehicles, then that way it is there. You don't...

Clerk Treasurer Schafer stated we had the Police Department on their vehicles, they purchased approximately 40,000.00 per year on a 2 or 3 year turnover.

Council Member Alexander stated right, but they are in theirs 24 hours a day.

President Broady stated all right let's talk to Mark, moving right along, I've got one other item I've got to bring up is the new contract for EMC. They have presented us a new contract and negotiated on it. Starting August 1st 1999, until December 31st, 2000. It will end December 31st, 2000. I have spoken with some of the new town board, possibly new town board members, one particularly, and he was in favor of this. That would give them a year to decide whether they liked these guys or they don't like these guys. So, that's the way we're going to leave it, everybody's had a chance to look it over, I'll entertain a motion to approve the new EMC contract.

Clerk Treasurer Schafer stated you have a contract in place right now with EMC that doesn't expire until July 31st, 2000.

President Broady stated and this takes until August 31st 1999, no we don't.

Clerk Treasurer Schafer stated yes you do, you have a contract in place right now, if they didn't respond, it's in your contract.

Tom Edwards stated they didn't, the Town President did not wish to take this option, they did not notify us.

Clerk Treasurer Schafer stated that's right, it should have been a automatic renewal.



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Mr. Crawford stated we received a letter to negotiate.

Council Member Fenner stated the contract says the town had it's option and they extend the agreement for two, one year period under the same terms and conditions as stated herein. The first extension shall cover the period of August 1st, 1998 through July 31st, 1999. The second option for an extension shall cover the period of August 1st, 1999 through July 31st of the year 2000. The exercise of either option must be completed in writing within 120 days prior to the expiration of the initial agreement or expiration of any renewal period. So, what that says is we did not exercise that option so therefore.

President Broady stated we did exercise that option.

Council Member Fenner stated no, we did not exercise of the extension. We did not do that, we are negotiating a new contract.

President Broady stated right, and they do have it here and everybody's had a chance to read it.

Vice-President Eddings stated I'll make a motion to accept the contract as presented.

President Broady stated I got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second it.

President Broady stated and duly seconded, any discussion? Perry did you not look this over?

Attorney McCall stated yeah, I looked at it, basically it's the same. The only contingency that I see is with the billing of water and sewer fees and trash pick-up. As you know, we've still the on going that does involve the Clerk Treasurer's Office and the responsibility of billing and collecting. The only thing that I thought was important to determine what is the cost of the town for this service. As I looked at the breakdown where it is showing how the cost are going up in various areas for EMC, therefore that is why it is being passed onto the town. I thought that we could perhaps discuss that at this time.

President Broady stated we need to have somebody to opt out that part of it.

Attorney McCall stated I think if the court of appeals says that Linda is absolutely right then this part of the contract has a value.

Council Member Fenner stated I thought it already said that in there Perry...

Tom Edwards stated this would open up the contract to negotiate.

Attorney McCall stated it doesn't say that, it says that if one part of the contract is deemed to be void it doesn't void the other parts of the contract, it does open up for negotiations.

Mr. Edwards stated it wouldn't void the wastewater, it certainly...

Attorney McCall stated if you can't do it, you can't do it, legally you can't do it, the only thing I'm saying is that the way the contract is, it's in dollar value, and that dollar value taken in account, every service that is provided through your business and there is a dollar value attached to the billing and collection portion of the contract and what I'm saying is the town cannot let EMC do the billing and collections...

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Council Member Fenner stated the operation of the facility shall occur including but not limited to changes in governmental regulations.

Attorney McCall stated yes, the reason to negotiate by parties within 90 days.

Council Member Fenner stated right.

Attorney McCall stated and I understand that and what I'm saying...

Council Member Fenner stated that isn't what your saying.

Attorney McCall stated no, I think you can what I'm saying is it would be going in nice to know what where talking about value wise,

Council Member Fenner stated ok, I understand.

Attorney McCall stated what we didn't need, four years ago and this one here we didn't put dollar figures on necessarily based on what where billing. It's all lumped together in the same sum. So we don't have actual dollar figure on what the billing office would be. This would just have to be negotiated.

Council Member Fenner stated well I think what Perry is saying maybe we need to negotiate now, before we sign the contract.

Attorney McCall stated well, and I don't know about that because in the letter that Tim sent it basically said that we've got these increases for example one new employee this employee will be responsible for CCT program, collections, maintenance among the other jobs. Total adjustment requested 47,184.00. And that seems to me that there are values, and again I'm not trying to make this difficult, but there are value place on what services are being inside the contract because thats what an adjustment is. So I'm saying from the get go everything else is saying from the get go this little problem we've got going on here has not been resolved. I would hope it would be at this point. But maybe you would want to look at that.

President Broady stated what do you suggest?

Attorney McCall stated well, I mean your dead line is not up yet. I mean you don't have to act today. It doesn't start till...

President Broady stated it's not up, but I mean, I want to get it...

Mr. Crawford stated I mean if it would be convenient to negotiate it at a later date, Perr

Attorney McCall stated it said, and I guess thats just advise me on that I think that's my problem that it can be negotiated at a later date. I think we should be able to know right now what where talking about if it happens. It may not happen, it may present itself. But I think it can put a dollar value on that now like these that have been shown is the increases that would help us later on to know exactly where they stood. I maybe making...

Mr. Edwards stated I think what we have to do is set down with the Town Board or committee and negotiate what that value is and then just put an addendum for the contract w are voting on tonight. If in fact that happens this would be the dollar figure. This

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is not something we could just set down over a couple week period and start pulling numbers out with out setting down and negotiating with the board on it.

Attorney McCall stated well...

Clerk Treasurer Schafer stated I have a point to make also on EMC's behalf if I do not win the appeal they will probably need a bookkeeper also. And so they may want more in that particular area than less, so it could go either way.

Attorney McCall stated thats something to think about. I mean its definitely...

Clerk Treasurer Schafer stated yes, its definitely something to think about. Because when the appeal is over and I have lost I'm not doing the books anymore.

President Broady stated what was your comment?

Vice-President Eddings stated I said, I think the way its phrased in the contract is good enough.

Attorney McCall stated well, I think, I mean I think your...

Council Member Fenner stated Perry are you looking for an actual dollar amount? Our are you looking for just...

Attorney McCall stated I think there is an actual dollar amount. I think, I mean maybe I'm wrong but I believe because there's been other factors that's shown increase's in the contract there a dollar value that we could show a decrease if the service was no longer being rendered. I believe its a some, certain that can be shown. Now it maybe subject to negotiate that this is what we believe its for to negotiate. What happens if you don't at that particular point on that particular service reach an agreement. Is the contract totally void at that point, is some party have an option to withdraw from the contract.

Council Member Fenner stated we pay you to protect us and give us your advise, so we need to follow it but we need...

President Broady stated well, I have a motion on the floor and I believe it was duly seconded, to approve the contract. Any discussion? It's opened up for discussion, so we either got to vote it down or vote it up or do what ever.

Council Member Fenner stated hold on I'm reading this.

Council Member Alexander stated contract looks good except for the 47,000.00 for the additional INI to INI personnel. And the only reason I say that is I don't think were far enough in developing a solid plan as far as what that person is going to do. And again wit the new board coming on even though its important that the INI gets fixed it may not be what they want to do.

Mr. Toombs stated I don't think you're going to have a choice on that one.

Mr. Crawford stated and understand to let me clarify the figure that you see on here is just base salary.

Council Member Alexander stated right, oh I understand that, but I still, right.

Mr. Toombs stated you already have the obligation to eliminate that under your original EPA grant.

Council Member Fenner stated and our purpose of doing this contract the way we are doing it for the 17 month period or what ever it is, is to allow this stability for the new town council for them to come in and get there feet wet to understand the in's and out's and to develop a relationship and then make a decision on what they want to do, based upon their experience rather than just what they've heard. Uh, and so, I mean we can't just roll over and say were not going to do anything, because there's a new town council coming in. We have an obligation to help them as much as possible, and we have an obligation to make the best decisions.

Mr. Crawford stated there is another benefits to that, put it on that 17 month schedule put them on the fiscal year of January to December. Makes that process a hole lot easier to understand.

Council Member Fenner stated yes, I agree.

President Broady stated I have a motion on the floor do I have a second? Any other discussion? If not all those in facor of the motion signify by saying I, oppose nay. I's have it 5-0. John do you have anything?

Mr. Toombs stated no sir.

President Broady stated Thank You. I will now entertain a motion to get out of here.

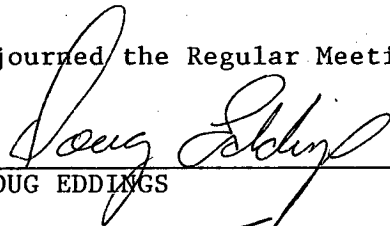
Council Member Voyles stated I'll make that motion.

Vice-President Eddings stated second.


President Broady stated motion on the floor, and duly seconded, signify by saying I, opposed nay, I's have it 5-0.

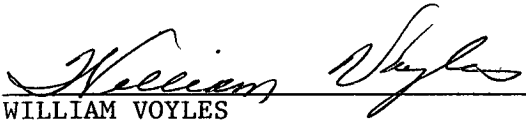
With no further business President Broady adjourned the Regular Meeting at 8:45 p.m.


  
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
DOUG EDDINGS

\_\_\_\_\_  
KENNETH ALEXANDER

  
\_\_\_\_\_  
GARY FENNER

  
\_\_\_\_\_  
WILLIAM VOYLES

  
\_\_\_\_\_  
ATTEST: LINDA G. SCHAFER  
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

July 12, 1999

Executive Session

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

Called To Order

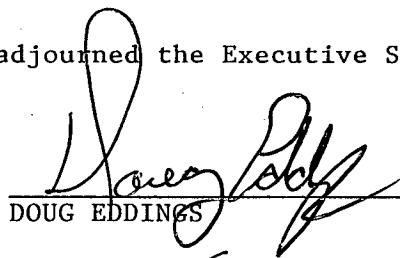
President Broady called the Executive Session to order at 6:05 p.m.

Topics Of Discussion


Town of Sellersburg vs Dixon Racing  
Animal Shelter/Animal Control  
EMC/Damage to Fire Hydrants, Insurance Reimbursement.  
Unemployment/Jackson  
New Chief Of Police Salary.

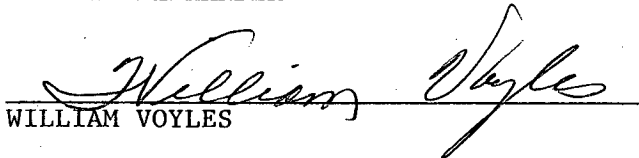
With no further business President Broady adjourned the Executive Session at 6:34 p.m.

  
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
DOUG EDDINGS

\_\_\_\_\_  
KENNETH ALEXANDER

  
\_\_\_\_\_  
GARY FENNER

  
\_\_\_\_\_  
WILLIAM VOYLES

ATTEST: LINDA G. SCHAFER  
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

July 12, 1999

Regular Meeting

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

Called To Order

President Broady called the Regular Meeting to order at 6:38 p.m.

Prayer

There was no prayer offered up at this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBER ON/MINUTES.

President Broady stated ok, everyone's got a copy of the minutes for June the 28th of 1999 in their box and I hope everyone's had a chance to review them and I'll entertain a motion to accept the minutes as presented.

Council Member Voyles stated I'll make that motion.

President Broady stated I got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded any discussion, any corrections? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0 First on tonight's agenda in Mrs. Overton of 520 Hauss Street.

Council Member Fenner stated she's not here.

President Broady stated Mrs. Overton is not here, next is Mrs. Robinson of Highway 31.

MRS.ROBINSON ADDRESSES THE COUNCIL ON PUTTING A STREET SIGN UP ON HER STREET.

Mrs. Robinson stated I live up by Ivy Tech, on the side street, as you're turning down by Ivy Tech.

President Broady stated ok, where 311 comes off right there by Ivy Tech and goes right back along...

Mrs. Robinson stated I'm 311 but my street is where you turn into Ivy Tech, the little side street on the left, that's my street. And one of the problems is a lot of like out-of-town traffic coming down my street, and I think a lot of that is the rerouting of traffic on 65. Because in Burger King there is a sign that says Ivy Tech and it's got an arrow pointing to Ivy Tech, and the one's who are getting on 65 south pointing toward

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MRS. ROBINSON ADDRESSES THE COUNCIL ON PUTTING A STREET SIGN UP ON HER STREET.

Ivy Tech too, they turn into Ivy Tech thinking they can get on 65 and then they are coming down my street and we have no dead-end street sign there, or children at play signs there and I think we need some signs for that and change the signs on 311, because I think they are being misread.

Council Member Fenner stated has this increased since they have started the construction?

Mrs. Robinson stated I think it has gotten a little worse, it has always been a problem, yeah.

President Broady stated I don't see any problem.

Mrs. Robinson stated two tour busses have come down my street and I thought they were going to go through the guardrail.

President Broady stated I don't see any problem putting a dead-end sign.

Mrs. Robinson stated and a child a play sign on my street.

President Broady stated yeah, is that wishes?

Council Member Fenner stated isn't there something about the wording of the children at play?

Council Member Voyles stated we don't put up those.

Council Member Fenner stated we don't do that because there was some lawsuits or something like that in another part of the state.

Attorney McCall stated it was because of some state memo came out before.

Council Member Fenner stated we can put up a dead end sign.

Mrs. Robinson stated ok.

President Broady stated ok, Thank You.

Mr. Toombs stated we could also contact INDOT and have them come and take a look at the signs that they have got up on the detours, they are misleading now and they always were. They might be something they can do.

Mrs. Robinson stated when they come into Ivy Tech, they have to turn around down at the end of our street, it's really a big problem.

Council Member Fenner stated it's a confusing situation all the way around.

President Broady stated also we need to tell Mark, I've been noticing there is no stop sign at Service Drive. Do we need an ordinance for that?

Attorney McCall stated you are going to put one there.

President Broady stated there is not one there, do we need to write a ordinance to put

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one there.

Council Member Fenner stated does it have to be an ordinance?

Attorney McCall stated resolution...

President Broady stated can you write something up for it?

Attorney McCall stated do you want me to, yeah. I'll write it up.

President Broady stated a stop sign.

Attorney McCall stated a stop sign at Service Drive.

President Broady stated Service Drive and Utica Sellersburg Road. Ok, all right next on the list is Mr. Urnstberger.

MR. HUGH ERNSTBERGER WILL ADDRESSES THE COUNCIL MEMBERS CONCERNING ALTERNATIVE PACKAGE IN REFERENCE TO A TAX ABATEMENT.

Mr. Ernstberger stated I'm Hugh Unrestburger , I'm the owner of Alternative packaging and I'm seeking a tax abatement on our facility at 3155 Development Way. We have a 20,000 square foot facility and we currently have 5 employees and about a 200,000.00 a year payroll. We are asking for a tax abatement.

President Broady stated 3151.

Mr. Ernstberger stated 3155.

President Broady stated 55, Development Way.

Mr. Ernstberger stated right next to the Wastewater Facility.

President Broady stated has that been declared a...

Council Member Fenner stated revitalization area.

Attorney McCall stated I don't know, John put the description together.

President Broady stated do you know John?

Mr. Toombs stated I don't know.

President Broady stated ok, we'll have to research it, what it is, correct me if I'm wrong, in order to get a tax abatement you have to declare an area for economic development, revitalization area and in order to do that we start under development and then each one tax abatement is based on each individual coming in and asking for it. If this has not been done I don't know where we'd go from there. Is it too...

Attorney McCall stated you have to have that a revitalization area, there is a process to do that, pursuant to an ordinance describing the area. Usually those areas take in a larger as opposed to a specific area or a smaller area.



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President Broady stated so to answer your question, you're going to have to give us some time to research and see if it was or what we can do there.

Attorney McCall stated where is it located again.

Mr. Ernstberger stated 3155 Development Way, we got 2 and 1/2 acres.

Vice-President Eddings stated how long have you been there?

Mr. Ernstberger stated 3 and 1/2 months.

Council Member Fenner stated 3 and 1/2 months, do you anticipate asking for an abatement on property or on the building or on the equipment?

Mr. Ernstberger stated primarily the building.

Council Member Fenner stated the building, ok.

Attorney McCall stated that area we did for, does it go back that far?

Clerk Treasurer Schafer stated no.

Council Member Fenner stated no.

President Broady stated it doesn't attach to...

Council Member Fenner stated and your entrance is strictly on Development Way?

Mr. Ernstberger stated yes, we share a driveway with you guys and Team Contracting.

Council Member Fenner stated ok.

President Broady stated ok, we can reach you, do you have a number down here?

Mr. Ernstberger stated 246-1634 and our fax number is 246-1784.

President Broady stated let us do some research and we'll get back with you on this.

Mr. Ernstberger stated ok, Thank You.

President Broady stated Thank You, Paul.

PAUL PREMEVERA ADDRESSES THE COUNCIL CONCERNING FIVE MORE SEWER TAPS FOR COVERED BRIDGE.

Mr. Premevera stated yes sir, I'm here this evening on behalf of Covered Bridge concerning their expansion. Back in March you were kind enough to furnish a letter stating that you would supply sewers for 300 lots on Covered Bridge Phase 2. We've have completed the primary plat and are going to the Clark County Plan Commission Wednesday evening and we actually have 305 lots. Just to make ourselves consistent and to cover all bases I was wondering if you would amend your motion for us to go from 300 to 305 lots.

President Broady stated ok, conditions on the 300 lots, the same conditions on the 305 lot

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PAUL PREMEVERA ADDRESSES THE COUNCIL CONCERNING FIVE MORE SEWER TAPS FOR COVERED BRIDGE.

Mr. Premevera stated the same conditions just revise it to go from 300 to 305.

President Broady stated do you see any problems, so you want me to get the formalities? Does anybody see any problem with that? The same conditions that we granted for 300. Ok, do you have a letter there?

Mr. Premevera stated this is your letter if it would be all-right you can just write revised to 305.

President Broady stated do you want me to make you up a new one Paul?

Mr. Premevera stated the meeting is Wednesday night, if it would be...

Attorney McCall stated why don't you vote on it and just sign off.

President Broady stated ok, I'll entertain a motion that we approve the extension of section 2 at Covered Bridge from 300 lots as previously approved to 305 lots now as requested.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated second.

President Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0

Mr. Premevera stated Thank You Very Much.

President Broady stated ok, Mr. Pulley.

MR. PULLEY ADDRESSES THE COUNCIL CONCERNING POSTAL EXPANSION.

Mr. Pulley stated I'm Fred Pulley with the Postal Service Real Estate Office, and just here to notify the board that we do, are planning on advertising for a new facility or expansion of the present facility. We presently have 9 routes and we anticipate increasing it to about 14 within the next 10 years. And our building size is 3600 square feet and we're proposing a 6500 square foot facility on a little over an acre lot and we would propose to, if we don't expand the present facility, that's not the choice, then we would propose to locate it a little farther south on 31 towards, a little more toward the Hamburg area. So, it would be in the center of the delivery area. And I have a photograph of, this is the type of facility, it would look similar to that. That's what we have presently, the same size facility at Floyd Knobs.

President Broady stated so you are actually doubling the size of the facility.

Mr. Pulley stated yes.

President Broady stated are you in negotiations with the people over here?

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MR. PULLEY ADDRESSES THE COUNCIL CONCERNING POSTAL EXPANSION.

Mr. Pulley stated no, they will have an opportunity to offer their expansions when we go up for construction bid for selection. So they will have an opportunity to present theirs also. If anybody has any questions I'll try to answer them.

Council Member Fenner stated they have not been approached yet about it?

Mr. Pulley stated no, we just, this is a preliminary stage we have to have a public meeting before we can advertise for it.

Council Member Fenner stated for town government purposes, the location where it is, is excellent.

Mr. Pulley stated yes, I understand that and we do have, a lot, most post offices don't have the capability of expanding like this one does. You can expand side or rear or both.

Council Member Fenner stated I mean if we can do any encouraging we would be glad to encourage that we expand this one rather than move to Hamburg.

Mr. Pulley stated we're not going to move to Hamburg, but in that direction was what the postal operating people suggested that we move closer there for the center.

Council Member Fenner stated if you move to the corner of 311 and 60 you're in Hamburg.

Mr. Pulley stated we would have to stay in the city limits.

Council Member Fenner stated but the corner of 311 and 60 is in the city limits but it's not the edge this is in the center.

Mr. Pulley stated I understand that. And I'll pass that along too.

Council Member Fenner stated if we can encourage any we would be glad to do that.

President Broady stated if we can do anything for you we'd be glad to do it. Thank You Very Much.

Mr. Pulley stated Thank You.

President Broady stated ok, that all I have on petitions or comments from the citizens tonight. I've got one comment from back there the lady asking for...

Resident stated what about sewers for that area on 403?

President Broady stated at the present time, John have you talked to, how far out 403, I'm not exactly sure where you're talking about.

Council Member Fenner stated Peggy are you talking about where you live?

Resident stated yes.

Council Member Fenner stated you live right across the railroad tracks.

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Peggy stated just before...

President Broady stated is it on Greenleaf road.

Peggy stated no, I'm not on Greenleaf, I'm on 403.

President Broady stated well to be quite honest with you we haven't even discussed it or done anything. There has been no discussion or anything on the extension of the sewer other than what private developers have put in. The 60 project went in, in 1992 I believe so we really haven't discussed expanding it. I don't know, is there a lot of people interested in that area, or...

Peggy stated I'm the only one, there are sewers all around us.

Mr. Toombs stated I can answer that, what happened was when the Department of Environmental Management ordered Sellersburg to serve certain areas. To go outside the Town of Sellersburg to serve specific areas outside city limits that had septic tanks on them.

President Broady stated the boundaries were established by the government and not by the town council, that would be the reason, and the only thing I could do is say we can look into the expansion and what it would cost and etc.

Mr. Toombs stated the only problem is getting under the railroad.

President Broady stated getting under the railroad, if that's the reason you say we went around and they for some reason whatever reason, didn't feel like that, I mean they just went another direction for some reason. We didn't have any control over that at all. But we will be glad to look into it.

Peggy stated Thank You.

President Broady stated ok.

Council Member Fenner stated Peggy, what is your actual address, maybe that will help John.

Peggy stated 4340.

Council Member Fenner stated ok.

President Broady stated ok, Mrs. Diefenbach and Mrs. Pixley is not here tonight, Mr. Kinder, you have anything.

Chief Kinder stated no.

President Broady stated Mark is not here, EMC.

EMC/TIM CRAWFORD ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE.

Mr. Crawford stated the first thing I have is the water and sewer revenue for the period of June the 29th through July the 12th, in the amount of 87922.61. Next is an invoice for Meter Deposit Refund, NSF Checks and Monthly Sales Tax.

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EMC/TIM CRAWFORD ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE.

President Broady stated ok, I've got an invoice here for 273.86, Meter Deposit Refund for 182.30 and Monthly Sales Tax 3811.94 for a total of 4268.10. I'll entertain a motion to approve these.

Council Member Voyles stated I make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated second.

President Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0

Mr. Crawford stated the second invoice I have Dave is for your second quarter cooperate income tax.

President Broady stated ok, our second quarter income tax is in the amount of 2108.67. I'll entertain a motion to approve this invoice as presented.

Vice-President Eddings stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0

Mr. Crawford stated the next two items I have are associated with damage done to two fire hydrants. Approximately two months ago that the individuals insurance companies actually paid the, paid for the damage done to these two fire hydrants. One on New Albany and Church Street. I have signed in the appropriate places on the back with the one's that had EMC on them. I believe one of them had EMC, the Town of Sellersburg and Reschar Construction. I have no idea why they done it that way.

Vice-President Eddings stated that's who done the work.

Mr. Crawford stated that's who it is going to go to, Reschar.

President Broady stated we'll have to deposit it into our account won't we?

Clerk Treasurer Schafer stated it should be deposited, so they need to come up and sign.

Mr. Crawford stated I can contact Joe and let him know.

President Broady stated and he has signed for EMC, we need to contact Joe and have him come up and sign and we will deposit it and write him a check back.

Mr. Crawford stated I will do that.

President Broady stated ok, and the other one is EMC, Sellersburg, did you sign it?

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EMC/TIM CRAWFORD ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE.

Mr. Crawford stated yes I did.

Clerk Treasurer Schafer stated is that the exact amount for the hydrant?

Mr. Crawford stated it is the exact amount for all the work associated with the hydrant and replacement. The next invoice I have is associated with a water tap fee in connection with Comfort Inn Motel. This tap has been made.

President Broady stated ok, what was our charge to them for this?

Mr. Crawford stated our charge to them based on an estimate at that time was right at 3800.00.

President Broady stated ok that's our tap in fee for this size of meter.

Mr. Crawford stated yes.

President Broady stated I got an invoice in the amount of 3988.89 from Reschar Construction for the tap in at Comfort Inn.

Council Member Fenner stated and they only paid 3800.00.

Mr. Crawford stated yes sir, based on, the tap fee structure is the way that it is right now. The tap fees are requested up front and then the work is preformed. I don't know if there is an avenue to go back and ask for any overage associated with these types of things.

Council Member Fenner stated they're not even paying for the work.

Mr. Crawford stated it's kind of an unusual circumstance. It was a 4-inch tap with 2 meters in the same vault and dealing with the gentleman that owns the place and trying to get the location right.

Council Member Fenner stated I thought we were supposed to make some money off this.

Mr. Crawford stated if there is an avenue to go back and recoup.

President Broady stated you have an ordinance set up for what you charge so much for certain items, you can't go back and say, here's the ordinance and you know...

Mr. Crawford stated yeah.

President Broady stated I don't think that is going to work, unless we can change the ordinance I guess this is certainly and unusual case. I'll entertain a motion to...

Council Member Fenner stated is that the sewer tap.

Mr. Crawford stated it's the water tap.

Council Member Fenner stated I know, but have they done the sewer tap also?

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EMC/TIM CRAWFORD ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE.

Mr. Crawford stated I don't believe the sewer tap has been made to date. They have paid the fee.

Council Member Fenner stated for the sewer tap.

Mr. Crawford stated yes.

Vice-President Eddings stated I make the motion to pay the invoice.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second it.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0

Mr. Crawford stated the next item I have is for a Capital Expenditure request, it's in the water utility. If you recall gentlemen, about a month or a month and a half ago we had an 8-inch water main break at the Stout School. During that time, fixing that break it was brought to our attention they have a 4-inch service line going into the front part of the Stout School. Upon investigation of that, we found that there was a 2-inch water meter inside the school. It has been there since the 1950's. Upon further investigation we found that there was two 2-inch service lines hooked to the 4-inch main prior to the water meter, meaning that, that usage is not being metered what-so-ever right now. And on top of everything else there is no way to shut that line off if there was to be a break from the 8-inch line which is up 31 to shut it off. So what I purpose to do, the quotes that I've got is one: To put a hydrostop valve in the 4-inch main so in the situation if they have a break we can actually shut that line down, two: Is to install a new 2-inch meter outside the building. Before the 2, 2-inch water lines inside the building so that you can recoup your revenue loss there.

President Broady stated is a 2-inch meter going to handle it?

Mr. Crawford stated I would think so, the 2, 2-inch service lines that are prior to the meter right now are feeding 2 individual bathrooms in that building.

President Broady stated ok, this is a request for 3524.86, is this for the new 4-inch value?

Mr. Crawford stated yes.

President Broady stated to go in and shut it off plus moving the meter out and picking up the two lines.

Mr. Crawford stated yes, this is the whole project.

President Broady stated we'll probably get this back pretty quick off the sewer.

Council Member Fenner stated my question would be, you know the school board is talking about major expansion of Stout possibly moving Sellersburg Elementary into Stout. If they do that would it require more of an upgrade than just going to a 2-inch meter to a 4-inch meter?

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EMC/TIM CRAWFORD ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE.

Mr. Crawford stated I have met with Mr. Smith last Wednesday and he did not indicate that they were going to make any expansion at that time.

Council Member Fenner stated I was just wondering.

President Broady stated I hate to lose this kind of money. I'll entertain a motion, I think this is something that needs to be done, I'll entertain a motion to approve this Capital Expenditure.

Council Member Voyles stated I'll make a motion to approve this Capital Expenditure.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0

Mr. Crawford stated the last item that I have is a letter from Allen Stewart from Indiana American Water Company, if you are familiar with the Water Treatment Facility on Holman's Lane, Indiana Gas Facility is right behind it. Ok, and if you go a little further even yet, we granted an easement for a 36-inch water line for Indiana American to put up through there. What this letter is asking, is for Indiana Gas to tap onto that line a fire hydrant for fire service to them. Now this area is your area to provide fire service. But the type of facility that is, a concern is if we can provide them the volume of water if there is ever a fire at the facility. Now all this agreement is stating is a fire hydrant, one single fire hydrant. It's not taking your service area, for your potential growth in that area away from you what-so-ever.

President Broady stated it is still in the easement that we gave them, is it not? They are going to add a fire hydrant to that 36-inch line.

Mr. Crawford stated right, but they are going to run it back to the...

President Broady stated they are going to run that hydrant back to that.

Mr. Crawford stated yes.

President Broady stated so you would have to grant another easement for that to go back through there. Right? Wrong?

Mr. Toombs stated their easement is not on your property. The easement was for construction.

Mr. Toombs stated yeah, they paid for a temporary.

President Broady stated I can't see where they would need anything now.

Mr. Toombs stated I don't think you need to grant them anything other than permission to do it.

President Broady stated just sort of a access permission to get on there, put it on and go on with it.



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EMC/TIM CRAWFORD ADDRESSES THE COUNCIL ON/WATER AND SEWER REVENUE.

Mr. Toombs stated yeah.

Clerk Treasurer Schafer stated would that go under a private fire hydrant where they would pay a private fee?

Mr. Crawford stated I believe it would.

President Broady stated I'll entertain a motion to give them permission to tie on the 36-inch main.

Vice-President Eddings stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Fenner stated I'll second.

President Broady stated and duly seconded.

Mr. Crawford stated I jsut feel like it wasn't a call that I could make so I wanted to present it to the board. I do not see a problem with it.

President Broady stated ok, I've got a motion on the floor and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it.  
Vote 4-0

Mr. Crawford stated that's all I have.

President Broady stated ok, Building Commissioner.

Mr. Adams stated I don't have anything to report, Thank You.

President Broady stated ok, Doug.

COUNCIL VICE-PRESIDENT EDDINGS ADDRESSES THE COUNCIL CONCERNING SPECS FOR HAUSS STREET.

Vice-President Eddings stated jsut wanted to find out, John are you working on the specs for Hauss Street?

Mr. Toombs stated Hauss Street.

Vice-President Eddings stated widening Hauss Street.

Mr. Toombs stated yes.

Vice-President Eddings stated are you working on those?

Mr. Toombs stated yes.

President Broady stated anything else Doug?

Vice-President Eddings stated no.

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President Broady stated Bill.

Council Member Voyles stated no, I don't have anything.

President Broady stated Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL CONCERNING PRO VIEW SPECIALTIES.

Council Member Fenner stated nothing per business, just for your information, we had someone call and inquire, if you remember a fellow came to us last year from Pro View Specialties wanting to do a new map update of Sellersburg and we give him our blessing and a letter and he went out and received a lot of advertising for that and that was in March of 1998 and we still have no map and we got a lot of peoples money. So, I finally have been able to contact them late one evening. I in fact called them during the day and never got them and supposedly the maps were to be at the printer and shipped out later this week. That's the old perverbal the checks in the mail. So in case you hear anything about that, they apologized said they've had some problems with the copy. The copy came back incorrect and then they kept having to send it back and then it come back incorrect again and they are working on it and they are sorry. They hope to have them here soon.

President Broady stated ok.

Council Member Fenner stated that's all I have.

President Broady stated Perry did you have anything tonight.

Attorney McCall stated no.

President Broady stated John do you have anything?

Mr. Toombs stated no.

President Broady stated Linda.

CLERK TREASURER LINDA SCHAFER ADDRESSES THE COUNCIL MEMBERS ON THE BILLS.

Clerk Treasurer Schafer stated I just want to present my bills.

President Broady stated ok, everybody's had a chance to look over the copy of the bills, St. Paul's Catholic Church, what was that about?

Clerk Treasurer Schafer stated it was what the council approved in the last meeting for reimbursement for some work they did over there. Do you remember Tim?

Mr. Crawford stated I'm sorry.

Clerk Treasurer Schafer stated the 6000.00, was is 6000 something dollars that...

Council Member Fenner stated 6088.00.

Clerk Treasurer Schafer stated I can go pull the voucher.

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President Broady stated I just...

Clerk Treasurer Schafer stated it was approved at the last meeting. It was reimburse to St. Paul's for 6000 something, I can go pull the voucher, it won't take me a second.

President Broady stated ok.

Clerk Treasurer Schafer stated what was the check number?

President Broady stated 8407.

Clerk Treasurer Schafer stated is it Civil?

President Broady stated Motor Vehicle Highway. I just don't recall.

Council Member Fenner stated I don't either.

President Broady stated I'm just curious.

Clerk Treasurer Schafer stated the council approved it for widening the street. St. Paul's paid that and it's for reimbursement. It probably is in this meeting.

Council Member Fenner stated I looked through there and I didn't see it.

Clerk Treasurer Schafer stated I might have been the one before.

Council Member Voyles stated I can't remember.

Council Member Fenner stated I think two meetings ago we did approve something.

Clerk Treasurer Schafer stated you did, you want to pull the minutes of the meeting before?

Council Member Fenner stated I don't know if it was that much money.

Clerk Treasurer Schafer stated yeah, it was 6000 and something that you all approved.

Council Member Fenner stated I would just feel more comfortable if we knew specifically

Clerk Treasurer Schafer stated no problem.

President Broady stated on that last one there, on Lonnie's that's the yearly budget.

Clerk Treasurer Schafer stated I think there is 6000.00 there.

President Broady stated while she's doing that, I've also got 2 claims for Jacobi, Toombs and Lanz, one is the amount of 30.00 for Planning Commission review and one is for 1162.50 for storm sewers. I'll entertain a motion to approve these claims as presented.

Council Member Fenner stated I'll make the motion that we approve the claims as present

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President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0 Where do we stand on the bill from the attorneys on the water.

Attorney McCall stated you either pay it or you don't.

Council Member Fenner stated would it be wise for us to pay them what we think is the appropriate amount and contest. Just tell them we contest that certain amount that they charged us up front.

Attorney McCall stated was it about 2000 and something?

President Broady stated I've got it, I keep carrying it around and it's about worn out.

Council Member Fenner stated I don't know whether I brought it with me or not. What we are contesting was like 800 of it, I think.

Attorney McCall stated the initial consultation.

Council Member Fenner stated right, from the time we called them on the phone and ask them if they want to represent us, they started charging us.

President Broady stated the total amount is 2665.34.

Council Member Fenner stated I've got the original billing.

Attorney McCall stated next meeting why don't you bring it with you, make a motion to pay whatever amount that you think is appropriate and I'll write them a letter along with that to them.

Council Member Fenner stated all right.

President Broady stated John, what it was is they paved their street and stuff and widened part of the road.

Mr. Toombs stated I'm sorry, I wasn't listening.

President Broady stated ok, the bill that we are seaching for is something with St. Paul's widening the street and paid part of it, I guess when they give us the ground.

Mr. Toombs stated I don't know.

President Broady stated I don't either.

Vice-President Eddings stated they gave us the ground and they went in and actually done the construction on the street and now they're charging us for the construction work that they have done.

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Council Member Fenner stated I think it's something that Kenny presented.

President Broady stated here it is 6-29.

Clerk Treasurer Schafer stated it would have to be 6-28, probably the 28th.

President Broady stated this was May the 25th.

Clerk Treasurer Schafer stated no, the voucher date is probably approved on the meeting on the 28th that's what I would say.

President Broady stated ok.

Clerk Treasurer Schafer stated that's what I was thinking.

President Broady stated it was approved then.

Clerk Treasurer Schafer stated yes.

Council Member Fenner stated can I see the book.

Clerk Treasurer Schafer stated what's the date on there.

President Broady stated the letter date is May the 25th.

Clerk Treasurer Schafer stated the voucher date.

President Broady stated 6-29, I read the minutes for the meeting and I didn't see anything in there. Ok, you all want to approve it pending that it is verified that we did approve this.

Vice-President Eddings stated yeah.

Council Member Voyles stated yeah.

Clerk Treasurer Schafer stated if you all approve it that's fine.

President Broady stated if we can prove that we did approve it through the minutes that we did approve it.

Attorney McCall stated I don't know who would have presented it because St. Paul..

Clerk Treasurer Schafer stated Ken did.

Attorney McCall stated Ken did.

Council Member Fenner stated yeah, it was Ken.

Attorney McCall stated it's got to be in the minutes.

President Broady stated it may go all the way back to when we approved them doing part of the work. Ok, I'm going to go ahead and make a motion that we approve the minutes as presented with the conformation that we did approve paying St. Paul's

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6088.00, is that ok.

Vice-President Eddings stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? Does everybody understand what we're doing, we're approving St. Paul Catholic Church if we can verify that we did approve the bill. If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0 Ok, with no other business on the agenda, I'll entertain a motion to adjourn the meeting.

Vice-President Eddings stated I'll make that motion.

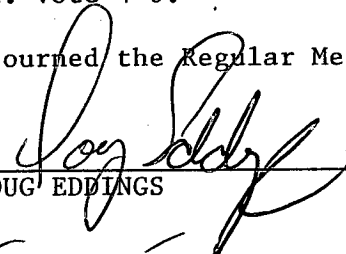
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Council Member Voyles stated I'll second.


President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0.

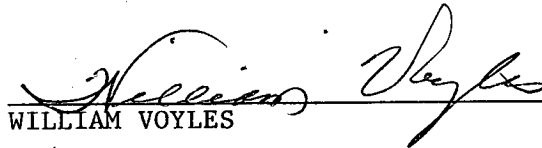
With no further business President Broady adjourned the Regular Meeting at 7:30 p.m.

  
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
DOUG EDDINGS

\_\_\_\_\_  
KENNETH ALEXANDER

  
\_\_\_\_\_  
GARY FENNER

  
\_\_\_\_\_  
WILLIAM VOYLES

ATTEST: LINDA G. SCHAFER  
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

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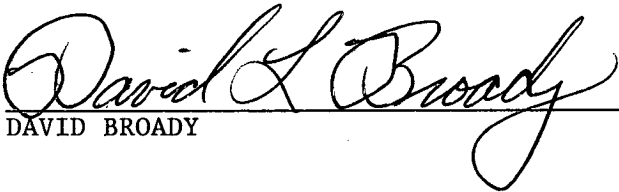
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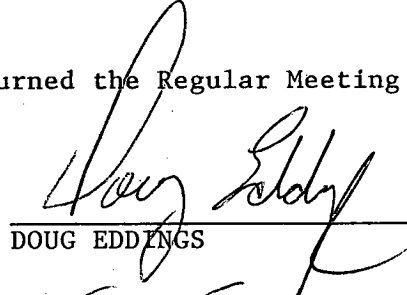
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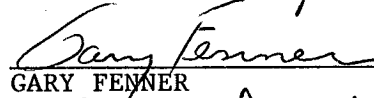
President Broady stated and duly seconded, any discussion? If not all in favor signify by saying I, opposed nay.

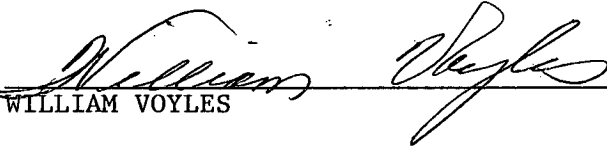
With no further business President Broady adjourned the Regular Meeting at 7:00 p.m.

  
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
DOUG EDDINGS

\_\_\_\_\_  
KENNETH ALEXANDER

  
\_\_\_\_\_  
GARY FENNER

  
\_\_\_\_\_  
WILLIAM VOYLES

  
\_\_\_\_\_  
ATTEST: LINDA G. SCHAFFER  
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

July 26, 1999

Regular Meeting

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

Called To Order

President Broady called the Regular Meeting to order at 6:35 p.m.

Prayer

The prayer was offered up by Rev. Bob Hauselman.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBER ON/MINUTES.

President Broady stated we have the minutes of July 12th, in our box, Executive Session and also Regular Session, and had a chance to look them over and I'll entertain a motion to approve both minutes as presented.

Vice-President Eddings stated I make a motion to approve the minutes.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0 Ok, petitions for tonight, Mrs. Wilder, is she here? Yes Ma'am

MRS. WILDER ADDRESSES THE COUNCIL CONCERNING A POOL ADJUSTMENT.

Mrs. Wilder stated what, where do I go?

Council Member Fenner stated stand up here, so people can hear you.

Mrs. Wilder stated ok, this is new. What I was just told that I need to do to get a pool adjustment and we have already had our first pool credit. Apparently when we filled our pool up it was in between the reading and so when we got the water bill for our pool, it's a 20x40 ft. inground which holds about 60,000 gallons of water, and I was requesting a second credit. The first one was 161.00 and the second one was 156.00 and my bills normally never over 60.00.

President Broady stated ok, so what they have done, they have caught you in the middle of the reading then.



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MRS. WILDER ADDRESSES THE COUNCIL CONCERNING A POOL ADJUSTMENT.

Mrs. Wilder stated yeah, we started filling the first part of May, on the 4th and it must have been the cut off. I don't really remember what date, I didn't write down the date, but I did call them when we started filling it up in the beginning and they said I had to come before you all.

President Broady stated ok.

Mrs. Wilder stated they said I had to come before you all, I've never had to do this before, because I've never been caught in the middle.

President Broady stated Tim, why, I mean, do you know anything about this?

Mr. Crawford stated no, this was the first I heard about it.

President Broady stated I mean, I don't know why she would have to come to us, because it happens to fall in the middle of the month, and it seems foolish to make her come up here to ask for credit on both. I didn't know if that was, if there was something special about this.

Mr. Crawford stated I think where the confusion is, it was stated that there is only one adjustment, if that adjustment is made on a previous bill, then we do not have the authority to make another adjustment.

President Broady stated ok, well I though it was an adjustment for a swimming pool fill-up, you know when it was one bill or two, I was just trying to figure out why.

Council Mmember Fenner stated but EMC wouldn't have any idea of how big of pool it is, how many gallons you are going to use, so they wouldn't have any idea of when you are filling it either.

President Broady stated all right I didn't know if that was something we needed to fix or I mean it seems to work ok, but every once and a while we get caught on this.  
Ok

Mrs. Wilder stated it's never happened before and I've had my pool for ten years so...

Council Member Fenner stated it's on the sewer.

Mrs. Wilder stated right.

Council Member Fenner stated not on the water itself.

Mrs. Wilder stated right, the water I understand.

Council Member Fenner stated it's a 60x40?

Mrs. Wilder stated it's a 20x40.

President Broady stated oh, 20x40.

Mrs. Wilder stated 20x40 and it goes from 3 to 8 foot.

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MRS. WILDER ADDRESSES THE COUNCIL CONCERNING A POOL ADJUSTMENT.

President Broady stated ok, does anybody have a problem with that?

Council Member Fenner stated do you want a motion?

President Broady stated yeah, go ahead and make a motion.

Council Member Fenner stated I make a motion that we adjust the second bill also.

Vice-President Eddings stated I second.

President Broady stated I've got a motion on the floor, and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0 Tim will take care of it for you. Next on the agenda is the salary ordinance for the year of 2000. And I assume that this is representing a pay increase of, Cindy do you know if it's...

Council Member Fenner stated 3%.

Chief Deputy Shelton stated I believe so, yeah.

Council Member Fenner stated yeah, I went and checked it.

President Broady stated ok.

PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBERS CONCERNING THE SALARY ORDINANCE.

Council Member Fenner stated all of them were 3% with the excetion of the Chief of Police, which we left open. And also the Town Attorney, the Town Manager, and the Clerk Treasurer. Those all 3 were held the same.

President Broady stated what about the Council Members?

Council Member Fenner stated and the Council Members, I'm sorry.

Council Member Voyles stated they are the same.

Council Member Fenner stated so the Council, the Clerk Treasurer, the Town Manager, the Town Attorney are all same, and the rest, and also all the people that serve on the boards are all so, the actual full-time employees are 3%.

President Broady stated ok, this is an ordinance so I'll need, are we going to act on this tonight gentlemen?

Council Member Fenner stated we need to.

President Broady stated ok, I need an ordinance number.

Chief Deputy Shelton stated 99-721.

President Broady stated 99-

Council Member Fenner stated 721.

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PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBERS CONCERNING THE SALARY ORDINANCE.

President Broady stated 721, ok I'll entertain a motion to consider ordinance number 99-721 on the first reading.

Vice-President Eddings stated I make a motion to to consider the ordinance.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0 is it my understanding without council here, but I think that we have a total membership present to do the second one, so this will have to be taken up at the next meeting. Cindy, I'm going to leave this in your possession, it will have to be done at the next meeting too, right.

Council Member Fenner stated ok.

President Broady stated ok, that's all I have on the comments, Chief Kinder is not here, Mark Warren is not here, EMC is always here.

EMC/TIM CRAWFORD ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY REPORT'S.

Mr. Crawford stated we're always here. The first thing I have is the monthly report giving the run-down of the water and wastewater utilities, which is excellent once again. The second report is your water and sewer revenue report for the week of July the 13th through July 26th in the amount of 69117.20. The next item I have is a Capital Expenditure request. This request is for Taurus that was donated by the Police Department which is in need of repairs. The major repair being the transmission on the automobile. This automobile has approximately 100,000 miles on it, and over and beyond that it is just not a practical vehicle for the utility itself. When it comes time to put pumps, parts and those type of situations the car just does not work as needed.

President Broady stated that's a considerable amount of difference.

Mr. Crawford stated it was a great big amount of difference. I can assure you that neither one of them knew what the other ones bid was beforehand. The Ford is a 1999 F-150, the Chevrolet is a 2000, 1500.

President Broady stated ok, I know we were needing a vehicle in the Water Department, like they said the vehicle that Clark is driving has just about had it. Do we want to act on this tonight or would you all like to consider it and act on it at the next meeting, what's the pleasure of the board?

Mr. Crawford stated I believe the last purchase of a vehicle for the utility was 1994 which was another service truck.

Vice-President Eddings stated I know we need it.

President Broady stated ok, do you want to act on it tonight.

Vice-President Eddings stated I don't think you're going to beat that price.

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EMC/TIM CRAWFORD ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY REPORT'S.

Council Member Voyles stated that's a good price.

Mr. Crawford stated that come's in on your state bid.

Council Member Fenner stated can we give him authority to go back and negotiate more on t prices?

President Broady stated I wouldn't.

Council Member Voyles stated I wouldn't, no.

Vice-President Eddings stated I think it got messed up all ready.

Council Member Fenner stated well, I wasn't talking about going back to John Jones, but going back to the local dealer.

President Broady stated I don't think it's fair to the, I like to do business in town, but still yet I don't think it's fair that you take the bids and you get, you know.

Council Member Voyles stated I agree.

President Broady stated I just don't think that's fair, I don't do it in my company and I don't think we should do it here.

Council Member Fenner stated ok, let's do it.

President Broady stated and for the media, one bid was, we got two prices on a vehicle for the Water Department. One bid was 19553.50 and the other bid for an identical truck, it was a different brand, it was a Chevrolet vs a Ford, it was 16950.00. Almost 3000.00 difference. I'll entertain a motion that we approve the Capital Expenditure out of the water, now this comes strictly out of the Water Department?

Mr. Crawford stated water, yes.

President Broady stated out of the Water Department in the amount of 16950.00 for a New Chevrolet 1500, 2-wheel drive.

Mr. Crawford stated 2000.

President Broady stated the year 2000, for 16950.00.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0

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EMC/TIM CRAWFORD ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY REPORT'S AND A NEW TRUCK.

Mr. Crawford stated Thank You guys, the last thing I have this evening, is a for a lack of better words, I'll use out-of-scope expenditure. This expenditure is associated with a requirement mandated by the EPA or the Federal Government, that come's down along with the issuance of the new NPDES permit at the Wastewater Treatment Facility. It is a requirement that is issued, like I said once again, by the EPA for any Wastewater Treatment Facility, of a million gallons or over, in design and it is called Bip-Monitoring test, and what this test does, it gives them an ideal of quality of the effluent that is discharged from that utility on a daily or average, yearly average. The test is performed over a 3-month period. One week out of each month, and it has to be done by an independent laboratory. The two laboratories that I have listed in front of you are both approved by the state and the EPA to perform these tests.

Vice-President Eddings stated this takes one time a year?

Mr. Crawford stated this just takes each time the permit is issued. So there will be five years before this test has to be run again.

President Broady stated didn't we talk about this at the last meeting?

Mr. Crawford stated no, we did not.

Council Member Fenner stated I don't think so.

Mr. Crawford stated you and I had talked about it, if you remember.

President Broady stated ok, really this is a no brainer, we have got it, right.

Mr. Crawford stated it is a federal requirement. It is just something that you've got to do.

President Broady stated this comes out of the Sewer Department?

Mr. Crawford stated yes.

President Broady stated ok, I'll entertain a motion to approve the expenditure of 5000.00 to Commonwealth Biomonitoring, Inc. for the test that are required by our environmental management permit.

Vice-President Eddings stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0

Mr. Crawford stated that's all I have gentlemen, unless you have any questions of me?

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EMC/TIM CRAWFORD ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY REPORT'S.

Council Member Fenner stated I was wondering what about us dragging the lagoons? Are we going to be able to do that?

Mr. Crawford stated yes, we are working with Mr. Toombs we have projected to have this done by the end of this summer.

Council Member Fenner stated ok.

Mr. Crawford stated that is the indication we are giving to IDEM.

Council Member Fenner stated are we still looking at 150,000.00?

Mr. Toombs stated maybe not.

Council Member Fenner stated good, I mean that was the big Capital Improvement for the Water Department for this year.

Mr. Crawford stated Thank You.

President Broady stated Mark, are you representing the Building Commission?

Mr. Ball stated yes sir.

President Broady stated you have anything?

Mr. Ball stated we don't have a whole lot going on right now. I've just been spending most of my time with Kinder in case he wants me to run it.

President Broady stated all right, do you have anything concerning the Building Commissioner?

Mr. Ball stated we've got a few things pending, unless something comes up here during the meeting.

President Broady stated ok, Mr. Eddings.

Vice-President Eddings stated nothing.

President Broady stated Mr. Voyles.

Council Member Voyles stated nothing.

President Broady stated Mr. Fenner.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL CONCERNING THE PARKS DEPARTMENT WOULD LIKE TO OFFER AN EVENING OF SWIMMING TO THE EMPLOYEES AND THEIR FAMILIES.

Council Member Fenner stated one thing, the Parks Department would like to offer an evening of swimming to the employees and their families of the town and also EMC. We've set a date of Friday evening, August the 13th. You know it would be a private party, just for the employees and their families and we, the hours would be like from

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COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL CONCERNING THE PARKS DEPARTMENT WOULD LIKE TO OFFER AN EVENING OF SWIMMING TO THE EMPLOYEES AND THEIR FAMILIES.

7:17 to 9:15 to be in the pool. We also would like to offer maybe a cookout previous to that. The Parks Department is willing you know, do the pool and provide the lifeguards and the personnel, but you know we don't have money in our budget for something else so, the council still has about 450.00 in their promotion budget and I wondered if we could use some of that, I mean obviously we won't use all of it, but to buy the hot dogs, hamburgers, and things like that and drinks for a picnic beforehand.

President Broady stated I don't see any problem with it. Does anybody got a problem with it?

Council Member Voyles stated I don't.

Council Member Fenner stated we'll work out the details and make sure we get the notices to all the employees so that they can make plans to do that.

President Broady stated ok.

Council Member Fenner stated I have a list here of things, this is just for your information only, of things we have done at the pool over the last few years. This is just mostly for our recordkeeping, but I thought I would show it to you. And that's all I have.

President Broady stated ok, John do you have anything?

MR. JOHN TOOMBS ADDRESSES THE COUNCIL MEMBERS CONCERNING CLAIM.

Mr. Toombs stated I've got that one claim up there, which I believe to be the last storm sewer claim under the current bid.

President Broady stated ok, I have a claim from L.D. Rice, as John just stated, for the last claim concerning the contract in the amoun of 2000, oh, 262.50 and that is the final?

Mr. Toombs stated yes.

President Broady stated so this would be the final claim, and I'll entertain a motion to approve the final claim for the Sellersburg Drainage Improvement Project.

Mr. Toombs stated there will of course be another batch soon for this years budget. That is for all the stuff we did in December.

President Broady stated ok, I'll entertain a motion to approve...

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Fenner stated I'll second.

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MR. TOOMBS ADDRESSES THE COUNCIL MEMBERS CONCERNING A CLAIM.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0

Mr. Toombs stated Dave, also I think we might have to set a wage rate for this next batch of things we're going to do.

President Broady stated ok.

Mr. Toombs stated I'm trying to find somebody who knows who you appointed to your wage rate commission. I know we did one last year.

President Broady stated ok, Doug and I have the list on that and we'll get it to you.

Mr. Toombs stated ok, I know how to set it up and I'll take care of it, but I don't know who the people are. Even though I had the last wage rate, they sign their name like I do, you can't tell who it is.

President Broady stated ok, I'll get with Doug and we'll get those to you.

Mr. Toombs stated ok.

Vice-President Eddings stated two people isn't it?

President Broady stated yeah.

Mr. Toombs stated the county appoints the other one.

PRESIDENT BROADY ADDRESSES THE COUNCIL CONCERNING THE PLANNING BOARD.

President Broady stated ok, I've got a few items here, first of all I've got a resignation from the Planning Board, Commission from Mr. Dan Vogel has resigned. Dan is a republican on the board so we need to solicit another candidate for the position. And he would have to be a republican. That's on the Planning Commission. We got the ordinance from St. Paul, ok, Jesse Ballew Enterprises, has submitted a request for a tax abatement down at his industrial park and it's for 30,000 square foot metal and masonry building. He's asking for a building exemption for right now. It's estimated cost is 425,000.00 it's going to be a manufacturing firm. They are building it as a spec building, we don't know what manufacturing building it's going to be yet. I told him to submit this, we'd talk about it tonight and probably postpone it until the next meeting. So you all would have a chance to talk about and you can call this Stan Richards if you want to and ask him what exactly is going to be there. And maybe by the, you know, I don't know if it's something you all want to consider in this particular time about.

Council Member Fenner stated I'd rather wait till we have a Manufacturing Company that's going to be there and we know who it is and we know what they are going to manufacturer and then we'll consider giving them a tax abatement.

President Broady stated ok, is that about the feeling of the whole board?

Vice-President Eddings stated yes.



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PRESIDENT BROADY ADDRESSES THE COUNCIL CONCERNING THE PLANNING BOARD.

President Broady stated I will call Stan back and let him know that. Actually you don't want to even consider it until we find out more about it. There is a, they were under the understanding that once they approved that for a...

Council Member Fenner stated revitalization.

President Broady stated revitalization, that a tax abatement were automatic, and I assured them that they were not. So that's the reason they submitted this and I will call Stan tomorrow and tell him that you know, we're not going to do anything on it until we find out what kind of manufacturing is going to be there.

Council Member Fenner stated and you know, you might what to throw in the one item from the last time someone came to us and that was, I'm not inclined to give, to consider a tax apatement until we get the railroad crossing situation completed.

President Broady stated ok, we'll table that, another problem, or not another problem, another item on the agenda, and I should have acted on it at the last meeting, and I did not there is a building in behind Jim O'Neal's, a company by the name of Great Dane, and what they do, I think is put lawn mower's together, I believe. Is anybody familar with it?

Council Member Fenner stated I know the building, there have been several people in there, I don't know who is in there now.

President Broady stated it's a company by the name of Great Dane and they are out of Wisconsin and they have outgrown this building and the people that own the building are not interested at all in making the building bigger to accomdate the needs. So they went out and found a, they are going to build at the Industrial Park in Jeff, or outside of Jeff. They sent us a letter and they did not contact anybody, we got a letter from the Department of Redevelopment in Jeff and basically what the letter stated is that we give them our blessings and everything and you know, that we didn't have enough room to accomdate them here in Sellersburg and we sent them down to Jeff with our blessings. When I orginally got the letter, to be quite honest I thought, sure, right. So then I researched it and got ahold of Greg Pfister with the Chamber of Commerce and I talked to Tom Gallian and Tom said that it's strictly up to us. He's not trying to take anybody from anybody. Greg Pfister, what he told me was, is that they wouldn't have anything to do with the people finding the area that they were going to go, they did this on their own. And he said it's standard when someone would move from Jeff and want to come to Sellersburg we would get a letter and ect., that's the way it works and what this letter represents is they can get a grant though the State of Indiana for about I think in this particular case around 80,000.00 or some part for building a new building. And the Great Dane people said they were going there and get a grant, and the tax abatement and stuff or they are going to go ahead, or go to Wisconsin and they will handle it out of there. So basically what it comes down to is we can either write the letter and they will probably leave and go elsewhere. And like I said when I first got the letter, I thought well this is much advantage to Sellersburg, which eventually it's done quite often. And I was apologized to from the Mayor of Jeff because he thought that we were aware of it and we weren't aware of it until we got the letter. So actually I believe that it would be my recommendation at this point to order to keep business in Clark County, it's better than losing them all together, I would like the boards permission if they so desire, to sign the letter and send it back to the City

SELLERSBURG TOWN COUNCIL  
Regular Meeting  
July 26, 1999  
Page 11.

PRESIDENT BROADY ADDRESSES THE COUNCIL CONCERNING THE PLANNING BOARD.

Of Jeff and they, you know grant this on further to the State.

President Broady stated and the state will grant them a monetary value.

Council Member Fenner stated yeah, grant.

Council Member Fenner stated Mark, have we ever had any complaints about them at all as far as Building Commissioner goes?

Mr. Ball stated I'm not familiar with any problems with them. I'm just aware of what they do, so. They come up and requested some information on what they had to do to expand.

President Broady stated but you are aware of it then, what was on this...

Mr. Ball stated yeah,

Council Member Fenner stated I make a motion that we authorize you to write the letter.

President Broady stated ok, I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0 I'll get the letter and sign it. Ok, the last thing I have on my agenda is the bills for tonight. There was no checks written out of the Sewer Department Cindy?

Chief Deputy Shelton stated no.

President Broady stated ok, everyone's had a copy of they bills in your box.

Council Member Fenner stated the Sewer Plant is working though...

Mr. Crawford stated yes.

Council Member Fenner stated ok.

President Broady stated if so, I'll entertain a motion to approve the bills as presented.

Vice-President Eddings stated I'll make a motion to do that.

President Broady stated I've got a motion on the floor do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. Vote 4-0 Ok, if there will be no further business on the agenda. I'll entertain a motion to adjourn.

SELLERSBURG TOWN COUNCIL

August 9, 1999

Executive Session

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

Called To Order

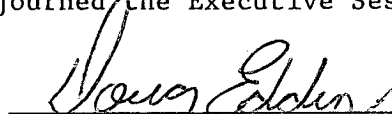
President Broady called the Executive Session to order at 6:05 p.m.

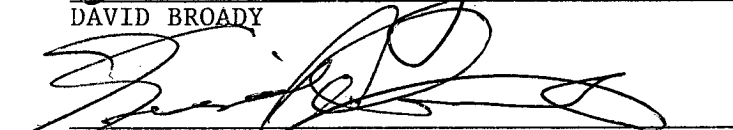
Topics Of Discussion


Schafer vs Town Of Sellersburg  
Dixon  
A-1 Property's/Tax Abatement  
St. Paul's  
Salary Ordinance  
Bids/Storm Sewer Project  
Chief Of Police  
Insurance  
Budget  
Cars/Budget  
Revitalization/Ordinance  
Bills/Lisa Ave./St. Pauls

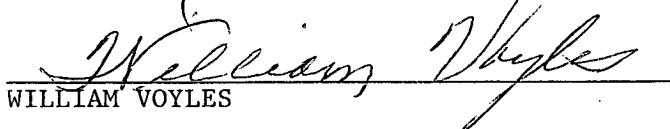
With No further business President Broady adjourned the Executive Session at 6:21 p.m.

  
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
DOUG EDDINGS

  
\_\_\_\_\_  
KENNETH ALEXANDER

  
\_\_\_\_\_  
GARY FENNER

  
\_\_\_\_\_  
WILLIAM VOYLES

\_\_\_\_\_  
ATTEST: LINDA G. SCHAFER  
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

August 9, 1999

Regular Meeting

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

Called To Order

President Broady called the Regular Meeting to order at 6:30 p.m.

Prayer

The prayer was offered up by Father Richart.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBER CONCERNING THE MINUTES.

President Broady stated we've had the minutes of July 26th in your box and I think you've all had a motion to approve the minutes as presented.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Fenner stated I'll second.

President Broady stated slowly, but duly seconded, is there any discussion? If not all those in favor signify by saying I, oppose nay, I's have it.

Council Member Alexander stated I'll abstain.

Clerk Treasurer Schafer stated vote 4-1.

President Broady stated ok, the first on the adgenda tonight we have Mr. Earl Bonnaville with Montgomery Insurance Agency.

EARL BONNIVILLE/MONTGOMERY INSURANCE AGENCY ADDRESSES THE COUNCIL CONCERNING THE RENEWAL OF THE TOWN'S INSURANCE.

SELLERSBURG TOWN COUNCIL  
Regular Meeting  
Aug. 9, 1999  
Page 2.

EARL BONNIVILLE/MONTGOMERY INSURANCE AGENCY ADDRESSES THE COUNCIL CONCERNING THE RENEWAL OF THE TOWN'S INSURANCE.

Mr. Bonniville stated I have a renewal for the Town's Insurance.

Council Member Alexander stated can I interrupt for a second and ask the chairman a question.

President Broady stated sure, sure.

Council Member Alexander stated back in 95 I guess it was when we did the insurance. I think we did a 3 year policy. And I assume this would be the same, was that not correct? I mean the last time that we, I mean I know we entertained last August a motion for insurance and I was under the assumption that it was just like the last time I did that only 3 years ago prior too.

President Broady stated I don't, I don't know how to answer that I don't know if we made a motion if it was good for 3 years.

Council Member Voyles stated I've never heard of such a thing.

Clerk Treasurer Schafer stated no I haven't either.

Council Member Alexander stated well, I was just curious but I mean the last time we got into the discussion as far as doing this every year.

President Broady stated ok, well, I don't think we made it into a motion or anything like that. I don't know.

Council Member Alexander stated ok.

President Broady stated can we do that?

Council Member Alexander stated I'm sorry Earl.

EARL BONNIVILLE CONTINUES PRESENTING INSURANCE QUOTE NEXT PAGE.

## **INSURANCE PROPOSAL**

Designed for  
**Town of Sellersburg, IN**

Effective Date  
August 15, 1999 to August 15, 2000

Presented by  
Earl Bonnaville  
Montgomery Agency  
110 Maple Street  
Sellersburg, IN 47172

Prepared by  
Tom Geary, Underwriter  
August 6, 1999

**St. Paul Fire & Marine Companies**  
**A.M. Best Rating A+**

**IMPORTANT:** Proposed coverages are provided by the company's forms, subject to the terms, conditions and limitations of the policy (ies) in current use by the company. The policies themselves must be read for specific details. No warranty is made or implied regarding compliance with any bid specifications, unless such provisions are a part of the proposal.

**INTRODUCTION**

Regular Meeting

Aug. 9, 1999

Page 4.

**St. Paul Fire and Marine Insurance Company** was founded in 1853, and is Minnesota's oldest business corporation. The St. Paul Companies' merger with USF&G Corporation, Charter House, and the Titan Companies completed in April 1998, created a stronger company that reflects the best of all four companies, products, services and employees. At the time of the merger, the new St. Paul was listed as the eighth largest property-liability insurance underwriter in the United States, among the five largest U.S. reinsurance underwriters and one of the top 15 reinsurers in the world.

**St. Paul Public Sector Services** is a leader in providing customized risk management to meet the unique needs of Public Entities. We believe that effective risk management involves working together with you and your independent agent or broker as partners to most effectively tackle your risk management needs and concerns. By exclusively underwriting and servicing Public Entities, we are able to provide insurance, loss control, and claim services that are designed specifically to meet your needs. The St. Paul is an industry leader in providing innovative loss control services to help customers identify risks, minimize losses and maximize profitability. In addition, all St. Paul policyholders can depend on prompt, professional claim service from specialists who understand and are committed to meeting their needs. St. Paul Public Sector Services currently has over 4,500 Public Entity clients countrywide.

## INSURANCE COMPANY SELECTION

Headquartered in St. Paul, Minnesota, The St. Paul Companies is a group of companies providing insurance and reinsurance products and services worldwide. With the merger of the St. Paul, USF&G, Charter House, and Titan Companies, the St. Paul has 14,000 employees worldwide and financial assets of \$36 billion.

St. Paul Fire & Marine is financially strong company with an AM Best Superior, a Moody's Excellent and a Standard & Poor's rating of extremely strong as shown below.

A.M. Best	A+ <i>A+ is the second highest rating available based upon a scale from A++ to D</i>
Standard & Poor'	AAA <i>AAA is the highest rating available based upon a scale from AAA to CC</i>
Moody's Financial Services	Aa2 <i>Aa2 is the second highest Rating available based upon a scale</i>



## ST. PAUL LOSS CONTROL SERVICES

St. Paul Public Sector Services offers risk management programs and resources which have a proven impact on preventing losses and reducing overall costs for public entities. The programs and resources have been developed for public entity clients by public entity loss control specialists for general liability, vehicle safety, property protection, law enforcement liability, employment practices liability and workers compensation loss control.

Our goal is to assist public entities with a systematic approach to reduce exposures in order to reduce loss-related expenses and enhance delivery of public entity services. The loss control programs and resources respond to historical losses experienced by public entities and "best practices" for governmental entities advocated by the Public Risk Management Association (PRIMA).

Upon binding coverage with The St. Paul, you will be offered Loss Control Programs and Resources that include:

The Public Sector Loss Control Self-Assessment This tool assesses the effectiveness of your entity's loss control programs. It addresses critical loss control features in:

- Loss Control Management
- Automobile Loss Control
- Fire Department
- Law Enforcement Department
- Parks and Recreation Department
- Public Works Department

The Assessment Report provides information for improving loss control program management, model policies, training recommendations and model programs.

Loss Control In Your Fax Resource information is as close as a telephone and fax machine with this service for St. Paul public entity clients. Loss control policies and programs, safety meeting topics, forms for documenting loss control efforts, and a wide variety of loss control resources are available through your entity's fax machine. The process is as easy as dialing an 800 number and takes less than five minutes to receive the documents.

Public Sector Loss Control Answer Line Have a technical question about a loss control issue? Use the St. Paul Public Sector Loss Control Answer Line. Clients can direct their specific loss control questions to Public Sector Loss Control staff for advice and information.

In the Public Interest Loss Control Newsletter The quarterly newsletter addresses employment practice issues in a single-topic newsletter format. Each issue provides information on legal and regulatory concerns and features loss control and risk management methods to minimize the frequency and severity of employment practices liability losses.

St. Paul - PRIMA Loss Control Seminars St. Paul and the Public Risk Management Association (PRIMA) are jointly sponsoring a number of loss control seminars, delivered in regional locations across the country. The seminar program registration fee is waived for St. Paul clients who wish to attend these one-day seminar programs. There are three different regional programs addressing risk management issues with law enforcement, employment practices, and crisis management.

At the St. Paul, we are dedicated to meeting our public entity clients' risk management and loss control needs. We are pleased to offer you The St. Paul Public Sector Services' Loss Control Programs and Resources as a part of this insurance proposal.

# GENERAL LIABILITY

## OPTION 1

Coverage (Occurrence Form)	Limit
General Total Limit	\$ 6,000,000
Products & Completed Work Total Limit	\$ 6,000,000
Personal Injury Each Person Limit	\$ 2,000,000
Advertising Injury Each Person Limit	\$ 2,000,000
Each Event Limit	\$ 2,000,000
Deductible Per Event(Bodily Injury and/or Property Damage)	None
Premises Damage Limit	\$ 2,000,000

Miscellaneous	Limit	Deductible
Failure to Supply-Limited Form	██████████	None
Sewer Backup	\$ 2,000,000	None
Waterslide	Included	\$ 1,000

## Program Features and Benefits

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### General Liability Coverage

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#### What this Agreement covers:

Covers all premises and operations of the named insured for the following, unless specifically excluded:

- Extended Bodily Injury
- Broad Form Property Damage
- Products and Completed Operations
- Contractual
- Personal Injury and Advertising
- Fire Damage Legal
- Host Liquor
- Incidental Medical Malpractice
- Non-Owned Watercraft (less than 75')
- Owned Watercraft (less than 25')
- Pollution Coverage for:
  - Pesticide/herbicide application
  - Chemicals used in water treatment - chlorine or sodium hypochlorite
  - Hostile fire heat, fumes or smoke; or mobile equipment operating fluids

#### Additional General Liability Coverage's available:

- Failure to Supply - Utilities Coverage
- Cemetery Professional
- EMT Professional
- Joint Ventures
- Sewer back-up
- Employee Benefits Administration

#### Who is Protected:

- The Public Entity
- Elected or Appointed Officials
- Board Members
- Employees and Volunteers
- Real Estate Managers
- Landlords
- Equipment Lessors
- Operators of Mobile Equipment

## EMPLOYEE BENEFITS

Coverage (Claims-Made Form)	Limit
Each Wrongful Event Limit	\$ 2,000,000
Total Limit	\$ 6,000,000
Each Wrongful Event Deductible	\$ 1,000

Miscellaneous	Deductible
Year 2000 Exclusion Applies	None

# PUBLIC ENTITY MANAGEMENT LIABILITY

## OPTION 1

Coverage (Claims-Made Form)	Limit
Each Wrongful Event Limit	\$ 2,000,000
Total Limit	\$ 6,000,000
Each Wrongful Event Deductible	\$ 2,500
Retroactive Date	08/05/1990

Miscellaneous	Limit	Deductible
Year 2000 Exclusion Applies	Excluded	None

## Program Features and Benefits

### PUBLIC ENTITY MANAGEMENT LIABILITY COVERAGE

#### What This Agreement Covers:

Claims that result from the conduct or duties by or for the Named Insured caused by a Wrongful Act. A "Wrongful Event" is any act, error or omission.

#### Who is Protected:

The Public Entity  
Elected or Appointed Officials  
Board Members  
Volunteer Workers  
Estates, Heirs, Legal Representatives or Assigns  
Employees (including employees of the entity's boards)  
Separation of Protected Persons

Typical claims made against protected persons include:

Wrongful employment action, including hiring / firing, discipline  
Failure to properly zone  
Violation of civil rights  
Wrongful denial of permit  
Improper procedures/management

Pay on Behalf of Basis:

Duty to defend claims even if allegations are groundless, false, or fraudulent

- Punitive damages covered up to full policy limits, if allowed by law
- Law Enforcement Duties Exclusion does not apply to employment related practices
- Personal Injury Exclusion does not apply to employment related practices
- No exclusion for Architects, Engineers or Lawyers

# LAW ENFORCEMENT LIABILITY

## OPTION 1

Coverage (Occurrence Form)	Limit
Each Wrongful Event	\$ 2,000,000
Total Limit	\$ 6,000,000
Each Wrongful Event Deductible	\$ 2,500

Miscellaneous	Limit	Deductible
Defense Expense w/in Deductible	Included	Included
Year 2000 Exclusion Applies	Excluded	None



## Program Features and Benefits

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### LAW ENFORCEMENT LIABILITY

---

What this Agreement Covers:

- Civil Rights Violations
- Canine & Equine Exposures
- Authorized Moonlighting
- Bodily Injury, Excessive Force
- Property Damage
- False Arrest/Wrongful Imprisonment
- Mental Anguish
- False or Improper Service or Process
- Mutual Aid Agreements
- Detention or Correctional Facilities
- Broad Form Named Insured

Who is Protected:

The Public Entity  
Elected or Appointed Officials  
Employees  
Volunteer Workers  
Separation of Protected Persons

- Coverage is provided for any authorized activities, including moonlighting
- Additional Payment included for Personal Property of Others \$25,000
- Employment Related Practices of the Law Enforcement department are covered under the Public Entity Management Liability form.
- All automobile related claims are covered under the automobile insuring agreements.

## AUTOMOBILE LIABILITY

### OPTION 1

Coverage	Limit
Liability	\$ 2,000,000
Deductible	None
Underinsured Motorist	\$ 500,000
Uninsured Motorist	\$ 500,000

Miscellaneous	Limit	Deductible
Hired/Non-owned	Included	None

## AUTOMOBILE PHYSICAL DAMAGE

### OPTION 1

Standard Coverages	Valuation	Limit	Units	Deductible
Comprehensive	ACV	\$ 332,874	13	\$ 100
Comprehensive	ACV	\$ 208,000	13	\$ 100
Comprehensive	ACV	\$ 208,000	13	\$ 100
Collision	ACV	\$ 332,874	13	\$ 100

ACV = Actual Cash Value

## Program Features and Benefits

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### AUTOMOBILE COVERAGE

---

#### What this Agreement Covers:

Bodily Injury and Property Damage Liability  
Pollution Cost or Expense  
Right and Duty to Defend  
Additional Payments  
Right to Appeal  
Out of State Coverage

#### Who is Protected:

Individual  
Partnership or Joint Venture  
Corporation or Other Organization  
Any Permitted User  
Anyone legally responsible for the actions of a Protected Person  
Separation of Protected Persons

Broader coverage provided for audio and radar detection equipment, if part of the normal inventory of your vehicles.

Liability and physical damage coverage for intentional or expected bodily injury and property damage is provided if the injury or damage results from the reasonable use of force to protect people or property.

Physical damage coverage provided for commandeered autos as a result of fire and law enforcement duties.

- Accidental Inflating of Airbags \$ 1,000
- Personal belongings in a stolen vehicle \$ 250

# PROPERTY

## OPTION 1

<b>Coverage</b>	<b>Limit</b>
Blanket Building and Contents Limit	\$ 8,219,662
Cause of Loss Form	Special
Co-Insurance	90%
Deductible	\$ 1,000
Valuation	RC

<b>Miscellaneous</b>	<b>Deductible</b>
Year 2000 Exclusion Applies	\$ 1,000

## Program Features and Benefits

---

### Property Coverages

---

St. Paul Property Form automatically includes the following coverages:

Accounts Receivable	\$ 100,000
Arson Reward	\$ 7,500
Increased Cost of Construction & Demolition (Ordinance or Law)	\$ 100,000
Change in Temperature & Humidity	No Exclusion
Commandeered Property	\$ 100,000
Computer	\$ 50,000
Crime Reward	\$ 5,000
Extra Expense	\$ 25,000
Fine Arts	\$ 50,000
Fire Department Service Charge	\$ 25,000
Freestanding Signs	\$ 25,000
Grounds Maintenance Equipment	\$ 50,000
Inventory & Appraisals	\$ 10,000
Money & Securities (Inside/Outside)	\$10,000/\$5,000
Newly Acquired Property – Building for 180 days	\$1,000,000
Newly Acquired Property – Personal Property for 180 days	\$ 500,000
Other People's Property	\$ 25,000
Outdoor Property	\$ 50,000
Pairs & Sets	\$ 25,000
Personal Belongings	\$ 50,000
Pollution Clean-Up	\$ 25,000
Precious Metal - Theft	\$ 25,000
Property in Transit	\$ 50,000
Spoilage	\$ 10,000
Temporary Location	\$ 50,000
Valuable Records Research	\$ 100,000
Water Damage	\$ 50,000

## EQUIPMENT BREAKDOWN COVERAGE

### OPTION 1

Coverage	Limit
Direct Property Damage	\$ 8,219,662
Policy Form	Freestyle
Deductible-other than sewage/water treatment facility	\$ 1,000
Deductible-sewage/water treatment facility	\$ 2,500

Additional Coverages	Limit	Deductible
Business Income / Extra Expense	\$ 250,000	24 Hours
Expediting Expense	\$ 250,000	
Hazardous Substance	\$ 250,000	
Perishable Goods	\$ 250,000	\$ 2,500
Service Interruption	\$ 250,000	24 Hours
Computer Equipment	\$ 25,000	
Demolition/Increased Cost of Construction	\$ 250,000	
Error in Description	Included	

#### ADDITIONAL COVERAGE EXTENSIONS / RESTRICTIONS:

- CFC Refrigerants: Included
- Brands and Labels: Included
- Newly Acquired Locations: Included
- Defense: Included
- Errors in Description: Included
- Extended Business Income: 30 Days

Miscellaneous	Deductible
Year 2000 Exclusion Applies	None

## INLAND MARINE

### OPTION 1

<b>Standard Coverages</b>	<b>Valuation</b>	<b>Limit</b>	<b>Deductible</b>
Contractors Equipment	ACV	\$ 256,188	\$ 250

<b>Miscellaneous</b>	<b>Valuation</b>	<b>Limit</b>	<b>Deductible</b>
Year 2000 Exclusion Applies Difference In Conditions Earthquake Only	RC	\$ 5,000,000	None \$ 25,000

Total Limit \$ 5,256,188

# CRIME

## OPTION 1

<b>Coverage</b>	<b>Limit</b>
<b>MONEY &amp; SECURITIES:</b>	
Inside Limit	\$ 8,000
Outside Limit	\$ 8,000
Deductible	None

<b>Miscellaneous</b>	<b>Deductible</b>
Year 2000 Exclusion Applies	None



# WORKERS' COMPENSATION & EMPLOYERS' LIABILITY

## OPTION 1

Code	Classification	Payroll	Rate	Est. Annual Premium
------	----------------	---------	------	------------------------

Quoted per the Application

### EMPLOYERS' LIABILITY

B.I. By Accident: \$ 100,000  
B.I. By Disease: \$ 100,000  
B.I. By Disease: \$ 500,000

Deductible: None

## Account Pricing

The following is the price breakdown for this quote.

**General Liability**

Option 1 \$ 7,797

**Public Entity Management Liability**

Option 1 \$ 3,065

**Law Enforcement Liability**

Option 1 \$ 7,731

**Automobile Liability**

Option 1 \$ 11,093

**Automobile Physical Damage**

Option 1 \$ 4,527

**Property**

Option 1 \$ 5,458

**Inland Marine**

Option 1 \$ 2,759

**Crime**

Option 1 \$ 100

**Equipment Breakdown Coverage**

Option 1 \$ 2,086

**Workers Compensation and Employers Liability**

Option 1 \$ 9,145

**St. Paul Fire & Marine Gross Annual Premium**

**\$ 53,761.00**

SELLERSBURG TOWN COUNCIL  
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EARL BONNIVILLE/MONTGOMERY INSURANCE AGENCY ADDRESSES THE COUNCIL CONCERNING THE RENEWAL OF THE TOWN'S INSURANCE.

Council Member Alexander stated you say this was an A++Company.

Mr. Bonniville stated the second page tells you the rating and the most rated.

President Broady stated ok, Culpepper Group.

Clerk Treasurer Schafer stated I guess they didn't make it. Three or four weeks ago they came into the Town Hall and reviewed our policies. They requested loss runs and we called Montgomery Agency, they still haven't received them or an updated policy. Without the information I guess they couldn't bid.

President Broady stated ok, next is Hinton and Corby.

MIKE WHALEN/HINTON/CORBY AND CAROL STAAB FROM ALLIANCE WILL ADDRESS THE COUNCIL MEMBERS CONCERNING THE RENEWAL OF THE TOWN'S INSURANCE.

Mr. Whalen stated I want to introduce Carol Staab, she is with the Alliance Group and she'll do the presentation.

President Broady stated ok.

CAROL STAAB CONTINUES PRESENTING INSURANCE QUOTE NEXT PAGE.

SELLERSBURG TOWN COUNCIL  
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**MUNICIPAL INSURANCE ALLIANCE**

**INSURANCE PROPOSAL**

**FOR**

**TOWN OF SELLERSBURG**

**EFFECTIVE - AUGUST 15, 1999**

**PRESENTED BY HINTON - CORBY INSURANCE AGENCY**

## MUNICIPAL INSURANCE ALLIANCE OF INDIANA

We would like to introduce you to the Municipal Insurance Alliance of Indiana. The name "Municipal Insurance Alliance of Indiana" (The Alliance) is a program name only. It is not a Company, and it is not a pool. The program provides property, crime, inland marine, liability, wrongful acts, law enforcement, automobile and boiler coverages for Public Entities.

This fully insured program is written in Indiana, Ohio and Michigan, using A.M. Best "A" Rated Companies such as The First Reinsurance Company of Hartford, and Gulf Insurance Company, part of the Travelers/Actna Group. G. B. Kenrick and Associates in Clarkston, Michigan is the Managing General Underwriter for several public entity programs which includes the Alliance Program. Along with the underwriting, they have full authority to administrate the claims and provide full Risk Management programs.

In the State of Indiana, Alliance is fully insured by The First Reinsurance Company of Hartford. This Company was chartered in 1911. First Re is an A.M. Best A rated company and is an admitted carrier in the State of Indiana.

The First Reinsurance Company of Hartford uses many Companies for its' reinsurance. Besides London markets the following is a list of domestic reinsurers whose names will be familiar:

Employers Re  
Travelers  
St. Paul Fire and Marine  
Zurich  
Nationwide  
Auto Owners  
CNA Reinsurance Co.  
Kemper Reinsurance Co.

The Alliance is one of the fastest growing programs in the Midwest. Over 2000 Public Entities are insured through the programs administered by G. B. Kenrick and Associates.

**WE ENCOURAGE YOU TO LEARN MORE ABOUT THIS PROGRAM BY CALLING ONE OF OUR CURRENT ACCOUNTS TO FIND OUT FIRST HAND HOW WELL THE SERVICE IS HANDLED. WE PREFER TO LET THE PROGRAM AND SERVICE STAND ON ITS OWN MERIT. PLEASE SEE ATTACHED REFERENCES**

**MUNICIPAL INSURANCE ALLIANCE OF INDIANA**

**PARTIAL LISTING OF INSUREDS LOCATED IN INDIANA**

**CLARK COUNTY**

**CITY OF SCOTTSBURG**

**TOWN OF BORDEN**

**TOWN OF CORYDON**

**SCOTT COUNTY**

**TOWN OF GEORGETOWN**

**TOWN OF CROTHERSVILLE**

**TOWN OF BROWNSTOWN**

**CITY OF SALEM**

**CITY OF HUNTINGBURG**

**DEARBORN COUNTY**

**TOWN OF HANOVER**

**REFERENCES**

**SOUTHERN INDIANA**  
**DON FOERSTER, SAFETY DIRECTOR**  
**CITY OF HUNTINGBURG - (812) 683-2211**

**NORTHERN INDIANA**  
**ROBERT A. MAZUR, OFFICE OF THE TOWN MANAGER**  
**TOWN OF MERRILLVILLE - (219) 769-5711**

## COVERAGE HIGHLIGHTS

### PROPERTY, CGL, PUBLIC OFFICIALS OR LAW ENFORCEMENT LIABILITY

- \* THIRD PARTY BACK UP OF SEWER & DRAINS
- \* CIVIL RIGHTS VIOLATIONS - COVERED
- \* ZONING, LAND USE AND PERMITS - COVERED
- \* LIBEL, SLANDER DEFAMATION - COVERED
- \* WRONGFUL EVICTION, INVASION OF PRIVACY - COVERED
- \* FALSE ARREST, MENTAL ANGUISH - COVERED
- \* EMPLOYMENT PRACTICES LIABILITY - COVERED
- \* EMOTIONAL DISTRESS, ABUSE OF PROCESS - COVERED
- \* MALICIOUS PROSECUTION, SEXUAL HARASSMENT - COVERED
- \* ADA, TITLE VII, DISCRIMINATION - COVERED
- \* WRONGFUL TERMINATION - COVERED
- \* PUNITIVE DAMAGES - NOT EXCLUDED - FOLLOW PUBLIC POLICY
- \* AUTHORIZED MOONLIGHTING - IF TOWN IS SUED WE WILL DEFEND
- \* VEHICULAR HOT PERMIT - COVERED
- \* FAILURE TO PERFORM DUTIES - COVERED

continued

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\* EXCESSIVE FORCE - COVERED

\* APPROVED MUTUAL AID AGREEMENTS - COVERED

DEFENSE IN ADDITION TO LIMITS - YES

\* PUBLIC OFFICIALS VEHICLE ENDORSEMENT - PROVIDES UP TO \$500  
TOWARD PERSONAL AUTO INSURANCE DEDUCTIBLE IF ELECTED  
PUBLIC OFFICIAL IS DRIVING PERSONAL AUTO ON TOWN BUSINESS



### ADDITIONAL ADVANTAGES

**CLAIMS:** The Alliance Program provides our clients with "state of art" claims services. We have an experience claims staff of six (6) associates (some with law degrees) who work on your behalf. They work closely with our specially designated group of law firms in Indiana who are strategically placed throughout the state representing the Alliance insureds in liability cases. These firms, along with your own legal council, protect the interests of you, our client. Claims status reports are provided to you on a periodic basis. We feel the expertise and professionalism of our claims department is one of the greatest assets of the Alliance Program.

**RISK MANAGEMENT:** We feel our risk management program provides our clients with the loss prevention tools that can help them maintain low insurance costs over the years. Joe Juris, Director and Vice-President, of Risk Control Services for the Municipal Insurance Alliance has many years experience in serving public entities. This includes a background in law enforcement. In addition, our local risk management representative, Mel Brown, will set up a site survey/inspection within 60 days of binding coverage. Mr. Brown will work with your personnel to minimize your chances of loss before they occur. This includes a review of you policy and procedure manuals. Upon completion of the survey, a letter outlining exposures and areas of concern , if any, will be sent to the entity as recommendations.

Upon joining the program you will receive copies of our Risk Management Manual, which provides valuable information regarding various aspects of risk control for municipal entities. Samples of waivers, releases, contracts and special event guides are also included in the information. This can be an invaluable resource for your various departments. a video lending library is also available to our clients.

The risk control department stands ready to answer questions and address your concerns.

These services are provided through the Alliance Program at no additional cost.

**THE ALLIANCE**  
**Municipal Insurance Alliance of Indiana**

Underwritten by THE FIRST REINSURANCE COMPANY OF INDIANA  
A MEMBER COMPANY

**TOWN OF SELLERSBURG**

Effective: August 15, 1999

**PROPERTY**

Total Property & Contents Limit:	\$ 7,518,007
90% Coinsurance	
Blanket Basis	
Replacement Cost	
Agreed Amount	
\$1000 deductible	
All Risk - Special Form	
VP&R	\$ 100,000 ✓
Extra Expense	\$ 150,000 ✓
Special Municipality Property Endorsement	
Power Surge	
Earthquake Limit: \$5,000,000 Subject to a \$25,000 deductible	
✓ Flood Limit: \$500,000 Subject to a \$25,000 deductible (excludes zones A)	
Ordinance or Law	\$ 100,000 ✓

**INLAND MARINE**

Total Limit - Schedule on file:	\$ 632,868 ✓
Replacement Cost	
Subject to \$250 deductible	
Includes Public Officials Vehicle Endorsement	

**GENERAL LIABILITY - All Occurrence Form**

Subject to:	\$ 4,000,000 Aggregate ✓
	\$ 2,000,000 Per occurrence ✓
Broad Form Comprehensive Municipality Endorsement	
Governmental Medical-Incidental Malpractice	
Fire Legal Liability Limit	\$ 500,000 ✓
Premises Medical Payments	\$ 50,000 Aggregate ✓
	\$ 10,000 Per Person ✓
Employee Benefits Liability	\$ 2,000,000 Aggregate ✓
No Deductible Applies	\$ 1,000,000 Per Occurrence ✓

**WRONGFUL ACTS - Occurrence Form**

Limit: \$ 3,000,000 Aggregate  
Subject to \$2,500 deductible ✓  
\$ 2,000,000 Per occurrence ✓  
Includes Employment Practices Liability  
to Full Limits ✓  
Includes nine (9) years Prior Acts coverage with -  
signed Warranty & Disclosure Letter - \$1,000,000 limit ✓

**LAW ENFORCEMENT LIABILITY COVERAGE - Occurrence Form**

Limit: \$ 3,000,000 Aggregate  
\$ 2,000,000 Per occurrence  
Subject to \$2,500 deductible ✓

**AUTOMOBILE LIABILITY ✓**

Based on 38 vehicles - per schedule attached  
Limit of Liability : ✓ \$ 2,000,000 CSL/No Aggregate Limit  
Subject to \$100 Comprehensive Deductible ✓  
Subject to \$100 Collision Deductible ✓  
Uninsured/underinsured motorist \$ 1,000,000  
Medical payments each person \$ 5,000

\*Please note per attached schedule - vehicles with  
liability coverage only

**CRIME COVERAGE**

Money and Securities: Inside and Outside \$ 8,000 ✓  
No Deductible  
Tax Time Increase \$ 16,000 ✓

**EMPLOYEE DISHONESTY BOND**

Limit: \$ 25,000 ✓  
No Deductible  
Includes Faithful Performance

**EDP**

Limit: \$ 50,000 ✓  
Hardware: \$ 20,000 ✓ software  
Media: \$ 10,000 ✓  
Extra Expense:  
Deductible: \$250 ✓  
Includes System Breakdown

continued

**BOILER & MACHINERY**

TOTAL LIMIT  
Subject to \$1,000 Deductible ✓

\$1,000,000

**UMBRELLA**

Our Umbrella/Excess Liability limits are built into each line of liability to offer more coverage  
(limits are not shared).

**TOTAL ANNUAL PREMIUM: \$34,193**

**WORKERS' COMPENSATION QUOTATION**

**AUTO-OWNERS INSURANCE COMPANY ✓**  
AM BEST RATE A+

**TOTAL ANNUAL WORKERS COMPENSATION PREMIUM \$5,264**

\*NOTE: ANNUAL WORKERS' COMPENSATION PREMIUM CALCULATED USING CURRENT 1999  
EXPERIENCE MODIFICATION FACTOR OF: .76 ( This rating factor is calculated by the Indiana Compensation  
Rating Bureau)

**TOTAL ALL LINES ANNUAL PREMIUM \$39,457 ✓**

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Property Policy Information

Client Name: TOWN OF SELLERSBURG  
 Client No.: T00322006L  
 Application No.: T003220006302  
 Policy Number:

Effective Date: 08/15/1999  
 Expiration Date: 08/15/2000

Fire, EC, VMM                       All Risk                       Power Surge  
 Agreed Amount                       Blanket Basis

Property Deductible	1,000	Earthquake Limit	5,000,000
VP & R	100,000	Earthquake Deductible	25,000
Extra Expense	150,000	Flood Limit	500,000
Co-Insurance Percentage	90%	Flood Deductible	25,000
Protection Class	6		

#	Address	POK	CK	Building Limit	Contents Limit	Year Built	FAR	BFCCode
1.	316-318 EAST UTICA ST	10	4	77,875	31,200	1976	R	100
2.	316-318 EAST UTICA ST	10	4	54,260	6,656	1978	R	401
3.	HWY 31 1/2 MILE EAST	14	2	14,061	0	1983	R	901
4.	ST. PAUL & OAKS STREET	11	2	55,162	5,512	1983	R	615
5.	ST PAUL & OAKS STREET	11	3	47,590	0	1983	R	603
6.	S/S UTICA/ALLISON LAN	14	2	18,928	54,600	1980	R	901
7.	S/S UTICA/ALLISON LAN	14	2	23,795	0	1980	R	901
8.	S/S UTICA ALLISON LAN	14	2	23,795	0	1980	R	901
9.	S/S UTICA ALLISON LAN	14	2	23,795	0	1980	R	901
10.	AIRPORT ROAD LIFT STA	14	2	16,224	0	1990	R	905
11.	123 SOUTH INDIANA AVE	15	4	32,448	64,480	1975	R	200
12.	S/W SIDE HOLMANS LANE	14	4	870,147	424,320	1992	R	903
13.	BEAN ROAD LAB & CONTR	14	4	513,760	104,000	1980	R	904
14.	BEAN ROAD BLOWER BLDG	14	4	156,832	4,160	1994	R	904
15.	BEAN ROAD	14	1	82,202	10,400	1994	R	403
16.	BEAN ROAD GRIT BLDG.	14	2	64,896	0	1995	R	903
17.	SEWER TREATMENT TO IN	14	6	2,401,193	0	1995	R	903
18.	BEAN ROAD CLARIFIERS	14	2	94,224	0	1995	R	903
19.	BEAN ROAD CHLORINE BL	14	2	37,856	0	1992	R	903

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20. BEAN ROAD OXIDATION D	14	2	200,096	0	1992	R	903
21. BEAN ROAD FUEL FACILI	14	2	16,224	0	1991	R	903
22. BEAN ROAD EMERGENCY G	14	2	25,446	0	1991	R	903
23. LANSALLE & CREEK LIFT	14	2	18,000	0	1988	R	905
24. CAMP CHELAN & UTICA 1	14	2	85,528	0	1982	R	906
25. CAMP CHELAN & UTICA 3	14	2	13,520	13,000	1982	R	905
26. US 31 & NEW ALBANY, S	14	2	241,738	0	1991	R	901
27. S/S BEAN ROAD E. OF U	14	2	99,507	0	1985	R	901
28. TERRY LANE LIFT STATI	14	2	78,957	0	1986	R	905
29. ST JOE ROAD 34A GRIND	14	2	12,438	0	1988	R	905
30. HWY 60 1/4 MILE FRM.	14	2	34,611	0	1988	R	905
31. ALLENTOWN ROAD	14	2	19,901	0	1988	R	905
32. HWY 311 & FRONTAGE RO	14	2	12,979	0	1988	R	905
33. HWY 311 & FRONTAGE RO	14	2	27,040	0	1988	R	905
34. HWY 311 & FRONTAGE RO	14	2	16,224	0	1988	R	905
35. WATER TOWER	14	2	500,000	0	1999	R	905
36. WATER TOWER	14	2	700,000	0	1999	R	905

Total Items: 36

Totals: 6,799,679

718,328

Indiana Alliance

Automobile Certification Coverage

Client Name: TOWN OF SELLERSBURG  
 Client No.: T003220061  
 Application No.: T00322000302  
 Policy Number:

Effective Date: 08/15/1999  
 Expire Date: 08/15/2000

Automobile Territory: 33

- Coverages Selected
- Liability BI&PD Single Limit
  - Personal Injury Protection
  - Property Protection Insurance
  - Mini-Tort Liability
  - Hired and Non Owned Auto
  - Underinsured Motorists
  - Uninsured Motorists

#	Year	Description	VIN	Type	Collision	Comp	Cost	New
1.	1992	FORD F350	5227	2	100	100	12,150	
2.	1992	FORD TAURUS	5549	1	100	100	12,000	
3.	1982	FORD GARBAGE TRUCK	1510	3				
4.	1986	CHEV. TK.	6558	2				
5.	1969	TRAILER	2715	13				
6.	1988	FORD GARBAGE TK.	9717	3				
7.	1987	FORD DUMP TK.	4874	7				
8.	1989	FORD TK.	2474	2				
9.	1979	ELGIN SWEEPER	1399	2				
10.	1990	FORD TRUCK	2480	2				
11.	1991	BRYAN TRAILER	0554	13				
12.	1992	FORD TRUCK	2770	2	100	100	12,150	
13.	1992	FORD TRUCK	4240	2	100	100	14,500	
14.	1991	FLOATER TRUCK	30AD	2	100	100	70,000	
15.	1993	FORD TRUCK	8062	2	100	100	13,000	
16.	1993	FORD TAURUS	8821	1	100	100	12,000	
17.	1993	FORD F350	5227	2	100	100	12,000	
18.	1988	DODGE TK	6409	2				

19.1993	BRYAN TRAILER	0667	13			
20.1994	FORD CROWN VIC	6586	11	100	100	14,500
21.1994	FORD CROWN VIC	6585	11	100	100	14,500
22.1994	FORD CROWN VIC	2225	11	100	100	14,500
23.1994	CHEV. DUMP TRUCK	1822	7	100	100	18,000
24.1995	FORD GARBAGE TRUCK	2151	3	100	100	90,000
25.1989	FORD TEMPO	2927	1			
26.1995	FORD F250	4282	2	100	100	17,224
27.1989	FORD TK.	2474	2			
28.1993	FORD F250	5445	2	100	100	12,000
29.1995	FORD CROWN VIC	8313	11	100	100	14,500
30.1995	FORD TAURUS	1998	11	100	100	14,000
31.1997	FORD CROWN VIC	0450	11	100	100	16,000
32.1997	FORD CROWN VIC	0449	11	100	100	16,000
33.1997	FORD CROWN VIC	0448	11	100	100	16,000
34.1997	FORD CROWN VIC	0450	11	100	100	16,000
35.1997	FORD CROWN VIC	0449	11	100	100	16,000
36.1997	FORD CROWN VIC	0448	11	100	100	16,000
37.1999	FORD CROWN VIC	3486	11	100	100	19,982
38.1999	FORD CROWN VIC	3487	11	100	100	19,982

Number of Vehicles: 38 Total: 502,988

Code	Description	Code	Description
1	1-Passenger Cars - ACV	8	8-Rescue Units - ACV
2	2-Trucks, Vans - ACV	9	9-Fire Vehicles - ACV
3	3-Garbage Trucks - ACV	10	10-Parade/Antique - AC
4	4-Rescue Units - RC	11	11-Police Cars - ACV
5	5-Fire Vehicles - RC	12	12-Buses - ACV
6	6-Parade/Antique - RC	13	13-Trailers - ACV
7	7-Dump Trucks - ACV		



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Inland Marine Coverage

Client Name: TOWN OF SELLERSBURG

Client No.: TC03220061

Effective Date: 08/15/1999

Application No.: TC03220006300

Expiration Date: 08/15/2000

Miscellaneous Property and Equipment: 50,000  
 [Items over \$5,000 must  
 be specifically scheduled]

Ancillary Equipment:

Deductible: 250

Public Officials Vehicle Endorsement: Yes

#	Serial Number	Model	Dept	Limit
1.	17000274	CASE TRACTOR		
	1985 W/82"	LOADER BUCKET 18"BACKHOE BUCKET	Street&Road	24,188
2.	SOFO104130			
1993	CASE BACKHOE	MODEL 360	Street&Road	24,000
3.	WMTR911424			
	SRO SONER WASHER		Street&Road	25,000
4.	002888 & 002889			
(2)	MO TRAILER	GENERATORS @ 25,000	Street&Road	50,000
5.	002810			
	1991 MC GENERATOR		Street&Road	20,000
6.				
	SEWER CLEANER		Street&Road	25,000
7.	3348			
1995	BRUSH BANDIT CHIPPE	MODEL 60 3348	Street&Road	10,000
8.	N/W SIDE OF HOLMANS LANE			
	B2 WATER TANK		DPW	400,000
9.	FENCE AROUND POOL			
	ST. PAUL & OAK ST.		Parks&Rec	3,328
10.	316-318 EAST UTICA			
	FENCE		GenAdmin	1,352

Total Items: 10

Total: 632,868

**MUNICIPALITY**  
**BROAD FORM COMPREHENSIVE GENERAL LIABILITY ENDORSEMENT**

Endorsement modifies such insurance as is afforded by the provisions of the policy relating to Comprehensive General Liability insurance.

**I. ADDITIONAL INSURED**

The Persons Insured provision of the Comprehensive General Liability Coverage Part GBK 082-3 shall also include the following while acting on behalf of or in the interest of the named insured:

- (A) any member of the governing body of the Named Insured;
- (B) any member of boards or commissions of the Named Insured;
- (C) any elected or appointed official of the Named Insured;
- (D) any employee of the Named Insured;
- (E) any volunteer

The insurance afforded to such additional insureds does not apply to personal injury or advertising injury to the named insured; or, if the named insured is a partnership or joint venture, to any partner or member thereof, or to the spouse of any of the foregoing;

**II. BODILY INJURY AND PERSONAL INJURY REDEFINED**

Bodily Injury and Personal Injury also include mental anguish, mental injury, shock, and disability.

**III. OCCURRENCE REDEFINED**

The definition of occurrence is hereby amended as follows:

"Occurrence" means an accident or event or happening including continuous or repeated exposure to conditions which results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

**IV. INSURED CONTRACT REDEFINED**

When used in reference to this insurance, insured contract means:

- (A) A lease of premises;
- (B) Any easement or license agreement, except in connection with construction or demolition operations on or within 50 feet of a railroad;
- (C) An obligation, as required by ordinance, to indemnify a municipality, except in connection with work for a municipality;
- (D) An elevator maintenance agreement;
- (E) That part of any other contract or agreement pertaining to your business (including an indemnification of a municipality in connection with work performed for a municipality) under which you assume the tort liability of another party to pay for "bodily injury" or "property damage" to a third person or organization. Tort liability means a liability that would be imposed by law in the absence of any contract or agreement.

An "insured contract" does not include that part of any contract or agreement:

- (A) That indemnifies any person or organization for "bodily injury" or "property damage" arising out of construction or demolition operations, within 50 feet of any railroad property and affecting any railroad bridge or trestle, tracks, road-beds, tunnel, underpass, or crossing;
- (B) That indemnifies an architect, engineer or surveyor for injury or damage arising out of:
  - (1) Preparing, approving or failing to prepare or approve maps, drawings, opinions, reports, surveys, change orders, designs or specifications; or
  - (2) Giving directions or instructions, or failing to give them, if that is the primary cause of the injury or damage;
- (C) Under which the insured; if an architect, engineer or surveyor, assumes liability for an injury or damage arising out of the insured's rendering or failure to render professional services, including those listed in B. above and supervisory, inspection or engineering services; or

- (D) That indemnifies any person or organization for damage by fire to premises rented or loaned to you.

#### V. EXTENDED BODILY INJURY AND PROPERTY DAMAGE COVERAGE

The definition of occurrence includes any intentional act by or at the direction of the persons insured which results in bodily injury or property damage if such injury or damage arises from the use of reasonable force for the purpose of protecting persons or property.

#### VI. COVERAGE AT OFFICIAL'S RESIDENCE OR PLACE OF EMPLOYMENT

Coverage as provided by this policy also applies to use of an elected or appointed official's residence, or place of employment while business concerning the Named Insured is being conducted.

#### VII. PERSONAL INJURY AND ADVERTISING INJURY LIABILITY COVERAGE

- (A) The Company will pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages because of personal injury or advertising injury to which this insurance applies, sustained by any person or organization and arising out of the conduct of the named insured's business, within the policy territory, and the company shall have the right and duty to defend any suit against the insured seeking damages on account of such injury, even if any of the allegations of the suit are groundless, false or fraudulent, and may make such investigation and settlement of any claim or suit as it deems expedient but the company shall not be obligated to pay any claim or judgement or to defend any suit after the applicable limit of the company's liability has been exhausted by payment of judgements or settlements.
- (B) This insurance does not apply:
- (1) to liability assumed by the insured under any contract or agreement;
  - (2) to personal injury or advertising injury arising out of the willful violation of a penal statute or ordinance committed by or with the knowledge or consent of the insured;
  - (3) to personal injury or advertising injury arising out of a publication or utterance of a libel or slander, or a publication or utterance in violation of an individual's right of privacy, if the first injurious publication or utterance of the same, or similar material by or on behalf of the Named Insured was made prior to the effective date of this insurance;
  - (4) to personal injury or advertising injury arising out of libel or slander or the publication or utterance of defamatory or disparaging material concerning any person or organization or goods, products or services, or in violation of an individual's right or privacy, made by or at the direction of the insured with the knowledge of the falsity thereof;
  - (5) to personal injury or advertising injury arising out of the conduct of any partnership or joint venture of which the insured is a partner or member and which is not designated in the declarations of the policy as a Named Insured;
  - (6) to advertising injury arising out of:
    - (a) failure of performance of contract, but this exclusion does not apply to the unauthorized appropriation of ideas based upon alleged breach of implied contract, or
    - (b) infringement of trademark, service mark or trade name, other than titles or slogans, by use thereof on or in connection with goods, products or services sold, offered for sale or advertised, or
    - (c) incorrect description or mistake in advertised price of goods, products or services sold, offered for sale or advertised;
  - (7) with respect to advertising injury
    - (a) to any insured in the business of advertising, broadcasting, publishing or telecasting, or
    - (b) to any injury arising out of any act committed by the insured with actual malice.
  - (8) to personal injury arising out of any actual or alleged inverse condemnation or regulatory taking.

**(C) Limits of Liability**

Regardless of the number of (1) insureds hereunder, (2) persons or organizations who sustain injury or damage, or (3) claims made or suits brought on account of personal injury or advertising injury, the total limit of the company's liability under this coverage for all damages shall not exceed the limit of liability stated in the policy as aggregate. Two or more claims arising out of a single personal injury or a series of related personal injuries shall be treated as a single claim falling within the policy year in which the first of such personal injury occurs.

**Additional Definitions**

"Advertising Injury" means injury arising out of an offense committed during the policy period occurring in the course of the named insured's advertising activities, if such injury arise out of libel, slander, defamation, violation of right or privacy, piracy, unfair competition, or infringement of copyright, title or slogan.

"Personal Injury" means injury arising out of one or more of the following offenses committed during the policy period:

- (1) false arrest, detention, imprisonment, or malicious prosecution;
- (2) wrongful entry into, or eviction of a person from, a room, dwelling or premises that the person occupies.
- (3) a publication of utterance
  - (a) of a libel or slander or other defamatory or disparaging material or
  - (b) in violation of an individual's right of privacy;
 except publications or utterances in the course of or related to advertising, broadcasting, publishing or telecasting activities conducted by or on behalf of the Named Insured shall not be deemed personal injury,

**VIII. PREMISES MEDICAL PAYMENTS COVERAGE**

The company will pay to or for each person who sustains bodily injury caused by accident all reasonable medical expense incurred within one year from the date of the accident on account of such bodily injury, provided such bodily injury arises out of (a) a condition in the insured premises, or (b) operations with respect to which the named insured is afforded coverage for bodily injury liability under the policy.

This insurance does not apply:

- (A) to bodily injury
  - (1) arising out of the ownership, maintenance, operation, use, loading or unloading of
    - (a) any automobile or aircraft owned or operated by, or rented or loaned to any insured; or
    - (b) any other automobile or aircraft operated by any person in the course of his employment by any insured;
      - but this exclusion does not apply to the parking of an automobile on the insured premises, if such automobile is not owned by or rented or loaned to any insured;
  - (2) arising out of
    - (a) the ownership, maintenance, operation, use, loading or unloading of any mobile equipment while being used in any prearranged or organized racing, speed or demolition contest or in any stunting activity or in practice or preparation for any such contest or activity, or
    - (b) the operation or use of any snowmobile or trailer designed for use therewith
      - (i) owned or operated by or rented or loaned to any insured or
      - (ii) operated by any person in the course of his employment by any insured;
  - (3) arising out of the ownership, maintenance, operation, use, loading or unloading of
    - (a) any watercraft owned or operated by or rented or loaned to any insured, or
    - (b) any other watercraft operated by any person in the course of his employment by any insured.
      - but this exclusion does not apply to watercraft while ashore on the insured premises;
  - (4) arising out of and in the course of the transportation of inobile equipment by an automobile owned or operated by or rented or loaned to the insured;
- (B) to bodily injury
  - (1) included within the completed operations hazard or the products hazard;
  - (2) arising out of operations performed for the named insured by independent contractors other than
    - (a) maintenance and repair of the insured premises, or

- (b) structural alterations at such premises which do not involve changing the size of or moving buildings or other structures;
- (3) resulting from the selling, serving or giving of any alcoholic beverage:
  - (a) in violation of any statute, ordinance or regulation;
  - (b) to a minor;
  - (c) to a person under the influence of alcohol, or
  - (d) which causes or contributes to the intoxication of any person.if the named insured is a person or organization engaged in the business of manufacturing, distributing, selling or serving alcoholic beverages, or if not so engaged, is an owned or lessor of premises used for such purposes, but only part (a) of this exclusion (B)(3) applies when the named insured is such an owner or lessor;
- (4) due to war, whether or not declared, civil war, insurrection, rebellion or revolution, or to any act or condition incident to any of the foregoing;
- (C) to bodily injury
  - (1) to the named insured, any partner thereof, any tenant or other person regularly residing on the insured premises or any employee of any of the foregoing if the bodily injury arises out of and in the course of his employment therewith;
  - (2) to any other tenant if the bodily injury occurs on that part of the insured premises rented from the named insured or to any employee of such a tenant if the bodily injury occurs on the tenant's part of the insured premises and arises out of and in the course of his employment for the tenant;
  - (3) to any person while engaged in maintenance and repair of the insured premises or alteration, demolition or new construction at such premises;
  - (4) to any person if any benefits for such bodily injury are payable or required to be provided under any workers' compensation, unemployment compensation or disability benefits law, or under any similar law;
  - (5) to any person practicing, instructing or participating in any physical training, sport, athletic activity or contest whether on a formal or informal basis;
  - (6) if the named insured is a club, to any member of the named insured;
  - (7) if the named insured is a hotel, motel, or tourist court, to any guest of the named insured;
- (D) to any medical expense for services by the named insured, any employee thereof or any person or organization under contract to the named insured to provide such services.

#### LIMITS OF LIABILITY

Limits of liability for Premises Medical Payments Coverage is \$10,000 each person and \$50,000 annual aggregate. The limit of liability applicable to "each person" is the limit of the company's liability for all medical expense for bodily injury to any one person as the result of any one accident; but subject to the above provision respecting "each person", the total liability of the company under Premises Medical Payments Coverage for all medical expense for bodily injury to two or more persons as the result of any one accident shall not exceed the limit of bodily injury liability stated in the policy as applicable to "each occurrence".  
When more than one medical payments coverage afforded by the policy applies to the loss, the company shall not be liable for more than the amount of the highest applicable limit of liability.

#### ADDITIONAL DEFINITIONS

"Insured premises" means all premises owned by or rented to the named insured with respect to which the named insured is afforded coverage for bodily injury liability under this policy, and includes the ways immediately adjoining on land;

"medical expense" means expenses for necessary medical, surgical, x-ray and dental services, including prosthetic devices, and necessary ambulance, hospital, professional nursing and funeral services.

#### ADDITIONAL CONDITION

Medical Reports, Proof and Payment of Claim

As soon as practicable the injured person or someone on his behalf shall give the company written proof of claim, under oath if required, and shall, after each request from the company, execute authorization to enable the company to obtain medical reports and copies of records. The injured person shall submit to physical examination by physicians selected by the company when and as often as the company may reasonably require. The company may pay the injured person or any person or organization rendering the services and the payment shall reduce the amount payable hereunder for such injury. Payment hereunder shall not constitute an admission of liability of any person or of the company

### IX. EXPLOSION, COLLAPSE AND UNDERGROUND PROPERTY DAMAGE LIABILITY

It is hereby understood and agreed that exclusions Q1, Q2, and Q3 of form GBK 082-3 to which this endorsement is attached do not apply.

### X. HOST LIQUOR LAW LIABILITY COVERAGE

Exclusion (h) does not apply with respect to liability of the insured or his indemnitee arising out of the giving or serving of alcoholic beverages at functions incidental to the named insured's business, provided the named insured is not engaged in the business of manufacturing or distributing alcoholic beverages.

### XI. BROAD FORM PROPERTY DAMAGE LIABILITY COVERAGE (Including Completed Operations)

The insurance for property damage liability applies, subject to the following additional provisions:

- (A) Exclusions (k) and (o) are replaced by the following:
- (1) to property owned or occupied by or rented to the insured, or except with respect to the use of elevators, to property held by the insured for sale.
  - (2) except with respect to liability under a written sidetrack agreement or the use of elevators;
    - (a) to property while on premises owned by or rented to the insured for the purpose of having operations performed on such property by or on behalf of the insured,
    - (b) to tools or equipment while being used by the Insured in performing his operations,
    - (c) to property in the custody of the insured which is to be installed, erected or used in construction by the insured,
    - (d) to that particular part of any property, not on premises owned by or rented to the insured,
      - (i) upon which operations are being performed by or on behalf of the insured at the time of the property damage arising out of such operations, or
      - (ii) out of which any property damage arises, or
      - (iii) the restoration, repair or replacement of which has been made or is necessary by reason of faulty workmanship thereon by or on behalf of the insured;
  - (3) with respect to the completed operations hazard and with respect to any classification stated in the policy or in the company's manual as "including completed operations", to property damage to work performed by the named insured arising out of such work or any portion thereof, or out of such materials, parts or equipment furnished in connection therewith.
- (B) It is understood and agreed that the company's liability for property entrusted to the insured principally for storage or safekeeping shall be:  
\$25,000.00 each occurrence,  
\$25,000.00 annual aggregate  
All other conditions shall remain the same.

### XII. LEGAL LIABILITY COVERAGE-REAL PROPERTY

With respect to property damage to structures or portions thereof rented to, leased to, or temporarily used by an insured, including fixtures permanently attached hereto, if the named insured is legally liable for such property damage;

- (A) All of the exclusions of the policy, other than the Nuclear Energy Liability Exclusion (Broad Form), are deleted and replaced by the following exclusions. This insurance does not apply to:
- (1) liability assumed by the insured under any contract or agreement;
  - (2) loss or increased cost resulting from enforcement of any code, ordinance, or law;
  - (3) loss, including seizure, confiscation or destruction of property, caused by order of any civil or legal authority;
  - (4) neglect of the insured to use all reasonable means to save or preserve property at and after the time of a loss, or when the property is endangered;
  - (5) loss caused by flood, surface water, overflow of a body of water, water which backs up through sewers or drains or water below the surface of the ground;
  - (6) loss due to the interruption of power or other utility service;
  - (7) loss while the insured is engaged in any unlawful activity;
  - (8) loss or damage caused by freezing of a plumbing, heating or air conditioning system or appliance while the structure is vacant or unoccupied or being constructed unless the insured has used reasonable care to:
    - (a) maintain heat in the structure, or
    - (b) shut off the water supply and drain the system or appliance;
  - (9) loss caused by vandalism or malicious mischief or breakage of glass and safety glazing materials if structure has been vacant for more than 30 consecutive days immediately before the loss;
  - (10) loss due to continuous or repeated seepage or leakage of water or steam over a period of time;
  - (11) loss due to wear and tear, marring, deterioration, inherent vice, latent defect, mechanical breakdown, rust, mold, wet or dry rot, contamination or smog, unless any of these causes water to escape from a plumbing, heating, air conditioning system or appliance, in which event coverage is only for loss caused by the water.
- (B) The limit of property damage as respects this Legal Liability Coverage-Real Property is \$500,000 each occurrence and annual aggregate.

### XIII. NON-OWNED WATERCRAFT LIABILITY COVERAGE (under 26 feet in length)

Exclusion (e) does not apply to any non-owned watercraft under 26 feet in length provided such watercraft is not being used to carry persons or property for a charge.

### XIV. INCIDENTAL MEDICAL MALPRACTICE LIABILITY COVERAGE

The definition of bodily injury is amended to include incidental medical malpractice injury. "Incidental Medical Malpractice Injury" means injury arising out of the rendering of or failure to render, during the policy period, the following services:

- (A) medical, surgical, dental, x-ray or nursing service or treatment or the furnishing of food or beverage in connection therewith; or
- (B) the furnishing or dispensing of drugs or medical, dental, or surgical supplies or appliances.

This coverage does not apply to:

- (1) expenses incurred by the insured for first-aid to others at the time of an accident and the "Supplementary Payments" provision and the "Insured's Duties in the Event of Occurrence, Claim or Suit" Condition are amended accordingly;
- (2) any insured engaged in the business or occupation of providing any of the services described under XIV (A) and (B) above;
- (3) injury caused by any indemnitee if such indemnitee is engaged in the business or occupation of providing any of the services described under XIV (A) and (B) above.

### XV. AUTOMATIC COVERAGE-NEWLY ACQUIRED ORGANIZATIONS (180 Days)

The word insured shall include as named insured any organization which is acquired or formed by the named insured and over which the named insured maintains ownership or majority interest, other than a joint venture, provided this insurance does not apply to bodily injury, property damage, personal injury or advertising injury with respect to

which such new organization under this policy is also an insured under any other similiar liability or indemnity policy or would be an insured under any such policy but for exhaustion of its limits of liability. The insurance afforded hereby shall terminate 180 days from the date any such organization is acquired or formed by the named insured.

#### **XVI. LIMITED WORLDWIDE LIABILITY COVERAGE**

The definition of policy territory is amended to include the following:

(4) Anywhere in the world with respect to bodily injury, property damage, personal injury or advertising injury arising out of the activities of any insured permanently domiciled in the United States of America though temporarily outside the United States of America, its territories and possessions or Canada, provided the original suit for damages because of any such injury or damage is brought within the United States of America, its territories or possessions or Canada.

Such insurance as is afforded by paragraph (4) above shall not apply:

- (a) to bodily injury or property damage included within the completed operations hazard or the products hazard;
- (b) to premises medical payments coverage.

#### **XVII. SPECIAL EVENTS LIABILITY COVERAGE**

Coverage is extended to pay on behalf of the "Insured" all sums which the "Insured" shall become obligated to pay as damages because of "bodily injury" or "property damage" arising out of special events sponsored by or run by the "Insured" including, but not limited to, dances, meetings, outings and fund raising activities or arising out of the transportation hazard in connection therewith.

Definition: Transportation hazard means the maintenance, operation, use, loading or unloading of automobiles not owned or operated by the "Insured".

#### **EXCLUSIONS:**

- (1) "Bodily Injury" or "Property Damage" arising from firework displays or involving fireworks or other explosive materials.



# CEMETERY PROFESSIONAL LIABILITY ENDORSEMENT

In consideration of the premium charged, it is hereby understood and agreed that the policy is extended to pay on behalf of the INSURED all sums which the INSURED shall become legally obligated to pay as damages because of:

(A) BODILY INJURY arising out of any professional error committed by the INSURED, or by a person for whose acts the INSURED is legally responsible, in rendering or failing to render professional service for others in the conduct of a cemetery operation,

(B) Property damage or destruction of property, including the loss of use thereof, and loss or damage caused to the property of others, including deceased human remains and/or clothing thereof; and/or caskets, urns, and the linings, fittings and cases thereof, while in the charge of the INSURED and on the premises of the INSURED'S Cemetery for the purpose of cremation or burial, caused by accident, including such legal obligation as may arise out of or result from Vandalism and/or Malicious Mischief, theft to any structure, mausoleum, monument, tombstone, memorial or marker on any grave site in the INSURED'S Cemetery.

(C) Property damage or destruction of property or movement of property including loss of use thereof to property of others, including, but not limited to, headstones, grave markers, while in the charge of the INSURED and on the premises of the INSURED'S cemetery caused by falling limbs, and/or trees. Limit under this extension of coverage is limited to \$5,000 per occurrence.

SAMPLE

## COVERAGE EXTENSION ENDORSEMENT #4

### POWER SURGE

1. Off "premises" power failure Exclusion C under form GBK0013; Exclusion 4 under GBKP0014; Exclusion C under form X6377L and Exclusion 6 under GBKEDP4: loss of damage caused by short circuit or other electrical injury or disturbance, exclusive of lighting to electrical appliances, devices, or wiring unless fire ensues and then for the loss or damage by fire only is amended to include: however:
2. "We will pay up to \$10,000 for loss or damage per occurrence that results in an interruption of power or utility service or a power surge. However, the interruption must be caused by physical damage to public utility equipment that furnishes electricity directly to a "covered location".

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## PUBLIC OFFICIALS VEHICLES ENDORSEMENT

This policy is extended to cover physical damage to automobiles of the private passenger, van or pickup truck type owned by public officials of the NAMED INSURED while performing the duties of their office.

Coverage under this endorsement shall not exceed \$500 per loss.

Any deductible applicable to the physical damage coverage of the policy shall not apply to claims under this endorsement.

All other terms and conditions of the policy remain unchanged.

## GOVERNMENTAL MEDICAL SERVICES PROFESSIONAL LIABILITY ENDORSEMENT

It is agreed that:

The Company will pay on behalf of the insured all sums which the insured shall become legally obligated to pay as injury to which this insurance applies caused by medical incident, which occurs during the policy period occasioned by;

- (1) the named insured; or
- (2) the following persons while acting in the following capacities:
  - (i) any elected or appointed official of the named insured,
  - (ii) any employee of the named insured, or
  - (iii) if in response to an official call to duty, any Emergency Services and Disaster Agency ("Civil Defense") worker or volunteer member of the named insured's fire, ambulance or rescue facility, which worker or volunteer member is properly listed on the named insured's official roster of such workers or volunteers,
- (3) Good Samaritans. For INCIDENTAL MALPRACTICE COVERAGE only, we will cover any employee while acting independent of that person's activities as your employee or as a volunteer with another emergency unit or organization but only when the person encounters the scene of an accident or medical emergency requiring sudden action.

The company shall have the right and duty to defend any suit against the insured seeking damages because of such injury even if any of the allegations of the suit are groundless, false or fraudulent. The company may make such investigation and settlement of any claim or suit as it deems expedient. The company shall not be obligated to pay any claim or judgment or to defend any suit after the applicable limit of the company's liability has been exhausted by payment of judgment or settlements.

Notwithstanding the above, coverage shall not apply to any liability arising out of negligent act, error or omission of:

- (1) any hospital, hospital clinic, or nursing home (whether or not owned or operated by the named insured) or any employee or volunteer worker thereof;
- (2) any clinic (whether or not owned or operated by the named insured) or any employee or volunteer worker of such clinic or arising out of the performance of the insured of a criminal act.
- (3) any physicians, dentists, or surgeons.
- (4) any public health clinics for profit.

### Amended Definition

"Medical incident" means any act or omission in the furnishing or failure to furnish professional medical services by the insured or any person acting under the personal direction, control or supervision of the insured.

Any such act or omission together with all related acts or omissions in the furnishings of such services to any one person shall be considered one medical incident.

Nothing herein contained shall be held to vary, alter, waive or extend any of the terms, conditions, agreements or limitations of the policy, other than as is above stated.

### Other Insurance

The insurance under this endorsement shall be excess insurance over any other valid and collectible insurance available to the persons insured hereunder, either as a named insured under another policy or otherwise.

SAMPLE

# PUBLIC OFFICIALS WRONGFUL ACT LIABILITY COVERAGE

The Company in consideration of the payment of the premium and subject to all terms of this Coverage, agrees with the Named Insured as follows

## I. INSURED

Under this Coverage the insured shall be the same as indicated in part II "Persons Insured" provision section applicable to Comprehensive General Liability Insurance and Part (A),(B), (C), and (D) of the Municipality Broad Form Comprehensive General Liability Endorsement.

## II. ERRORS OR OMISSIONS LIABILITY

The Company will pay on behalf of the insured any loss which the insured shall become legally obligated to pay on account of any claim brought against the insured by reason of any wrongful act which occurs within the policy territory and during the policy period.

The Company shall have the right and duty to defend any suit against the insured alleging a wrongful act covered under this form, even if any of the allegations of the suit are groundless, false or fraudulent, and may make such investigation and settlement of any claim or suit as it deems expedient, but the company shall not be obligated to pay any claim or judgment or to defend any suit after the applicable limit of the Company's liability has been exhausted by payment of judgments or settlements.

### Exclusions:

This insurance does not apply:

- (a) to liability assumed by the insured under any contract or agreement;
- (b) to any dishonest, fraudulent, criminal or malicious act, error or omission;
- (c) to bodily injury or property damage as defined herein;
- (d) to destruction or disappearance of money or securities;
- (e) to claims for which insurance is provided elsewhere in the policy or which is insured by any other valid policy or policies;
- (f) to claims arising out of failure to effect or maintain proper insurance or bonds;
- (g) to claims arising out of the rendering or failure to render medical, surgical, dental, or nursing treatment or to the furnishing or failure to furnish drugs or medical, dental, or surgical supplies;
- (h) to claims arising out of the performance of or failure to perform professional legal services;
- (i) to any obligation for which the insured or any carrier as his insurer may be held liable under any worker's compensation, unemployment compensation or disability benefits law, or under any similar law;
- (j) to fines and penalties imposed by law;
- (k) for personal injury or advertising injury as defined herein;
- (l) arising out of the ownership, operation, maintenance or use of a motor vehicle;
- (m) claims arising out of the insured's failure to regulate, control, or prevent acts or operations which have caused or may be alleged to have caused the discharge, dispersal, release or escape of pollutants as defined herein;
- (n) ERISA and SEC Liability

## III. EXTENSIONS

Subject otherwise to the terms hereof, this policy shall cover loss arising from any claims made against the estates, heirs, legal representatives or assigns of deceased insureds who were the (1) Member Board or (2) other duly elected or appointed officials of the Member named in item 1 of the Declarations at the time the acts upon which such claims were based were committed, and the legal representatives or assigns of the Named Insured in the event of their incompetency, insolvency or bankruptcy.

## IV. LIMITS OF LIABILITY

SAMPLE

Regardless of the number of (1) insureds under this insurance, (2) persons or organizations who sustain damages, or (3) claims made or suits brought on account of wrongful acts, the total liability of the company under this insurance shall not exceed the limit of liability as stated in the single limit endorsement.

Two or more claims arising out of a single wrongful act or a series of related wrongful acts, shall be treated as a single claim falling within the Policy Year in which the first of such wrongful acts occurs.

#### V. ADDITIONAL DEFINITIONS

When used in this form:

(a) "Advertising injury" means injury arising out of an offense committed during the policy period occurring in the course of the named insured's advertising activities, if such injury arises out of libel, slander, defamation, violation of right of privacy, piracy, unfair competition, or infringement of copyright, title or slogan;

(b) "Bodily Injury" means bodily injury, sickness or disease sustained by any person including death at the time resulting therefrom. For purposes of this coverage, bodily injury does not include mental anguish, mental injury, shock, and mental disability;

(c) "Loss" means only those sums which the insured is legally obligated to pay as damages, other than damages payable to any insured, because of wrongful acts to which the Coverage applies.

(d) "Personal injury" means injury arising out of one or more of the following offenses committed during the policy period:

1. false arrest, detention or imprisonment, or malicious prosecution;
2. wrongful entry into, or eviction of a person from a room, dwelling, or premises that the person occupies;
3. the publication or utterance
  - (a) of a libel or slander or of other defamatory or disparaging materials or
  - (b) a violation of an individual's right of privacy;except publications or utterances in the course of or related to advertising, broadcasting or telecasting activities conducted by or on behalf of the Named Insured.

(e) "Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapors, soot, fumes, acids, alkalis, chemicals and waste materials. Waste Material includes materials which are intended to be or have been recycled, reconditioned, or reclaimed;

(f) "Property damage" means (1) physical injury to or destruction of tangible property which occurs during the policy period, including the loss of use thereof at any time resulting therefrom, or (2) loss of use of tangible property which has not been physically injured or destroyed caused by an occurrence during the policy period;

(g) "Wrongful act" means any actual or alleged error, misstatement or misleading statement, act or omission or neglect or breach of duty, including misfeasance, malfeasance, nonfeasance, Violation of Civil Rights, Discrimination (unless coverage thereof is prohibited by law), and Improper Service of Process by the "insured" in their official capacity, individually or collectively, or any matter claimed against them solely by reason of their having served or acted in an official capacity.

#### VI. ADDITIONAL PROVISIONS

The Supplementary Payments provision and the following Policy conditions, Insured's Duties in the Event of Occurrences, Claim or Suit, Action Against Company; Subrogation; Changes, Assignment; Three Year Policy; and Cancellation, shall apply to this coverage.

Nothing herein contained shall be held to vary, alter, waive or extend any of the terms, conditions, agreements or limitations of the policy of which this coverage is made part, other than as above stated.

### PRIOR ACTS COVERAGE

It is hereby understood and agreed that the PUBLIC OFFICIALS WRONGFUL ACT LIABILITY COVERAGE endorsement GBK L 900 (12-92), is amended to include \_\_\_\_\_ years prior acts coverage commencing

**WARRANTIES:** A. It is warranted that: A claims made contract immediately preceded inception into this agreement. Any discontinuity of coverage between the past policy and the current policy eliminates coverage under this form.

B. It is warranted that: The loss must be within the scope of the earlier policy, but also would have been covered by the current insurance had it been in effect at that time when the acts or events causing the loss during a prior policy period were committed.

**EXCLUSIONS:** A. Losses where no prior insurance was in effect.

B. Losses covered under any other reinsurance/insurance agreements whether collected or not.

ATTACHED TO AND FORMING PART OF NO: \_\_\_\_\_

BY: \_\_\_\_\_

SAMPLE

## LAW ENFORCEMENT AGENCY/OFFICERS PROFESSIONAL LIABILITY ENDORSEMENT

The Company will pay on behalf of the Insured all sums which the INSURED shall become legally obligated to pay as damages on account of any claim for BODILY INJURY LIABILITY, PERSONAL INJURY LIABILITY and PROPERTY DAMAGE LIABILITY, as defined within the policy to which this form attaches, made against the INSURED because of alleged wrongful acts arising out of Law Enforcement activities.

### ADDITIONAL DEFINITIONS

1. PERSONAL INJURY: With respect to coverage as provided by this endorsement, the definition of PERSONAL INJURY is amended to also include erroneous service of civil papers, assault and battery, discrimination, violation of property rights or deprivation of any rights, privileges or immunities secured by the civil rights statutes of the United States of America, United States Code, Title 42 for which the named insured may be held liable to the party injured in any action at law, suit of equity, or other proper proceedings for redress. However, no act shall be deemed to be, or result in Personal Injury unless committed in the regular course of duty for, or in the interest of, the NAMED INSURED.
2. WRONGFUL ACT means: An actual or alleged error, misstatement or misleading statement, omission, neglect or breach of duty by the INSURED individually or collectively, while acting, or failing to act, within the scope of his duties pertaining to the law enforcement functions of the INSURED.
3. LIMIT OF LIABILITY: Regardless of the number of (1) insureds under this insurance, (2) persons or organizations who sustain damages or (3) claims made or suits brought on account of any claim.
4. All other terms and conditions of this policy remain unchanged.

SAMPLE



**LAW ENFORCEMENT AGENCY / OFFICERS  
PROFESSIONAL LIABILITY  
AUTOMOBILE "WRAP" ENDORSEMENT**

is hereby understood and agreed that the Law Enforcement Agency/Officers Professional Liability Endorsement GBK L 8141 is amended to include coverage for police professional related automobile liability that is not covered by the insured's primary automobile insurance policy. This coverage includes, but is not limited to, actions for police not pursuit actions.

All other terms and conditions of the policy remain the same.

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President Broady stated any questions anyone?

Mr. Whalen stated I have a few things to say.

President Broady stated ok.

Mr. Whalen stated a couple of things on the property, Marine is 600 thousand on the property and 7.5, 400 thousand is for the water tanks. I think the present policy includes that total and in the total amount, if you take that 400 thousand and add it to 7.5.

Ms. Staab stated you also might want to make a note on the property, I noticed on the computer printout you might just for your own information, you have a 100 thousand dollars on account receivable.

Vice-President Eddings stated that's in addition to what is here.

Ms. Staab stated in addition to what is there. Valuable papers is different than what is here.

Vice-President Eddings stated is that 100 thousand.

Ms. Staab stated a 100 thousand, you might just want to make a note.

Mr. Whalen stated also I would like to add too, we've had some county insured with this insurance for the past year and if you read the paper you can see some of the claims that they have had in the past year in the county and in jail. As far as coverage's, and claim service, we have had nothing but happy responses from the county.

President Broady stated ok, anything else? Does anyone have any questions? Ok, I recommend that we take it under advisement until the next meeting and give us a chance to review it and we'll go from there.

Mr. Whalen stated ok, your insurance is due the 15th.

President Broady stated ok.

Ms. Staab stated when will your next meeting be?

President Broady stated two weeks from tonight.

Clerk Treasurer, Schafer stated August 23rd.

Ms. Staab stated August 23rd, we can, with the permission from the company, we can back-date that log.

President Broady stated we need to...

Ms. Staab stated and I would encourage you, please call, we're going to say it's a wonderful program, but call our insured.

President Broady stated ok, Thank You very much, ok, I have a couple of other things on the agenda. I give permission for it, Denise, you thought you were on the agenda, you're

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not, but we'll go ahead and take care of it. So come on up and tell us what your problem is.

DENISE ADDRESSES THE TOWN COUNCIL MEMBERS CONCERNING A HIGH WATER BILL.

Denise stated I live at 242 Broadway Street and that bill there occurred during the month of March and April and the house was empty at that time. In March, in late March, I seen a girl at one, a girl that works at the water company, and she said I think you got a leak, so I said ok and I had my landlord go over and he said there is no water in the house running. He said I couldn't find a thing, but there was a little bit of a toilet leak. So, I said well, it's always been that way, you just now caught it. So, anyway then about April, when I received the March bill, and it was \$580.00. I had heard that, through the grapevine, which is not a good source, that there was some mistakes on some water readings, so I didn't think much about it and I assumed that the bill would be rescinded. That was just through the grapevine that was not with a notice or anything. Anyway, since that never happened, and then I got this \$700.00 and I realized that it hadn't changed any. Twenty-Five thousand gallons in March and 19000 in April, something like that. I can't understand that.

President Broady stated ok, are you familiar with that?

Mr. Crawford stated what is it?

President Broady stated Denise lives at 242 Broadway.

Mr. Crawford stated have you spoke to me before?

Denise stated what.

Mr. Crawford stated no, it does not ring a bell with me.

Denise stated I talked to the girls in the office.

President Broady stated they are saying you're still using 20 some thousand gallons of water.

Denise stated no, not now, she said it has changed back down to 2000.

Council Member Fenner stated it was over a 2-month period, not a 1-month period that you had the excess usage?

Denise stated the first month was 23000 and the second month was 19000.

Council Member Fenner stated and then it went back down and you didn't do anything to it.

Denise stated no.

Council Member Fenner stated you didn't fix the leaky toilet at all.

Denise stated the leaky toilet was fixed after March. My question is 23000.

Mr. Crawford stated if it goes down through the ground or the toilet or is a leaky sink, but is it possible to not detect a leak of that nature, yes.

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DENISE ADDRESSES THE TOWN COUNCIL MEMBERS CONCERNING A HIGH WATER BILL.

President Broady stated but, you're back down to normal usage now?

Denise stated yes.

President Broady stated and what was your bill running before this happened?

Denise stated right at 60.00 a month.

President Broady stated and there are only two of you there.

Denise stated three.

President Broady stated well that's a little high for three isn't it?

Council Member Fenner stated what were the dates you were having the problems?

Mr. Crawford stated in February and March.

President Broady stated if it is the pleasure of the board, I'll entertain a motion to adjust the bills, to go back and pick up what the normal billing was.

Mr. Crawford stated I can get a twelve month average.

President Broady stated a twelve-month average.

Council Member Fenner stated and that's water and sewer both, correct?

President Broady stated yes.

Council Member Fenner stated I make the motion that we adjust the bills, with the average.

Council Member Voyles stated I'll second, but I would like to see what is going on here.

President Broady stated yes, go ahead and double check and see if there is a leak somewhere else. It's already back to normal.

Mr. Crawford stated I'll do that.

President Broady stated ok, I've got a motion on the floor, do I have a second?

Council Member Voyles stated I seconded it.

President Broady stated and duly seconded by Bill, all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0

Denise stated Thank You.

President Broady stated ok, also, Jesse and Stan Richards are here tonight and they just want to give us some information on the tax abatement we talked last meeting. Stan you can have the floor.

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JESSE BALLEW AND STAN RICHARDS ADDRESSES THE COUNCIL MEMBERS CONCERNING REVITALIZATION.

Mr. Richards stated again I guess I go back to understandings that I had in the past, Jesse's understanding too. Resolution 95-28 dealt was given to us at the time of beginning development of the Industrial Park stated that the area was, that our park was a revitalization area. At that time which gave the town designated that for the purposes real and personal property tax abatement and hereby makes us the designation. It does go on to say that the Town Council of Sellersburg does hereby determine that the property owner who qualifies for and is random property tax deductions will be for five years for manufacturing equipment and ten years for real property. Ok, now I guess that the property owner, who qualifies for it, anybody can stand and talk there case in regards for that. Now, Jesse's understanding at that time was and I was not involved in the meeting, is that from the board is that, that was a formality if they wanted development to go, they wanted to increase, and bring additional businesses into this area. We have submitted for the current building that we are building there, but there are some other issues there because of the interpretation of this and based on Jesse's information to me. We have been representing to other people that have approached about locating in that Industrial Park that tax abatements were in place. It was basically a formality once they got it and filled out a couple of pages and submit it. Now, we have recently had one that was rejected, the Sandpit Volleyball Facility that was rejected that I'm going to have to deal with it in some manner, because that is the way it was represented to them based on our understanding. And the other thing is, right now we are in the process of negotiations with a distribution center that is looking to build a 150 thousand foot and the only reason they are looking at us the tax abatement. There has already been core drilling done to test the depth of the dirt and so it's more than just for the facility that we're looking at, we're also looking at interest involved. Looking at an example, the building that we currently own there, and the A-1 Products Facility. The tax structure there is such, we're right now paying 20%, and we're in the third year. We're in 99, and we're paying 98, which was the third year. Looking at that, our taxes this year is a little over 20 thousand dollars. Of that the Town of Sellersburg receives not quite 6200.00. Ok, now that is just the 20% level, now, looking at what the town is going to benefit from this. Somebody builds the same facility, in 3 years they are looking at 6000 if we had thirty of those today, you're looking at \$180.00 thousand dollars. At the time the tax abatement is up, you're looking at \$900 hundred dollars a year. So it's a tool to bring in additional businesses and develop this area which along with it is going to help the restaurants and insurance people that are here tonight. So it's going to be a compounding effect with every business in this area. So I guess at this point we're not just looking for a determination on just this building, but where are we at? I need to let these people know tomorrow whether we stop, just say it's not there for a distribution center. Jesse's understanding, again it was basically whatever located in there would be granted a tax abatement. It is a redevelopment area, it has gone from agricultural to industrial. Again if there is any questions I will be more than glad to appeal them. Jesse is here for things that came before me.

President Broady stated well, I think first of all, making it a revitalization area, it is my understanding, Perry, correct me if I'm wrong, it does, it puts us in a position to give a tax abatement on an individual basis. We have done that to several areas and the other they would, before they started building they would approach us to make sure that, that was something we would give an abatement on. Is that the case? We're not trying to get you all in a bind here, hanging onto the past and misunderstandings, the one you asked for the last meeting is a 30 thousand square foot masonry building. At that time the board wanted to wait and see what kind of building it was going to be.

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I don't know does anybody else have any comments? And when we look at the volleyball, what we're looking not just the building, we're trying to give the abatement, manufacturing certainly falls into the category.

Mr. Richards stated also looking at the distribution center, its manufacturing distribution, I mean, a distribution center can also employ a large number of people. So you're bringing in additional jobs. If you look at the tax base, it is based on the value of the building. I mean, as a taxpayer myself, I'm looking for additional ways that I'm not going to be taxed as heavily on my personal property. If we've got additional businesses in the area, their portion or share is going to increase and therefore at some point and time mine's going to be reduced by the board, the ammoniates are going to be enhanced by additional services by the town. So, it's a plus for the town, by it being manufacturing, manufacturing does add one other thing, it does have personal property that's going to add tax dollars. Well, looking at it from a business standpoint that's just icing on the cake. We feel that the cake is there, that just adds icing to it.

Mr. Ballew stated Dave, you know another thing too, the tax abatement we have down in Clarksville, it's the boards discretion. They can give it on anything. Because all it is, is a business deal to bring the tax base. You are going to bring in more money. We would not have built that building right there today if we didn't feel like you know, we could have sold the A-1 building if we wanted to move out last year. And I told Stan let's build this building now, if someone comes in now we can lease it to them or whatever, we done that based on the fact, we assumed that we had a tax abatement and everything. Really it's a business deal. We went with the Industrial Park instead of residential, I talked to Stan and said they'll work with you on a tax abatement because it will get people in and make money. If we get the building and it's going like we think it's going to bring in over a million dollars a year in taxes for the city not, it will be alot more than that. If you figure 35 buildings like we have it's going to be a million-five a year. I know that will be alot of money for Sellersburg. It's a win-win for everybody.

Mr. Richards stated and we're looking at another one tomorrow, building a facility about the same size as the one we're in the process of building now only difference is it'll have a 24 foot u-pipe and again, it's not going to be, we're going to have to make a decision if we're going to put it in our own park ok, and bring the tax dollars in here or do we need to look at places on another one of our properties in another area and where we know that we can get tax abatements where as, if we put it up here it's just going to increase. The more we start getting phone calls, the more we can build there the quicker this is going to develop.

President Broady stated any comments?

Council Member Fenner stated I would say, that we as a council would agree that we want to attract business to the community. We would like to broaden the tax base. We want to see your Industrial Park succeed, you know some of us weren't here in 1995 when this resolution was passed some of us rely on the other council members and our attorney's interruption of that. Whether it was implied or expressed that there was a guaranteed tax abatement for everyone that came in or whether it was on an individual basis. You know my thoughts have always been that it's on an individual basis because I think it would be irresponsible for a council to give someone carte blanche approval not

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knowing there nature of the business coming in there. There are some businesses that we may not want to attract to our community. Maybe legally we can't absolutly keep them out but there is no sense in us doing everything we can to get them in here. So...

Mr. Ballew stated there are also certain restrictive coverages on that park to prohibit them from coming in there.

Council Member Fenner stated yes, we're going to count on them also. But still, I think we feel a responsibility that we should have some say who is getting preferential treatment through a tax abatement and who isn't based on the nature of their business or whether or not we really want them, I mean whether or not we want to attract them into our community. You know the other thing that is a concern I stated this when we talked about the, about this one and the previous one and that is, I would really like for us to get the railroad crossing issue settled before we do anything else. That's just hanging out and hanging out there and there's alot of money involved in that settled before we go any further.

Mr. Ballew stated we're working with Perry and them on, and I don't think that's going to be a problem. Nobody wants to resolve that issue more than me you know, we're not goin to have a business if we ever have something illegal and degrading to the community. We would expect you guys to say hey, this is fine. We're not going to run something by you because I have more to lose than anybody. And I think you guys are not going to approve something, or to say that it did happen, and we come back to you again and you're not going to like that. The main thing to us is to make money to us and for you all how to get the tax money from that. Which would help the whole community.

President Broady stated this building that is going up now, is that part of the volley-ball, is that the one you're talking about now?

Mr. Ballew stated no, that's my building.

President Broady stated your building, the volleyball building, is it going up now?

Mr. Richards stated well, it's supposed too.

President Broady stated oh.

Mr. Richards stated it's on hold right now.

Mr. Ballew stated they should be breaking ground sometime this week.

Mr. Richards stated any day, I know it's a matter of trying to line up the site work people, the electrician. And again I think, I'm sure all of you have seen the park and have been there, we are trying to make it an upscale facility which is going to add tax dollars because obviously if you look at the masonry that we're putting on these buildings we're not just putting up metal shells ok, we have restrictions there, 40% of the front of the building has to have masonry, brick, some type of decorating that we have to approve plus 32-foot of the wrap around on each side also, 40% of it has to be masonry brick so you know, we're adding. It is going to be a nice park. With those requirements there's not going to be alot of people, I'm sorry there's going to be alot of people, the type that you are referring to that wouldn't come, because they don't want

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to spend the dollars. They want to get in as cheaply as possible. And we want to make sure that it is a nice park. And as far as the railroad crossing, I know Perry has been out He called me today and I wasn't in and I'm supposed to call him tomorrow with some additional information that you and I had spoke briefly about that was given to me and we'll discuss that tomorrow.

President Broady stated we would like to discuss this and take another look at it and decide in a couple of weeks.

Council Member Fenner stated about the entire issue in general or just this?

President Broady stated well I think specifically this one and also I mean I'd like to discuss even the volleyball court. Obviously we've already turned that one down but, kind of the whole general thing of what we're looking at. I mean, I see your all's side of the fence. I really do and we are definitely, I assume your trying to get it and we're certainly not going to throw the Town of Sellersburg away to the business in here.

Council Member Fenner stated right, I just feel very awkward in saying yes to a tax abatement on a building that I don't know whats going to go in there and whats going to go on in there and whats going to be done there. I don't know maybe I...won't feel comfortable doing that.

President Broady stated will the building be done immediately, I mean be completed before you know who's going to be in it?

Mr. Richards stated we plan on pouring the floor next Monday at 1 a.m. The windows will be in a couple of weeks and I know Boyce that you're here, not long will it take for the building inspection?

Mr. Adams stated that will be the next day after you call.

Mr. Richards stated they are looking at possibly doing that Wednesday. And, but from there, it will stay dormant until we get someone to come in and look at it. We've had a company that talked to us that we turned down because it was a oil distribution center that most of the stuff was stored inside, but we didn't want over there.

President Broady stated whats the time factor before like before it's assessed?

Attorney McCall stated the first of October. The tax abatement should be within the next few...

President Broady stated right, I think what to do lets give us a couple of weeks and we'll discuss it and talk among ourselves.

Mr. Ballew stated we are going to have it blacktopped by this fall, so you will see it blacktopped.

Mr. Richards stated that's what we are planning to do as soon as they are ready for the parking lot and the new building. Ok, two weeks or do you want to go later than that because I won't be here. I'll be out-of-town.



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Mr. Ballew stated I'll be here.

President Broady stated and would you get with Perry and give him that information and see if we can try and get that resolved and at least nail them down to what the conditions are going to be.

Mr. Richards stated ok.

President Broady stated ok, Thank You, ok, Pat you got anything for the Police Department.

Mr. Bradshaw stated no.

President Broady stated Mark's not here, EMC.

EMC/TIM CRAWFORD ADDRESSES THE COUNCIL MEMBERS CONCERNING THE BI-MONTHLY REVENUE'S AND MONTHLY INVOICE'S.

Mr. Crawford stated just a couple of quick items to pass out this evening. The first one being the Bi-Monthly Revenue in the amount of 84473.43. Second item is your Monthly Invoice for your NSF Checks, Meter Deposit Refunds and Monthly Sales Tax.

President Broady stated ok, I've got an invoice in the amount of 182.48 for Non-Sufficient Fund Checks, 148.30 for Meter Deposit Refunds and 2956.15 for Monthly Sales Tax. I'll entertain a motion to pay the claims as presented.

Vice-President Eddings stated I'll make a motion to approve the invoices as presented.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it. Vote 5-0

Mr. Crawford stated unless the board has any questions, that's all I have this evening. Thank You.

President Broady stated Thank You, Boz you have anything?

Mr. Adams stated not right now.

President Broady stated everything is going well and the town is building so graciously and all that. Ok, Doug you have anything?

Vice-President Eddings stated no.

President Broady stated Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL CONCERNING THE SWIMMING PARTY.

Council Member Fenner stated nothing except to remind you guys saw this poster we put out for the town employees.

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President Broady stated sure did.

Council Member Fenner stated about the swimming party for the town employees and their families and EMC employees and their families this Friday night from 6:30 to 7:30 is a cook-out. We'll serve hamburgers and hot dogs and drinks. And then from 7:15 to 9:15 will be swimming, and it's courtesy of the Parks Department.

President Broady stated you got anything else Gary?

Council Member Fenner stated no.

President Broady stated Bill.

Council Member Voyles stated nothing.

President Broady stated Ken.

COUNCIL MEMBER KEN ALEXANDER ADDRESSES THE COUNCIL MEMBERS CONCERNING SELLERSBURG CELEBRATES.

Council Member Alexander stated it's been three meetings since I've said anything so I figure I'm due.

President Broady stated you need to say something.

Council Member Alexander stated I need to say something. Sellersburg Celebrates is the 27th, 28th and 29th of this month and looking at some of the traffic patterns, what we did, the car show a year ago, we had "No Parking" on North Fern. Since Utica East here will have a parade on it on the 28th and most of the traffic will be coming in and out on East Utica because of the locality of the interstate. Then down North Fern, I would request that we make "No Parking" from 31, East Utica, all the way to North Fern and then all of North Fern Street on the 27th, 28th and 29th. I'd like to make that a motion.

President Broady stated ok, I've got a motion on the floor to have a temporary "No Parking" for East Utica, from 31 to North Fern Street to the park on 27th, 28th and 29th. Is that correct?

Council Member Alexander stated yes.

President Broady stated I'll entertain a motion to do so.

Council Member Alexander stated I'll make that motion.

President Broady stated I have a motion on the floor, do I have a second?

Vice-President Eddings stated second.

President Broady stated and duly seconded, any discussion? No problem with the Police Department on that.

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Mr. Bradshaw stated I've just got one question, Ken mentioned it, the only problem I see is going to the parade with "No Parking" on North Fern, my only question may be are they going to be able to park on North Fern, the residents they are going to have access the rear way also ok, should that be considered also?

President Broady stated we may ought to close I think thats going to give you alot of problems.

Mr. Bradshaw stated when they had the car show there wasn't alot of people that showed to it. I really don't see it being a problem because most people are going to want to take the main entry and exit and that's going to be Fern. Can I make this recommendation that we go ahead act on the issue of North Fern and then at the next meeting, there will still be four days until the festival at our next meeting. That's the first I've heard using that as an exit. I assumed.

President Broady stated I would really prefer that you would limit that access.

Mr. Bonniville stated what you've got going out there as far as the parking this will be general parking down through here and this will all be going down through here. But you'll have going out through this parking lot, once they get out to here, they can exit through here. They can enter through the soccer field and can exit through here. And this is the food booths and they will have a handicap enterance and exit there. I mean it sounds like a large number of people but, that's really in the whole scheme of things, thats a small percentage of people.

President Broady stated ok, you're going to have this kind of roped off to people.

Mr. Bonniville stated we got 36,000 feet of the barrier tape we're going to put up.

Basically along here, and back here they won't be able to get any further and they're going to be shuttled back here and Service Drive.

President Broady stated the people in this area are not necessarily going to be exiting at a certain time.

Council Member Alexander stated when they need to go get ice and so forth. Silver Creek Campus made it very difficult for them to leave and go back and...

President Broady stated I don't have a problem with that.

Mr. Bonniville stated thats the main...

Council Member Alexander stated let me review it again.

Mr. Bonniville stated I know where Pat's coming from because Charlie at one time, wanted to use this as the main enterance. You want to come in one way Fern St. and make Fern St. one way. Because he was not aware of what we was going to request but he was so he thought there would be just one way traffice on Fern Street. And taken everybody out Adkins Ct. how he originally he had it. That's the reason they talked about it this week and modified that a little bit. All we're taking is the special things out there, in that one gravel lot out there. Everything else we're going to push everything else back out Fern St., and Service Drive.

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President Broady stated do you want...uh...

Council Member Alexander stated go ahead leave the motion like it is but I will review with the Sellersburg Celebrates.

President Broady stated do we need to make that one way or something?

Council Member Alexander stated have a, finding the 23rd on Adkins Ct.

President Broady stated ok, I still have a motion on the floor and duly seconded I believe. Do I have a second?

Council Member Voyles stated yes you do.

President Broady stated and duly seconded any futher discussion? So we're going to bring that back Pat, review that and see if we need to do something, if not all those in favor signify by sayint I, oppose nay, I's have it so we'll temporary make it one way not close it. Ok Ken anything else?

Council Member Alexander stated no.

President Broady stated ok, I do have something on that same subject the Kewians Club is that correct, is going to have the free pan cake breakfast here the gazebo right?

Council Member Fenner stated that's correct.

President Broady stated and they asked if we could leave the garbage truck some where in the vicinity of this lot so they can walk over and throw it in the truck at that time. That's Saturday morning the 28th is that correct?

Mr. Bonniville stated yes, can you leave it behind the building. behind the back building.

Council Member Alexander stated yes, will you make sure Mark knows to leave the packer back there.

Clerk Treasurer Schafer stated will have to ask the bank, that's the banks property.

Mr. Bonniville stated behind the building.

Clerk Treasurer Schafer stated yes, that's the backs property, I'll ask.

Mr. Bonniville stated we can request the bank and see if they care. I mean they let us use...I would hope to think they would let us.

President Broady stated just as long as we get that area. Ok, thats taken care of.

Clerk Treasurer Schafer stated that will be the 28th.

President Broady stated ok.

Council Member Alexander stated people should be advised that during the parade that as normal there will be roads shut down.

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President Broady stated ok, Perry do you have anything?

Attorney McCall stated no.

President Broady stated John other then the two items I have do you want me to uh, anything else.

Mr. Toombs stated nope.

President Broady stated ok, first of all we have a bid that we took for the Lisa Avenue Sanitary Sewers Project and we had uh, four bidders or actually we only had three bidders one did not turn in a bid. They did from L.D. Rice Construction 47,601.00, Mack Construction 59,325.34, and Cab-X 42,430.10 this is correcting some of the sewer problems that we have on Lisa Avenue uh St. Pauls Street...

Mr. Toombs stated and connecting two people not now on sewer and has been promised for ever and ever.

President Broady stated and right there has been two people that have been promised tha has not been on sewers and this will be picking those up. And Johns recommendation would be to except the bid of Cab-X Construction for the amount of 42,430.10 that will coming out of the Sewer Department.

Council Member Alexander stated we're going to cut a straight line.

Mr. Toombs stated we called for your approval the last time I had Larry Rice call you, didn't he call you?

Council Member Alexander stated yes, he did.

President Broady stated ok, do I have a motion to accept this bid.

Council Member Voyles stated uh, I make the motion to accept this bid.

President Broady stated I have a motion on the floor, do I have a second?

Vice-President Eddings stated second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, oppose nay, I's have it. Were do I need to sign.

Mr. Toombs stated there are two copies as always of these of the purposal if you all will just sign those. I'll date them and then I'll assemble all the bids and package and give it to Linda to put in your files.

President Broady stated ok, moving right along, uh I have claims from Jacobi, Toombs and Lanz on various projects in town, storm sewers that they have been working on 4,515.00 Sellersburg Water Project 1,555.85, Lisa Avenue Sanitary Sewers 152.50, Adkins Ct. area I think that is for the sewers that were working on there 400.00 Sanitary Sewer Project were we increased for...

Clerk Treasurer Schafer stated have you got a voucher.

President Broady stated John this in not righ& is it?

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Mr. Toombs stated pardon me.

President Broady stated see what we've done here.

Mr. Toombs stated no, scratch out the word rate increase that's a job number where we've been working on a small Sanitary Sewer Project in 98, I don't know where the rate increase came from.

President Broady stated I knew that wasn't right. Ok, Sellersburg Water Main a total cast here of 8,787.05 on seven different projects.

Council Member Alexander stated I make a motion to approve the claims of these various accounts.

President Broady stated I've got a motion on the floor do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? Your all welcome to look at these, if not all those in favor signify by saying I, oppose nay, I have it. We just need to sign all of them.

Clerk Treasurer Schafer stated he's got a computerized voucher thats why I told him I mean, all of those aren't civil liabilities.

President Broady stated no, some of them are water and some are sewer.

Clerk Treasurer Schafer stated so you need to sign the...

President Broady stated all of them.

Clerk Treasurer Schafer stated yeah, like you would sign a normal voucher only on the front. That right there.

President Broady stated ok.

Council Member Alexander stated the Animal Control truck did a wonderful job scaring the birds away last week.

President Broady stated I had one citizen ask me if that was the same one that they done the last time, I said as far as I know.

Council Member Alexander stated we did have one lady though that asked us if we were collecting dogs at that place. I said yes it scared them from underneath the bushes.

President Broady stated bird callers are not appreciated sometimes I think.

Council Member Alexander stated but no little kids came up and asked for ice cream.

President Broady stated ok, I believe that takes care of everything John. Linda do you have anything?

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Clerk Treasurer Schafer stated yes, are you going to take care of this?

President Broady stated oh, yeah.

Clerk Treasurer Schafer stated do you want to do that first, before I present my bills?

President Broady stated right, ok we have Ordinance 99-721 which is the Salary Ordinance for the year 2000. The last meeting we past it on the first reading and now I'll entertain a motion to accept, is that right?

Attorney McCall stated yes, accept on the second reading.

President Broady stated accept Ordinacne 99-721 on the second reading.

Council Member Alexander stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated second.

President Broady stated and duly second, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it unanimous. You want me to sign this one?

Clerk Treasurer Schafer stated Yes, it doesn't matter there all, they all can be originals.

Council Member Alexander stated on the Animal Control Officer can I get on this subject.

Council Member Fenner stated we've all ready past...

Council Member Alexander stated no, I know that, no I know that. He's going to become an employee the first of the year so does he, I mean is it just going to be automatic or are we going to have him fill out a, or have him on file or...

Attorney McCall stated it's jsut goint to be...

Clerk Treasurer Schafer stated September 13th the preadoption hearing is set for the next meeting on August the 23rd the publication's will be in the Evening News and the Journal on August the 12 and 19, 10 days prior to the peradoption of the 23rd with the final adoption of the budget on September 13th.

President Broady stated ok, and do you have some bills.

Clerk Treasurer Schafer stated oh, yeah and I like to present the bills for this week.

President Broady stated and you've all had a copy of the bills in your box civil, what happen to our water and sewer we had no bills there.

Clerk Treasurer Schafer stated we've been giving all the bills to Tim.

President Broady stated alright keep it up.

Clerk Treasurer Schafer stated that's what I say.

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President Broady stated good job, you've had a chance to look over the bills, I'll entertain a motion to approve the bills as presented.

Vice-President Eddings stated I'll make a motion to approve the bills as presented.

President Broady stated I've got a motion on the floor do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly second, any discussion?

Council Member Fenner stated yes, line item paid to Spear Corp. on the 4th of August, Linda you have it listed under Parks or CCD will you definitely put it under CCD.

Clerk Treasurer Schafer stated I can put it under CCD yeah, if you want to mark that part out. Uh, maybe there's not enough money, that's why it's split like that.

Council Member Fenner stated well as much as you can take out of CCD.

Clerk Treasurer Schafer stated oh, I will.

President Broady stated we'll leave it that way.

Clerk Treasurer Schafer stated yeah, I will.

Council Member Fenner stated ok.

President Broady stated I've got a motion on the floor and duly seconded and discussion. All those in favor of the motion signify by saying I, oppose nay, I's have. Anything else Linda?

Clerk Treasurer Schafer stated no, that's it.

President Broady stated if there's know futher business before the Town Board I'll entertain a motion to adjourn.


Vice-President Eddings stated I'll make that motion.

President Broady stated motion on the floor, do I have a second?


Council Member Voyles stated I second.

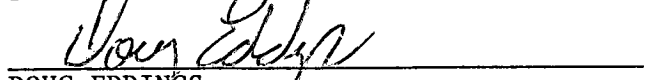
President Broady stated duly second, any discussion? All those in favor signify by saying I, oppose nay, I's have it. Meeting adjourned.


With no further business President Broady adjourned the Regular Meeting at 7:45 p.m.

  
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
KENNETH ALEXANDER

  
\_\_\_\_\_  
WILLIAM VOYLES

  
\_\_\_\_\_  
DOUG EDDINGS

  
\_\_\_\_\_  
GARY FENNER

ATTEST: LINDA G. SCHAFER CLERK TREASURER