

SELLERSBURG TOWN COUNCIL

September 12, 1994

Executive Session

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

Called To Order

President Tucker called the Executive Session to order at 6:06 p.m.

Topics of Discussion

Pixley vs Town of Sellersburg
Remonstrance/Annexation
Town of Sellersburg vs Margaret Dreyer
Closing on Town Properties
Interlocal Agreement with Town of Clarksville
Jerry Fuller/Composting Area
County Ambulance Service
Earth First
Letter of Resignation/Richard Wheeler, Sewer Superintendent
Darrell Miles Property
Carl Broughton Property
Pretreatment Ordinance
Corrective Action Plan
Milling of New Albany Street
Annexation of ESSROC
Police Chief Contract/Renewal
Bids on Painting Water Tank
Personnel Manual/Hygiene

Adjournment

With no further business the Executive Session was adjourned by President Tucker at 6:25 p.m.

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Regular Meeting

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

Called To Order

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

Prayer

President Tucker dispensed with the prayer for this meeting.

Pledge

The pledge of allegiance to the flag was recited.

Minutes of the Last Meeting

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

Motion made by Council Member Broady to approve the minutes and seconded by Council Member Everitt.

Vote 4-0

Residents from Creston Address Council/Starling Problem in their Subdivision

Mr. Boyd Martin stated basically what we are asking for is for the city to be aware that we've got a problem over there and try to deal with it. We seem to have a solution if you can come up with the finances to finally get rid of this problem, so that's what we are asking.

President Tucker stated at your request I have been by there numerous times and I've seen it. I think there is someone here to give us a proposal if I'm not mistaken.

Mr. Ken Jackson, a representative from Adams Dominion, Inc. stated I'm glad to see so many of you here tonight. We usually don't get so involved with Town Council meetings but we certainly do have alot of empathy for you people.

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Residents from Creston Address Council/Starling Problem in their Subdivision Cont.

Mr. Jackson stated what I have provided for you is three different options. The system that we have, the ADC Bird Frightening System is a proven system. We just recently completed a job in Bardstown and that was a successful venture your particular situation here, and I'm not going to lie to you, if you don't deal with it now it's going to be the same next year. You've had this problem for seventeen years.

Mr. Jackson stated the basic system as you see has a \$4,800.00 price two speakers, one microphone which totals \$5,540.00, installation fee of \$657.00, what we do on the installation fee is we come here and set the equipment up and train whoever is going to run the equipment. The initial set up fee of \$200.00 for a total cost of \$6,397.00. That is a basic system. We have seventeen speakers on the Indiana State Capitol. What we do is enhance the system by adding additional equipment. We stretch it to the limit as much as we can. We suggest additional equipment, what you see here, two horn speakers (100 watt) with forty feet of cable \$490.00, two microphones with forty feet of cable \$500.00, additional cable 1,429 feet at \$1,429.00. The additional equipment cost of \$2,419.00 for a total cost of \$8,816.00. We are extending to you the same consideration that we came to Bardstown with. Some of your residents came to Bardstown to see how our system works. We will extend to you the same consideration that we extended to them and that is a discount of \$2,327.00. I'm going to be straight forward with you, we did this for Bardstown because we are going to be involved with the League of Cities. Bardstown will be our biggest supporter with the state. We already have a supporter for the state in Indiana, Covington. It's nice if we have a next door neighbor, so we have a price of \$6,489.00, that's if you buy the system. If you buy the system it can be moved to various locations where you are having problems. I understand there are six problem spots. We do have a lease payment plan available on a 24 month plan, the payments would run you \$349.50 a month and on a 36 month lease the payments would run \$259.93. If the full payment of \$6,489.00 or the lease options are a problem we have gone a little more into this consideration and we really don't want to get into the business but we will bring a couple of these systems here to your town. We will get rid of the birds for you for a fee of \$2,800.00 whether is 3, 4, or 5 nights whatever it takes. Now keep in mind those birds won't return but other birds may return. We have found through our experiences that in a year, two years these birds haven't come back. Our record speaks for itself. This is your decision, how do you want to handle it.

President Tucker asked you will train someone from the town.

Mr. Jackson stated whoever you choose.

President Tucker asked will they set it up and operate it. I mean will they turn it on and turn it off.

Mr. Jackson stated it's automatic. We teach them how to set the timers and what's involved in setting it up. It's not complicated at all. It's simple to do.

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Residents from Creston Address Council/Starling Problem in their Subdivision Cont.

Council Member Everitt asked Mr. Martin if he would have some people in his area that would do this. We may ask you to go to other parts of town.

Mr. Martin stated yes, he would help and he could get some volunteers. I might add Ronnie Back and I went to Bardstown and saw this system work and the first sounds that went off, chills ran up and down my legs and everywhere. I was quite impressed with this system. It seemed to work.

Mr. Jackson explained the setting up of the system.

A resident asked the life expectancy of this system.

Mr. Jackson stated quite a few years. We haven't been in business fifty years or longer. We still have the first system that we used. You could say what is the life expectancy of you amplifiers, there are things that are up and down that are repairable. There are warranties that are there, a year warranty, service contracts, the steel case that it's in will probably out last me.

Clerk Treasurer Schafer asked the service fee, is that an annual fee.

Mr. Jackson said it's something that can be negotiated. We tailor make the unit. It would not be fair to add to your system things that you do not need. We try to work out specific things you need and that will benefit you.

Council Member Truman asked what about later training, say that a town employee that we train moves or quits and the next year we have to train somebody new.

Mr. Jackson stated it's not as complicated as you think.

Council Member Everitt stated I have a question for Mr. Meyer. I've talked to the county about this situation and I was told by one of the commissioners that there may be some relief from the county. What information do you have for us.

Mr. Meyer stated well as far as it being a health emergency it just doesn't meet the criteria for a health emergency. We don't have out breaks of histoplasmosis or related diseases so I really don't think that is an option for us. I had invited the lady from the animal damage control, U. S. Department of Agriculture down tonight to talk to us a little bit about the problem we are having and problems other people are having throughout the state and she called me Thursday and had to go into the hospital today and they didn't have a backup. She did send me some information that she had available and I have some copies that you can pass around. Here again, I am not an expert at this at all and in reading is where I've come up with most of this other than talking to this lady. There are in these documents, appears to be two or three options to get rid of the birds. One of them appears to be as some of you have done with the removal of trees and so forth, pruning them in a certain manor that will make them less attractive to the birds and I think some of you have tried that and have had limited success.

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Mr. Meyer stated the other method is to use these pyrotechnics which are basically blank guns so there are several different methods using noise apparatuses. Then you have probably the latest maybe considered state of the art would be the deal that this gentleman is offering. The microphone and amplifiers and tape or CD with all of the different effects.

Mr. Meyer stated for the firecracker effect you would almost have to plan a D-day invasion and have alot of radio communication between the people. You could possibly do this but it would take alot of planning. This could be dangerous especially at this time of year with the possibility of fires. There is alot of pros and cons with this system. My biggest problem with this system, if we move them out of Creston where do we move them to, Dreyer Estates or where. If we have the Bird Frightening system it can be moved from place to place if you purchase it. I've talked to the animal control lady and the system seems to work. Obviously I can't endorse it because I haven't seen it work but from the information I've gathered there is a good possibility that it will work.

Council Member Truman made a motion to purchase the Bird Frightening system and seconded by Council Member Everitt.

President Tucker asked the Clerk Treasurer to check and see where the money can come from or be budgeted.

Ms. Schafer stated it is to late to budget it now, this is last years budget we are working with but it would be helpful if all of the departments, since it may be that if the virus histoplasmosis got into our water system we may have a big problem. I would like to see the bill split three ways.

Council Member Truman stated we have \$6,184.00 in animal control.

Council Member Everitt stated we might need that.

Ms. Schafer stated yes we do for the animal incinerator, the second payment is due.

Council Member Everitt stated go ahead and take it out of sanitation.

Vote 4-0

Mr. Martin stated for lack of people wanting to do this that he would be willing to learn to operate it.

President Tucker stated it makes some sense to me that since the town purchased it that it ought to remain the town's equipment and Mark Warren is the Street Department Superintendent seems like a logical choice.

Council Member Truman stated if we ever hire an animal control officer he could do it.

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Residents from Creston Address Council/Starling Problem in their Subdivision Cont.

President Tucker stated to Mr. Prather that since you know alot of other stuff if you'd like to know something about this that's fine.

Mr. Jackson stated he needs to know who the contact person would be.

President Tucker stated Linda Schafer.

Several residents gave their names and phone numbers and volunteered to help with this project.

President Tucker stated hopefully the birds will be gone soon.

Rhonda Steele Addresses Council/Park Gate Located at the end of Catalpa Drive

Ms. Steele stated first of all I'd like to thank you all for listening to me. I've been called out of order at so many meetings, I am on the agenda. I had a concern over the pool gate and I've been at that for a long time and now the pool is closed and the gate is still closed. The reason that I got involved with this is because I paid \$75.00 for this pass. I figured that I was a public taxpayer and it was a public park. That's why I got involved and then I went to a parks board meeting that I didn't even know we had and since then I've learned alot and was asked to be on a committee. The results of that were 100 signatures that we had that I think Mr. Hanger has now saying they would like for the gate to be opened. It's not all of Dreyer Estates that wants that pool gate closed, so anyway, we formed a committee and we listed the issues and I know Chief Kinder was on the committee, Mr. Truman was on the committee, myself. We had two for and three against but one didn't show up and we discussed these issues, the loud music, profanity, trash, time of activities, sex and we came up with two ordinances. When I left the committee meeting I was under the assumption that yes we had come to an agreement that by addressing the issues the gate had become secondary because they were complaining about speeding, about trash, about kids having sex in the sand, they complained about everything and we addressed all of those. Chief Kinder and Karl were very helpful telling us what we could and couldn't do. I have no working knowledge of the law. So when we left that meeting I was under the assumption that we were going to pass these and that the gate would be opened from 12:00 p.m. to 7:00 p.m. until Thanksgiving. Personally I don't care if it closes on Labor Day. You know after the pool closes I don't care because I have the facilities myself to play basketball and vollyball, so it made no difference to me but the rest of the committee said let's keep it opened through Thanksgiving. The only person that objected at that time was Janet Garr and she did say I agree with the ordinances but I do not agree with that. We came back and I thought that this would be passed.

Ms. Steele showed the council pictures of before and after the gate was closed and stated no one is using the park. I drive by since school has started and I've found on two occasions children using the park. All of the kids and adults that I have found using the facilities live in Millview or Dreyer Estates.

Rhonda Steele Addresses Council/Park Gate Located at the end of Catalpa Drive Cont.

Ms. Steele stated today I stopped by and there were probably eight kids having a ball on the vollyball court and I thought great there's someone out there using it and having a great time so I walked out and said Hi guys, they all know me. I asked them do your friends play here. They said not much, not very often. So I asked them where do you live. All of these boys came home with a little boy that lives next to the park and he didn't have to walk any further than from me to Clark to the park. Now my question to you is am I supporting a private park or a public park. That's one thing I'm concerned about. The other thing is I know some people have suggested a drop off with a turn around. Personally, I would not drop my child off at the pool. I would not do that. I'm over-protective but I would not drop a child off. That parking place is for the parents that signed that petition, the parents who have three or four kids bringing them to the pool, they carry lawn chairs, they are carrying blankets, they've got kids and they are using that so they don't have to go upstairs and cut through and it's shorter. So my question is, when the gate closed so rapidly, it just shut like that and I was aware of the problem so my main concern is that we didn't even look at all of the options you just went from A to Z and that was it. We didn't look at any other appropriate alternatives. So this committee we have looked at some alternatives and I would like to know what power does the park board have and what power do you have over them because I know that you have been threatned and I also know that two members out of five on the parks board live in Dreyer Estates so my question is will you consider another appropriate alternative that would allow the gate to be opened because if each of you say yes tonight I'll stay in here and keep going to these committee meetings and really try and get that gate opened because I believe in it but if you tell me I'm beating a dead dog I'll go and sit down and I will leave and I won't come back. Honestly, I just need to know. I mean I'm a part of this committee and this committee is not going anywhere. I've put time in it, I've put energy in it and I thought when Karl came back and passed those two ordinances that we had come to an agreement. Another thing that concerns me, I've told the committee, the parks board and I will tell you, I realize that kids can be rowdy but I feel that with Chief Kinders help and the rest of the police force and the rules that we've posted we can address all of those problems. If it doesn't work then close the gate. It's okay to close the gate if none of the other alternatives work but we didn't try any other alternative we just shut it. I think the Town of Sellersburg, the young people, the good and the at risk deserve more than this. That's all I have to say but I would like to know if my efforts are, you know, do I need to stay with this or am I beating a dead dog.

President Tucker stated well I was at the last meeting.

Ms. Steele stated yes, it was chaotic wasn't it.

President tucker stated yes, it is a public park. What I remember Dwight saying and he did call you out of order.

Ms. Steele stated yes, I got called out of order alot.

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Rhonda Steele Addresses Council/Park Gate Located at the end of Catalpa Drive Cont.

President Tucker stated what I thought Dwight said was that the committee needed to get back together and come back with a proposal and what I understood, it was Dwight's opinion and since I didn't attend that meeting was that a vote was never actually taken on whether to open or close the gate or to offer some alternative. What the parks board asked was that the committee come back and say this is what we want you to do and at that point the parks board can say yes we agree to do that or no we won't do that and if that didn't work then they could come to the town board. I sat on that strictly as advisory. I have no authority, no voting ability. Evidently the meeting never took place in the last 30 days.

Ms. Steele stated and I have not been aware of, I have an answering machine and we have not met and I wonder when it will meet.

President Tucker stated I don't know who's to schedule the meeting.

Ms. Steele stated another thing, Karl showed up, Chief Kinder was there, there was no vote taken, I didn't realize you were suppose to show me nay, show me yea. I'm ignorant of the process.

President Tucker stated I wasn't there so I don't know. Karl volunteered. We asked the chief because obviously he is involved. I think Dwight represents the park board and there are three of four people for and people against. I don't have the answer. It should be a public park. The gate was locked because of all of the things going on. The decision was made that they would not reopen it until the decision was made as to what they are going to do. Since the committee didn't meet, that decision hasn't been made. There's a parks board meeting tomorrow night at 6:30 p.m. As far as I know it's at the swimming pool.

Ms. Steele stated it is poor facilities to hold a meeting at the pool, five people setting at a concrete table and the rest are standing. You couldn't tell when the meeting started. What I need to know is will the board consider our recommendations if the parks board turns us down. Will this be a year in year out battle. I don't want to do this every year. I either want it opened or closed.

President Tucker stated I think what we have to do is get all of the people together at one time. I will be at the park board meeting tomorrow night and I will talk to Dwight about it and either the committee needs to be put back together and a recommendation made or the parks board make their decision and if you don't agree with it you can come back here and we will ultimately decide.

Council Member Everitt stated I for one would like to see the gate opened. People from that side of town have to come all the way up to Oak, we built that nice parking lot. I'd like to see it opened back up.

President Tucker stated initially there was a very bad problem.

Rhonda Steele Addresses Council/Park Gate Located at the end of Catalpa Drive Cont.

Ms. Steele stated when we sat down and talked at that committee we addresses those. I would not let my kid go to the park if I thought there were druds, prostitution, child molestation. I wouldn't do it but we attacked all of the issues and said this would take care of this so therefore let's open the gate.

Council Member Truman stated I'd like to make a couple of comments. I was on the committee of course and I didn't see the committee as being, it's purpose as being a decision making body. It was kind of a sounding board and ultimately you know we need some closure to this regardless of what happens. I think everybody is probably tired of arguing about it. I think ultimately it's going to come to this board. We the elected officials to bite the bullet and make a decision whether it's right or wrong or good or bad. It will make some people mad and some people happy but I think ultimately the responsibility falls on this board so my suggestion as a recommendation I'd like to see that the parks board do it you know because the committee you know it's fine to take a vote or not take a vote but which ever way it comes out the other side is going to say well the committee was stacked one way or the other so I don't think that's going to work. My suggestion would be since Stan is the liason with the parks board, is for the parks board to come up with some specific options and make a recommendation to this board and for this board to ultimately take a vote because which ever side is not happy we are going to end up with it anyway.

Ms. Steele stated I feel if we try some of the alternatives and it doesn't work then I will say let's close it because people have homes there and I understand that but if we can get something working that will benefit the Town of Sellersburg and the kids of Sellersburg and the adults then I say let's do that. But we don't have that option right now, so I just wanted to say that without being called out of order and thank you very much for your time.

Karen Elliott Addresses Council/Sale of Town Properties

Ms. Elliott stated Jim Baker, Don Erler and I would like to thank the Town of Sellersburg and board members for allowing us to be of service with the town properties. As I'm sure everyone is aware the town was successful in obtaining bids of \$165,000.00 for the Highway 311 property and \$25,000.00 for the Old Fire House property. The closing took place on August 30 and September 2nd and closing statements and checks totaling \$25,765.00 and \$167,685.00 were tendered to Linda Schafer. These sums represent the bid prices of \$25,000.00 and \$165,000.00 plus deed expense of \$65.00 and \$85.00 plus reimbursement for advertising \$3,600.00. Again it's been our pleasure working with the town.

President Tucker asked Council Member Eddings when are we going to start building the town hall.

Council Member Eddings stated Mr. Gambill has the last revisions and drawings back in his hands and is making a few minor changes. We should have something with specifications in the next few weeks.

Ms. Elliott stated I would just like to say as a resident and taxpayer of Sellersburg I really do appreciate the initiative the board took with investigating sales of excess properties to keep our taxes down.

Bill Ash Addresses Council/Gillenwater Subdivision

Mr. Ash stated we were at the June 13th meeting for problems with neighbors and I talked with Steve Prather at that meeting and he informed me that he would take care of it and send a 30 day notice and 15 days later a follow up. About July the 17th or 18th I talked to Steve and I informed him that nothing had been done and he said well I guess I'll have to go out there and talk with them and get them going. Well about two weeks went by and I talked to him again and on August the 10th or 11th I talked to him again and he informed me that a town board meeting was the 22nd of August and I told him that I had a 50 year pin presentation and I couldn't make it. He said he would take care of it. I told him I'll call you on August 19th before the meeting and let you know if it's been cleaned up. Friday, August 19th I called him back with the same problem, he said call me back August 23rd after the board meeting and I said fine I'll do that. A little after 9:00 a.m. on the morning of the 23rd I called him and jokingly I said I'm looking out the window and I don't see any city trucks and the trash is still there. He said well it might take about a week to get it done. He said I turned it over to the town attorney last night and the town attorney is going to send them a letter. I wasn't too happy with it and later on during the day we talked to three people that were at the meeting and was informed that there was nothing at the meeting about our problem. I called Mr. McCall and left a message on his machine and he called me back. He said he hadn't heard anything about it. So the wind up of it is Sunday, August 28th one of the properties got cleaned up and what I want to know is we've been dealing with this mess since April, one of these people have mowed their grass two times this year. There's no doubt in my mind that it's going to happen again. Do we have to go through this everytime.

Council Member Everitt stated I guess my question is how come it took so long for Mr. Prather to get this taken care of.

Mr. Prather stated the yards at 7004, 7008 and 7014 were the three properties that were originally in question. I talked with each of the home owners. A couple of them were in some extenuating circumstances, they were very cooperative. They did work on getting the stuff cleaned up. A couple of problems that a couple of the residents had at 7004 and 7008 was the fact that cleaning it up wasn't the problem, it was how to get it somewhere. Some of the items were not things that the sanitation department would pick up, plus they did not have a truck to haul it off and they had missed the dumpsters that the town had set out prior to that. The main problem was getting someone to carry the trash and debris off. Two of the houses as far as the yards as far as being kept they might not be up to Mr. Ash's standards but they did meet the standards as set up in your building ordinances or your town ordinances pertaining to the height of grass. I did do a follow up again tonight. I went by the properties and the yards have been cut, at 7004 they had a picnic table in the back yard that was in need of being painted and they couldn't afford the paint so they broke the table up and had it carted off. That's the kind of cooperation I got. If they couldn't afford to repair items they basically sent them to the junkyard or sent them off, 7004 has a carport on the side of the house, they do have a couple of bicycles over by the fence, the gentleman informed me that this is part of his livelihood, that he repairs old bikes and sells them. They are complete frames and they are over by the fence, 7008 they have cleaned up their problem, there's was mainly the grass and weeds, 7014 did take care of the grass and weed problem, there is a pile of building material right behind the house it is covered by a blue tarpaulin and next to that the only other item of debris if you want to call it debris is a truck topper which is in good shape, it's not a dilapidated truck topper, it's not sitting on a truck.

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Bill Ash Addresses Council/Gillenwater Subdivision Cont.

Mr. Prather stated the question that I raise to the board is these people still even though their yard may not meet the criteria to the people around them, they have rights, it is there back yards they have fences. The only way to see that is to walk through their back yard.

Council Member Everitt stated no, now I didn't want a television show here. I've been down there at least 10 or 12 times since this was first brought up. I think you informed this gentleman that you turned these papers over to the attorney that night and you did not.

Mr. Prather stated the statement I made to Mr. Ash is that I would have to turn it over to the town attorney because they did not comply. But they have complied as far as I can see as far as looking at your ordinances.

Mr. Ash stated the only thing I can say to Mr. Prather is that you weren't out there when it was a mess, you came out after. Roy Everitt was out there the 24th, tell him what it looked like Roy.

Council Member Everitt stated the same, the bicycles, if this guy is doing this for a living he's awful slow cause these bicycles have been there for six months against that fence.

Mr. Prather stated again I can only go with what the gentleman tells me. If the guy tells me he does this as his livelihood. I have no investigating power to find if he's telling me the truth. That is up to the police or another investigating firm. I'm not paid to investigate and check into the financial background. If the man tells me this is what he does as his livelihood I have to take what he says at face value.

President Tucker asked if these were rental properties.

Mr. Ash stated as far as I know they are homeowners.

Ms. Ash stated 7004 is a rental, 7008 is on contract, 7014 is a homeowner.

Council Member Everitt stated I know we had the dumpsters there and they didn't use them.

Mr. Ash stated when the spring dumpsters where there they tore the shed down and threw it in the dumpster and left the trash lay. Will I have to go from April to August to get this done again.

President Tucker stated your question is if it happens again how quickly can it be taken care of. What I suggest you do is call Linda Schafer at the town hall and Linda in turn will talk to me and I will either go through Steve or Perry or whatever the appropriate thing is to do to address these particular people.

A resident stated that there were problems with an apartment building also.

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Bill Ash Addresses Council/Gillenwater Subdivision Cont.

President Tucker stated if you will mail or drop off the address. Mr. McCall if you will write the owners of the apartments and ask them to address this problem.

Ms. Schafer stated excuse me I assumed Chief Kinder was responsible for abating properties with junk vehicles is that correct.

President Tucker stated if you will get me the address with the chief's help.

Attorney McCall stated if it falls under the nuisance ordinance we will take all steps necessary to enforce the ordinance. We do have an official complaint form. You can use that form to outline the initial complaint and we will look at that. The complaint forms are at the town hall.

Mr. Pickle stated it is greatly appreciated that the town set out dumpsters. The problem I have is by Thursday evening they were completely filled. I know I could of put more in them. I'd like to make the suggestion to put someone on the street, if they are willing, to keep an eye on that dumpster and when it gets full have them call someone to call BFI and ask them to put another one out.

President Tucker stated the problem with that is it cost's alot of money to do that.

Mr. Pickle stated this kind of problem stays around if the dumpsters are full and people can't get rid of it. I've been remodeling my house and I've been to the dump every week on Friday and it cost me upwards \$20.00 to \$25.00 dollars everytime I go dump and people that are financially strapped that can't go to the dump would have the means if these dumpsters are set out to get rid of the stuff.

Council Member Everitt stated on the dumpsters, that started a couple of years back and I'll tell you. I've been running it and BFI closes down at 4:00 p.m. on Saturdays and I can't get them to come back and I've been out there on Mondays picking garbage up. I think is was around \$5,000.00.

Chief Kinder Addresses Council/Animal Control Officer

Chief Kinder stated about the animal control officer. We had another child bitten over the weekend.

Attorney McCall stated I sent a job description to Linda Schafer today setting forth the criteria and also the salary requirements which I believe I listed as \$4,000.00. I believe that's what we expended to Clarksville.

Ms. Schafer stated \$12,500.00.

President Tucker stated I spoke with the town attorney from Clarksville, Sam Gwinn last week, he said you're not using our animal control officer any longer. I said well they told us that we weren't. He said well I think that was a decision made by the animal control officer.

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Chief Kinder Addresses Council/Animal Control Officer Cont.

Council Member Everitt stated that's what I was told.

Attorney McCall stated he said you may want to check with the town council there and see if they would be willing to supply an animal control officer to you in the meantime. That may be something to explore.

Ms. Schafer stated I already did and he said they would handle emergency case basis only until we hired one but they wouldn't do it forever.

Attorney McCall stated I do have the description if you want to advertise it as an animal control officer and what the duties and responsibilities are, it's a pretty lengthy description.

President Tucker stated we've already had somebody basically say that they would do it for X amount of dollars and it's not the same amount that's here.

Attorney McCall stated right, maybe you can get somebody to do it for that amount. I think it's a little more.

Ms. Schafer stated I've published that job and for that amount since the liability insurance for that person is approximately \$1,000.00 per year plus the equipment and furnishing their own vehicle and gas.

Attorney McCall stated I understand that, I mean it's what your offering to pay, if your going to offer more go ahead and change the amount of dollars. I don't know how much you budgeted for it or if you did at all.

President Tucker stated Chief to answer your question we don't have an answer but we are working on it.

Chief Kinder Addresses Council/Garbage Can Lids

Chief Kinder stated on this garbage can deal, I was under the impression they had to have a lid. Is that correct.

President Tucker stated we did not enforce that part. We said you couldn't stack garbage on the ground. You could stack it on top of the garbage can but we really never enforced putting a lid on top. The rule basically said that garbage cans could not be greater than 34 gallons and if I remember correctly you could not have more than four and that they need to have lids but the problem with that is people were putting things on the ground and not every garbage can had a lid so we kind of softened it and said you can stack up on top of the existing garbage can and it doesn't necessarily have to have a lid. Now the ordinance says it has to have a lid but we've not really enforced that. To be perfectly honest, this is my opinion only, that the garbage has been going pretty well over all and Mr. Dold I don't think you'd agree with me no matter what I said.

Mr. Dold stated you've got that right.

Attorney McCall and Council Member Everitt excused themselves at 7:40 p.m.

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Clark Henson Addresses Council/Bids on Painting Water Tank

Mr. Henson stated we opened bids at the town hall at 3:00 p.m. today.

Council Member Eddings asked do you have them summarized.

Ms. Schafer stated yes, would you like to read them or would you like me to read them.

Council Member Eddings stated go ahead.

Ms. Schafer stated on the bids they were opened at the town hall at 3:00 p.m. those present were:

Clark Henson, Water Superintendent
Linda G. Schafer, Clerk Treasurer
Terry Currens, Currens Co., Inc.
Tom Coursen, C T Services, Inc.
Larry Kessinger, KSI
Patty Crawford, Deputy Clerk
R. J. Ellenbrand, Patrolman, Sellersburg Police
Andrea Hall, Deputy Clerk
Cindy Shelton, Deputy Clerk

The documents were inspected by C T Services and were as follows:

1. Currens Co. Bid was in order. Base \$130,210.00, additive item \$6,800.00.
2. Kessinger Service Ind. Bid was in order. Base \$64,032.00, additive item \$6,285.00.
3. Jetco Limited. Did not send in the questionnaire. Base \$86,280.00, additive item \$24,978.00, taken one exception to specifications in contract documents.
4. Suncraft Construction Co. Bid was in order. Base \$72,500.00, additive item \$11,000.00.

With no other bids the bid opening was adjourned at 3:15 p.m.

Motion made by Council Member Eddings to tentatively award Kessinger Services, the bid to paint the water tower in the amount of \$64,032.00 based on returning the documents and based on checking their references and seconded by Council Member Broady.

Vote 4-0

President Tucker Addresses Council/Sellersburg Celebrates

President Tucker stated I have one quick item, Sellersburg Celebrates for the last 4 or 5 years, we have allowed them to hook up to electricity and not charged them a fee and I would like to ratify that we did this after the fact. I would entertain a motion that we allowed Sellersburg Celebrates to hook up to the electric and so forth as we have in years past.

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President Tucker Addresses Council/Sellersburg Celebrates Cont.

Motion made by Council Member Eddings to allow Sellerburg Celebrates the use of the electricity and water after the fact and seconded by Council Member Broady.

Vote 4-0

Clark Henson Addresses Council/Hydrant Flushing

Mr. Henson stated we will be flushing hydrants on September 17th through the 23rd from 12 midnight to 7:00 a.m.

Steve Prather Addresses Council/Refund on Permit to Mark Dean

Mr. Prather stated a resident a little over a year ago applied for some permits and never used those permits and would like to get a refund. The total price paid for the permits was \$50.00, \$45.00 of that would come from the Building Commissioner and I need the town to approve the refund.

Motion made by Council Member Eddings to approve a refund to Mark Dean in the amount of \$50.00 and seconded by Council Member Broady.

Vote 4-0

Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of August 23rd through September 12th in the amount of \$531.00 and stated this does reflect the money refunded.

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

Vote 4-0

Council Member Eddings Addresses Council/Bill From Jacobi, Toombs & Lanz, Inc.

Council Member Eddings stated I'd like to get the Councils signature on a claim for Jacobi, Toombs and Lanz, Inc. in the amount of \$97.50 for property surveys.

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

Vote 4-0

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Council Member Eddings Addresses Council/Proposal from Silver Creek Water, Covered Bridge

Council Member Eddings stated the only other thing I have is does everybody have a copy of what Silver Creek Water is proposing at Covered Bridge.

Ms. Schafer stated I had received that and put it in your box.

Council Member Eddings stated the ordinance says, it is basically for the Town of Sellersburg residents. This thing needs to be addressed. I'd like to address it at the next meeting.

President Tucker suggested that Council Member Eddings call John Toombs and discuss it.

Council Member Eddings stated my thinking is how can you charge somebody for something they are not using. This water is not going into the sewer. They are water sod and etc.

President Tucker stated I'm not being disagreeable but if you will call John and come back with a recommendation it will be discussed at the next meeting.

Council Member Broady Addresses Council/R. J. Wilson Builders, Covered Bridge

Council Member Broady stated I have one thing at the last meeting we addressed R. J. Wilson Builders about using the water and not sewer. I was asked to check around and see what other cities did. New Albany doesn't charge sewer until the home is actually bought and they then start billing the sewer to the homeowner, Clarksville does that and Jeffersonville does not, so there's two cities that do. They do not bill for sewer until the homeowner takes possession.

President Tucker stated how would the Clerk Treasurer or sewer department know that this has transpired.

Council Member Broady stated the way I understand it is that R. J. Wilson would receive a water bill until the request is made to switch it over to the homeowner. The reason it was brought up is if you have one or two homes it doesn't amount to a hill of beans but if you have thirty homes it makes a difference. I think it would be a nightmare to try and control but I can also see his side.

Ms. Schafer stated there may be a problem for people who paid long before they were hooked on to the sewers, they didn't have sewers and they paid a sewer bill.

President Tucker stated the EPA made us do that, it had to do with the bond issue. We addressed the problem with R. J. Wilson and Covered Bridge could two of these guys come back with a recommendation. We would have to change an ordinance somewhere.

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Council Member Truman Addresses Council/Chief Kinders Contract Renewal

Council Member Truman stated Chief Kinder presented his contract to the board at the executive session and I'd like to make the motion for the board to approve it.

Seconded by Council Member Eddings.

Council Member Broady asked when the contract was up for renewal.

President Tucker stated I haven't even read the contract. This is the first time I've ever seen it in my life. I don't ever vote on something I've never seen.

Council Member Truman stated the rest of the terms are the same as the old one.

President Tucker suggested it be brought up at the next meeting after everyone has had a chance to digest the contract. I have not seen it before tonight. Could we table it until the next meeting.

Motion to table Chief Kinders renewal contract until the next meeting made By Council Member Truman and seconded by Council Member Eddings.

Vote 4-0

Council Member Truman Addresses Council/Town of Sellersburg becoming a City

Council Member Truman stated just some food for thought. I'd like for the town board to consider, I know Clarksville is persuing becoming a city rather than a town and I was just wondering if the Town of Sellersburg might want to consider having a mayor and city council rather than a town council. One of the reasons that I thought about that is because if Clarksville does become a city then that means we will never be able to annex anything over Poindexter without their consent so I wondering if we may be losing out by not becoming a city. We would have to have their permission if they were a city.

President Tucker stated well once upon a time I asked Perry what if meant or what it took to become a city and basically the only answer that I received was that there were some funding mechanisms that we would lose by becoming a city that we may not get, the firearms tax and things like that. I would be glad to call Perry and ask him. I have no problem with that at all.

Council Member Truman stated well the method to do it and I don't know what money we would gain or lose. I don't know but the method to do it is to simply that the town council passes a resolution to put it on the ballot and of course I don't know what the time frame would be for the deadline to get in on the November ballot but that would be all it would take. The town would either vote yes or no.

President Tucker stated is that something you would have time to do.

Council Member Truman Addresses Council/Town of Sellersburg becoming a City Cont.

Council Member Truman stated you could talk to Perry. That's the mechanism. I don't know what the deadline is. I'm just concerned about us being locked in if Clarksville becomes a city.

Council Member Truman stated if the town votes yes to approve the referendum and of course the town council elections are next year so that would be city council and mayor elections. I would not want a full time mayor. I'd want a part time mayor with a full time executive assistant or administrative assistant for the mayor.

President Tucker stated I'll call Perry tomorrow.

Clerk Treasurer Schafer Addresses Council/Appraisal Fees, Jim Baker, Marvin Schmidt

Clerk Treasurer Schafer stated I have the claim forms for Jim Baker and Marvin Schmidt for the appraisal fees on the town property. This was previously approved, I just need the councils signatures.

President Tucker Presents Claims for the Civil, Sewer and Water Departments

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

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

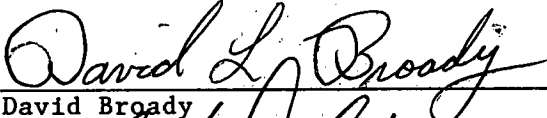
Vote 3-1, with Council Member Truman voting against.

Adjournment


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

Vote 4-0

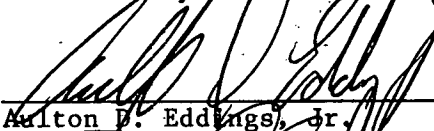
With no further business this meeting was adjourned by President Tucker at 8:03 p.m.



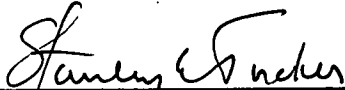
David Broady



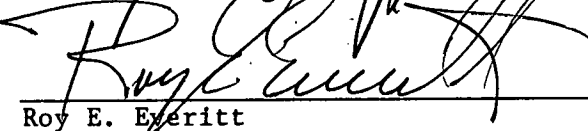
Karl Truman



Aulton D. Eddings, Jr.



Stanley E. Tucker



Roy E. Eyeritt



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

September 19, 1994

EXECUTIVE SESSION

An executive session of the Sellersburg Town Council was held at 6:00 p.m. at the Sellersburg Library to discuss employment personnel matters. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice President; Doug Eddings Jr., Council Member; Roy Everitt, Council Member; Karl Truman, Council Member; Linda G. Schafer, Clerk Treasurer; and Perry McCall, Attorney.

Called To Order

President Tucker called the executive session to order at 6:03 p.m.

Topic Of Discussion

Employment Personnel Matters/Kinder Contract

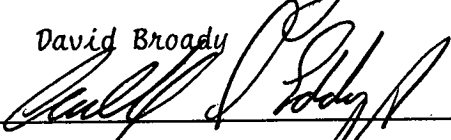
Adjournment

Motion was made by Karl Truman and seconded by Doug Eddings Jr. to adjourn this meeting. Vote 4-0

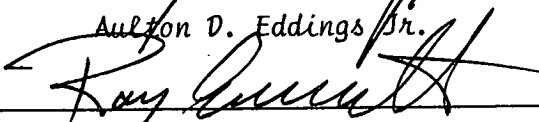
With no further business the executive session was adjourned at 7:02 p.m.




David Broady



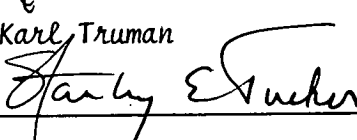
Aulxon D. Eddings Jr.



Roy Everitt



Karl Truman



Stanley E. Tucker

Attest: Linda G. Schafer

SELLERSBURG TOWN COUNCIL

September 26, 1994

Regular Meeting

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

Called To Order

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

Prayer

The prayer was offered by Father Herman Lutz.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of Last Meeting

President Tucker dispensed with the reading of the minutes from the September 12th and September 19th meetings and requested approval as presented.

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

Vote 4-0

Betty Kelly Addresses Council/Camp Run Creek

Ms. Kelly stated I wanted to see if we could get that ditch cleaned out. I have some pictures here, it would be a good idea if you went and looked at it. It really needs to be cleaned out.

President Tucker stated Ms. Kelly we are in favor of it being cleaned out but if I understand correctly and I don't know this for sure I can ask the engineer, I can ask Perry, but if I understand it, that is a cree and it's not a drainage ditch.

Ms. Kelly stated there is a creek that runs into it from Allentown Road.

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Betty Kelly Addresses Council/Camp Run Creek Cont.

President Tucker stated yes but we the town can't do certain things without approval from the Department of Natural Resources. I'm not trying to put it off but we are going to have to check into it to find out what we can do or who can do it. Whether it's the responsibility of the people who live in that neighborhood or who.

Ms. Kelly stated as long as it's taken care of.

President Tucker stated I understand but we need to look into it. I'm not saying we can't do it or won't do it. All I'm saying is we have to look into it because unfortunately ten to fifteen years ago the DNR wasn't very accurate and now between Environmental Management and the DNR we have to watch what we are doing. The best I can do is we will look into it as quickly as possible and asked Perry to check into this.

A resident asked what is the difference between a creek and a drainage ditch.

President Tucker stated to be perfectly honest I don't know the answer to that except that a drainage ditch I assume is man made where a creek is not man made. I mean if we create a ditch for run off water then it's the responsibility of the people who do it.

Mr. Pickel stated someone has tried to take care of it because they have poured concrete in the bend.

Council Everitt stated if I may help, we've discussed this within the last six years quite a few times like Stan says we have to get permission from the state, across the the road to put rock in there three years ago we had to get the state to come down and pass it to let us put rock in to keep from washing the road out. If we start digging this, it is a creek and it runs into Silver Creek if you get down where you are talking on Foothill we could lose the road and this is all under the storm drain study that we are doing right now with John Toombs to try to get grants and I guess everyone on the board got the same thing I did on the storm drains we are looking at well over one million dollars just to take care of Sellersburg some of these things and this is what we're waiting and the taxpayers will hear about this later on and really there is nothing that we should do because if we start messing with this then we are going to lose ground. We'd better leave this alone right now until we.

A resident asked what do you mean lose ground.

Council Member Everitt stated it will start washing out, two years ago they asked us to go down and dig that ditch out while it was good and dry and had we done that the first flood that come we could of lost Foothill. That's why the concrete is there to keep it from washing out.

A resident stated she grew up in that area and they've never had the problems with snakes like they do now. They are in the yards. The grass is not trimmed, bushes aren't trimmed. You need to come over and look at it.

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Betty Kelly Addresses Council/ Camp Run Creek Cont.

President Tucker stated what I've asked Perry to do is to check and see who we have to notify or what we have to do and once Perry comes back with the information then we will proceed. If it can be a town fix then the guys on the street department can go out and trim if that's the appropriate thing to do. If we need the state to do it, which Roy is implying, then the state will have to do it, so we are going to address it.

A resident stated I live on Parallel and there's an old big tree in front of my house that's been dead for over two years and I wondered if they would remove that.

President Tucker stated we don't have the capability of removing trees, you mean it's in your yard.

She stated no it's not in my yard, it's across the street, whoever owns that property across the street.

President Tucker stated we will ask them at that time to take care of it. If we start cutting down trees and create erosion that could be a problem. I'm not trying to say we won't take care of it.

Jerry Fuller Addresses Council/Clark County Composting Contract

Mr. Fuller stated I appreciate the time to come in and speak to you, more than anything else I just wanted to fill you in on where we stand on the composting operation that we are trying to get going with the Solid Waste Management on behalf of the cities.

Mr. Fuller stated we sent you a copy of the contract that the Solid Waste District put together with Clark County Compost. The Solid Waste District has approved it and it has some fairly specific provisions in it. It would obligate cities that enter into it for a ten year agreement with Clark County Compost. Thereby you would take all of your yard waste that is under your control to and only to Clark County Compost either at their staging area at Utica Pike and Brown Forman Road or their main composting facility at the Indiana Army Ammunition facility outside of Charlestown. The tipping fee would be \$13.75 and the contract, ten year contract with the municipal cost index escalating. I will tell you that so far I have appeared before the Clarksville Town Board and the Jeffersonville City Council, both would not sign. Their primary concern what the ten year contract. Clarksville was also concerned about the municipal cost index. I'm trying to find out what the concerns are, if it's the provisions of the contract. What I would like to do, if you feel like the provisions of the contract are acceptable to you and you can live with if or if you have one or two particular concerns I would like to put together a group to meet with Clark County Compost, myself, a representative from Clarksville, Charlestown, Jeffersonville, Sellersburg and kind of at one meeting hash out the concerns. Are there any particular questions or concerns.

Council Member Everitt stated you said all yard waste must go into it. We have in Sellersburg and a few other people out in the community that wants our leaves and we haven't taken probably one load of leaves to the landfill in the past three or four years. Your saying that we have to take them there.

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Jerry Fuller Addresses Council/Clark County Composting Contract Cont.

Mr. Fuller stated if you sign the contract as it is written now then you would have to take all material over which you have control to Clark County Compost that's right. If someone came along in a year or two and said I'll take all of your yard waste for nothing, if you've signed this contract you can't take advantage of that. You're obligated to take all material over which you have control. If a citizen for example makes a deal with a landscape company to take care of his leaves that is not material over which you have control, but material that the city picks up and collects that you have control over, this contract would obligate you to take it to Clark County Compost.

Attorney McCall stated I had a question in regard to the grant proposal.

Mr. Fuller stated the town would be obligated to assume the full cost yes, of the disposal if and when solid waste district withdrew support. Under this contract the Solis Waste District is obligated to pick up 100% of the cost through 94 and 50% in 1995 and then the contract has rather nebulous languages.

Attorney McCall stated is that tipping fee contingent upon the grant program.

Mr. Fuller stated that the tipping fee conceivably will go up but the contract says that it can rise up to the municipal cost index rate.

Attorney McCall asked does the amount of money that comes from the grant, the amount that comes from the legislature help determine this amount.

Mr. Fuller stated the tipping fee itself, no, it obligates us and of course our cost will go up and our grant goes up as the tipping fee goes up. The grant program has no bearing on the tipping fee. At the beginning it's \$13.75 and then it can escalate at the municipal cost index.

President Tucker asked when you say \$13.75 is that per ton.

Mr. Fuller stated that's correct and that does not include transportation cost. That's the gate tipping fee to dispose of the material, it's like the \$20.00 a ton fee at the landfill.

Attorney McCall asked why was there a ten year contract.

Mr. Fuller stated that was included in there because the composting facility is a totally new facility, it requires very specialized equipment, shredders, compost turners, that really can't be used at any other type of operation because a totally new facility would be required with special grading and draining requirements we felt like in order to get a better rate it would help the operator recoup his investment over a ten year period and thereby give us a better rate going in.

President Tucker asked is that what you negotiated with him, a ten year deal.

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Jerry Fuller Addresses Council/Clark County Composting Contract Cont.

Mr. Fuller stated yes, well actually we put a ten year period in the original request for bids that was not negotiated. That was in the original request for bids. We specified that going in. All bidders accepted the ten year period.

President Tucker stated I have basically the same concerns that Clarksville and Jeffersonville have which is the raise based on the index and the ten year contract, that's a rather long commitment and asked Council Member Everitt if he'd want to serve on that committee.

Council Member Everitt stated I can. The other question I would like to ask, if Sellersburg decides not to go along with this contract, would the people of Sellersburg be able to use these facilities.

Mr. Fuller stated certainly, the facility will be opened to the public. All this contract does is guarantee the \$13.75. I'm sure the operators will take anyone as a matter of fact I know he's trying to drum up business.

Council Member Everitt stated in the past Jerry, we just picked up the Christmas trees, there's an ordinance that we have, that if you bundle your limbs, they are not over five feet and tied in a bundle, we will pick them up and now we can't take them to the landfill.

Mr. Fuller stated yes, you could take them to him but I can't say what the rate would be, you'd have to discuss it with him. Of course it's a decision for you to make.

President Tucker stated if I understood you correctly, if we commit to use this facility then we, the town, have to use your facility. If we pick up the Christmas trees, we'd have to take them to you.

Mr. Fuller stated that's right. In order to get the \$13.75 rate you'd give up your right to take them where ever you want.

President Tucker stated what I would like to suggest is, if I heard you correctly, your suggesting that a meeting of the different representatives of the boards would take place in the very near future to discuss basically their concerns or apprehensions.

Mr. Fuller stated yes, that's what I would like to have happen rather than me come to you and you say well change this issue and I go to Clark Nickles and he says well okay we can do that but it's going to cost you more and I come back to you. I think it would be alot simpler to have all of the representatives sit down accross the table and say we want this, what can you do for us and leave the room either with an agreement or forget the whole thing.

President Tucker stated okay and Roy you've volunteered to represent us.

Council Member Truman stated isn't this basically all or nothing with the municipalities. If you don't get all of the municipalities basically you're not going to be able to do this.

Jerry Fuller Addresses Council/Clark County Composting Contract Cont.

Mr. Fuller stated now that's an interesting question Karl and that's really up to Clark Nickles. What will happen is he will be the last one to sign the contract. What he's going to do is he's going to look into who has signed it. Let's say Clarksville signs it and Clarksville is the only one, he may say forget it but if Clarksville and Jeffersonville sign I think he certainly will. If say only Sellersburg and Charlestown will, is he going to sign it, he may not, he may say forget it. I can't take \$13.75 for that volume, so it's the rate itself. I'm sure he's going to be there. I don't know what his going market rate will be.

President Tucker stated my suggestion is when you call the meeting, get a hold of Roy or Linda and let them know and he can bring it back to the board.

Council Member Everitt stated I just have one other question, is it not true that Jeffersonville will have a drop off point up on Utica Highway.

Mr. Fuller stated the request for bids specified that there had to be two drop off points in the County, it didn't say where and as it turns out Mr. Nickles has some property that you may be aware of at the corner of Brown Forman Road and Utica Pike, he's had for many years. He specified in his bid that, that would be one of his drop off's and as it turns out it's relatively close to Jeff. Relatively it looks good for Charlestown and Jeffersonville, the other drop is the ammunition plant. If you have any questions, please don't hesitate to call me at my office. If you have some concerns, I'll be glad to hear it.

Chief Kinder Addresses Council/Dump Trucks on Utica Street

Mr. Kinder stated the stone company wants to send trucks through town.

Council Member Everitt stated Tuesday and Wednesday but I don't know if they are going to be able to work on it. Dave due to the rain.

Mr. Kinder stated it would be approximately 500 trucks a day and I went and measured it out the other day and it measured 4.8 miles if they do out the long way and 2 miles if they use the town to go through. We don't have an exception in our ordinance on them coming through town.

Council Member Everitt stated Sean Lee is the one that I've talked to about it and Sean said they were shutting the road down and that was last Thursday but they were going to try and run some both ways and I told Sean that he would be responsible for the streets since we just paved them and of course he threw his hands up in the air but I think the county should be responsible if they tear up the streets.

President Tucker stated there is a 3 mile difference is what I'm hearing you say and there are 500 trucks. If I'm not mistaken we made an agreement, the prior town board that they stopped truck traffic on Utica Street except in certain situations which would be controlled and they had to notify the Police Department and it had to be for a specified period of time. That's my understanding and Ms. Dellarosa, maybe you know something different.

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Chief Kinder Addresses Council/Dump Trucks on Utica Street Cont.

Ms. Dellarosa stated I was on that board and we made no stipulations of any kind, they were stopped and stopped dead.

Mr. Kinder stated, all I want is board approval, it is a savings to them.

President Tucker stated my understanding was, is under certain situations, under controlled environment, that it could be done.

Council Member Everitt stated that's the way it's always been.

Council Member Eddings stated that he didn't care for the trucks going through town but we can't really stop a major operation.

A resident was concerned about children walking home from Sellersburg Elementary.

President Tucker stated it's not going to be by Sellersburg Grade School, it's going to be on Utica Street. I guess my question is, should we put it to a vote as to whether we let Riverton do this.

Council Member Truman stated my feeling on it is, occasionally is one thing. I don't have any problem with it but 500 trucks is alot of volume to go through there.

Mr. Kinder stated that they have already been cautioned on the speed and that it will be radar controlled on Utica and he would personally be there.

Motion to allow Riverton to use Utica Street up to Highway 31 for a two day period made by Council Member Eddings and seconded by Council Member Everitt.

Council Member Truman stated what about putting a limit on it on whether it's 100 trucks a day or 200 so we don't get 500 trucks.

Mr. Kinder stated it would be hard to set there and count them. I mean, that's the maximum, he really went into great detail.

Council Member Eddings stated we would just limit it for a two day period.

Vote 4-0

Chief Kinder Addresses Council/Speeding Problem on Linnwood and Popp Ave.

Chief Kinder stated another thing, we have been running radar on Linnwood Ave. We'd had numerous complaints on speeders. We ran radar on three different days and used plain cars as well as marked cars, also they ran for a half hour each day for three days and out of those ninety cars there were four that were stopped and cited. Most of the cars ran 25 to 32 up and down the street. We are doing the same thing on Popp Ave. because we've had a complaint about Popp Ave. with cars running 50 to 60 m.p.h. In the two days we've been over there we've clocked a total of 84 cars. We've only had one arrest or one ticket and that was for 39 m.p.h. the rest of the speed has been around 30 to 33 m.p.h.

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Chief Kinder Addresses Council/Speeding Problem on Linnwood and Popp Ave. Cont.

Mr. Pickel stated I was wondering if I could address your attention to Alden also. Myself, I've hollered at a few people to slow down and I asked someone one day if they could please slow down, they pulled up to the stop sign, rolled down the window and said no, squealed their tires and went on down the street.

A resident stated you are there at the wrong time of day, try 2:40 in the afternoon.

Chief Kinder stated if you can tell us the time that's great and we will be glad to be over there.

Chief Kinder Addresses Council/Police Chief Contract Renewal

Chief Kinder stated I submitted my contract for renewal, I think Perry has a copy.

Attorney McCall stated I received a copy of the contract earlier today and there's a new contract distributed now with some changes. Paragraph #2, this is dealing with the Chief of Sellersburg Municipal Police Department dealing with compensation, page 3, it was added commencing on the first Friday after the effective date of this contract and continuing in a like amount each week thereafter during the term of this contract. That was a new provision that was added and was different from the one previously tendered. Also paragraph 6 on page 3 starting forth line down, the town agrees to pay Kinder an amount to provide partial reimbursement for payment of the medical insurance premium to Blue Cross and Blue Shield of Indiana. Kinder shall be paid the following amount on an annual basis in 12 equal monthly installments.

A resident stated we can't hear you.

Attorney McCall stated I'm sorry, paragraph 6 dealing with reimbursement of insurance. Kinder shall be paid the following amount on an annual basis in 12 equal monthly installments. The monthly payments made hereunder shall equal the amount of the cost of health insurance paid by the town for the other officers of the Sellersburg Metro Police Department. That's been changed or the language from the previous contact where it was a percentage.

President Tucker asked have you seen this Chief.

Chief Kinder stated yes I have.

Attorney McCall stated what I did, when the changes were made I contacted his Attorney Ken Taurman and those were the changes in the contract. Other things that have been changed, the amount of compensation stays the same.

Ed Denton stated we can't hear you Perry.

Attorney McCall stated the amount of compensation...

A resident stated maybe they don't want us to.

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Chief Kinder Addresses Council/Police Chief Contract Renewal Cont.

Attorney McCall stated the amount of compensation for the Chief of Police stays the same through the 3½ years of his contract. I do see one correction that needs to be made on the first page it would be a 3½ year period, is that correct Chief.

President Tucker stated 3½.

Attorney McCall stated the old one was 3½.

President Tucker stated basically it is suppose to be in December of 1997, so 3½ is correct.

Attorney McCall stated that's the only thing then that I see different. The compensation stays the same.

Mr. Denton stated what is the compensation.

Attorney McCall stated the compensation in this contract is \$37,685.44.

Mr. Denton stated no, not the total compensation is not.

Attorney McCall stated that's the salary.

Mr. Denton stated we are not talking about the salary, we're talking about the compensation.

President Tucker stated hey Ed, that's only the salary \$37,685.44, the other compensation is numbers that are based on retirement, P.E.R.F. and Blue Cross and Blue Shield. The specific numbers are not in the contract. This is a percentage, is says an amount paid. I don't have those numbers, maybe Linda has them I don't know.

Mr. Denton stated Linda has them, let her tell us what they are.

Attorney McCall stated number one is the contract is being presented to you, there's no motion on the floor to consider right now. If there's a motion you can go on with the discussion at that point. But that was submitted to me, you have the changes.

Council Member Truman stated basically there were caps put on so in the future there aren't further increases.

Attorney McCall stated I contacted Mr. Taurman and he indicated the caps put on. The compensation is indicated here, they would not go any higher in the term of this contract.

Motion made by Council Member Truman to approve this contract and seconded by Council Member Broady.

Mr. Denton stated we haven't had the conversation yet.

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Chief Kinder Addresses Council/Police Chief Contract Renewal Cont.

President Tucker stated excuse me, there's a process one has to go through. Once the motion's made and seconded, I will then open it up for discussion. Motion was made by Karl and seconded by Dave. Now are there any comments or questions. The question on the floor is what is the amount for P.E.R.F. and health insurance, either monthly, annual, or however you want.

Mr. Denton stated why would you approve the contract before you know what the P.E.R.F. is.

President Tucker stated well it's the same amount as before. We already know what those figures are. I'm getting them repeated for you. The rules and how they work are, the motion made and seconded and they are the correct rules. If you want to ask the attorney he will agree. I didn't approve it yet. The motion was made and it was seconded, it has not been approved.

Council Member Everitt asked who seconded it.

President Tucker stated Dave.

Attorney McCall stated it's open for discussion. There's been a question asked about the figures. Do we have the figures.

Ms. Schafer stated do you want a grand total.

Attorney McCall stated what is your question exactly.

Mr. Denton stated total compensation, she's got it on that paper, she'll read it for you.

Ms. Schafer stated the insurance compensation, unless this new contract increases it is \$1,280.40, AUL life \$52.20, Principal, short term disability \$212.52, Fortis Dental \$294.12, unemployment benefits \$14.00, Longevity \$449.24, Holiday pay \$1,304.46, P.E.R.F. reimbursement \$5,585.53, salary \$37,685.44, clothing allowance \$600.00, which totals \$47,477.91 and that doesn't include the insurance, unlimited gasoline, maintenance on auto, also the auto itself. If he had to provide one, workmans comp. \$500.00 also if the chief was eligible for the P.E.R.F. program we would not have to pay \$3,588.23 in Medicare and Social Security benefits.

Council Member Truman stated please then, also read the same numbers and I assume you have this prepared just as well as you do for these numbers for all of the other police officers and all the other town employees.

Ms. Schafer stated I don't have those. I had these for the meeting that we had the other day.

Council Member Truman stated okay now, I would ask, I mean Mr. Kinder, Chief Kinder is not the only one that receives these payments is he.

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Chief Kinder Addresses Council/Police Chief Contract Renewal Cont.

Ms. Schafer stated we would still be liable for paying the almost \$6,000.00 in P.E.R.F. but if we had a chief of police eligible for that program, we would not be paying Social Security and Medicare in on those benefits nor probably would we be liable for 50% of a first class police officers pay if he were eligible for the program.

A resident asked why is he not eligible.

Ms. Schafer stated I have no idea. I don't know if it's the age or if this is a second career or I have no idea.

Mike Vogel stated the only thing that I can figure, is the only thing different between the chief and the rest of the officers is the salary. All of the other officers could be eligible for all of that right.

Ms. Schafer stated I disagree.

Mr. Vogel stated they get the same insurance, the same amount of clothing, same amount on dental, they don't get the same amount on dental.

Ms. Schafer stated they do on dental but not on the insurance, if a police officer chooses not to take the towns insurance or any other employee in the town, he is not reimbursed.

Mr. Vogel stated but the insurance is there for them and that's the same amount the chief is getting.

Council Member Truman stated excuse me, I couldn't hear that answer.

Ms. Schafer stated what couldn't you hear.

Council Member Truman stated I think your answer was yes, it was the same amount.

President Tucker asked Chief Kinder if he had anything to say.

Chief Kinder stated yes, I do. I realize this is going to be contraversial. What Ms. Schafer has brought up, it is true, I do get P.E.R.F., every police officer up there gets P.E.R.F., don't we have to pay social security and medicare on all new police officers, isn't that correct.

Ms. Schafer stated no, they pay medicare only, the older officers which we have five, don't pay either one under that program.

Chief Kinder stated Oldham, Carmichael, Ash, they don't pay social security because they pay into P.E.R.F. The insurance like I say, I'm not paid anymore than what we pay for somebody elses insurance. Everybody else is furnished an automobile just like I'm furnished an auto mobile. Everybody else has their gas furnished. So really it's strictly salary. Now I agreed to be locked in at that salary for the 3 years and 4 months, whatever it is. I haven't heard anybody yet attack me on my performance. Sure everybody wants to be liked but I can't be liked by everybody but if your going to attack my job performance please attack my job performance. My average week is about 52 hours.

Chief Kinder Addresses Council/Police Chief Contract Renewal Cont.

President Tucker asked if there were further questions.

Mr. Denton stated you still haven't answered the question. What is the total, it's close to \$54,000.00. In the past four years we've spent \$4,000.00 on an unmarked car that he can drive anyplace he wants to, go anywhere he wants to in it and the reason why he don't want people to know where goes. It's just that simple. Now he's not a detective, so that totals out to \$54,000.00. Karl any way you look at it. Now if he's worth \$54,000.00, he's the most expensive police chief in Clark County. Now I can tell you the other chief's salary Scottsburg \$28,000.00, Salem...

Council Member Truman stated now wait a minute Ed, how are you comparing the base salary and then you're going over to him and adding up a whole laundry list of all of his benefits.

Mr. Denton stated he's got a base salary of \$37,000.00 and Scottsburg pays \$28,000.00 and we pay him \$37,000.00. Hey these people in this town, they don't like to pay these taxes.

Mr. Vogel stated I tell ya, it's been a long time since I was in favor of this police department. I've had a real black spot for the Sellersburg Police Department for probably the last 15 years. I tell ya what, as far as I'm concerned, you're damn lucky to have Kinder and you're lucky that's all you have to pay him. I think he's done an outstanding job.

Council Member Everitt stated on page 2, number 3, would you want to read that.

Attorney McCall stated this agreement shall terminate immediately on the occurrence of any one of the following events;

1. Death of Kinder.
2. Loss by either Kinder of the legal capacity to contract or the Town of legal capacity to contract by statute or judicial decision.
3. Continued incapacity of Kinder, whether physical or mental, from his ability to perform his duties, for a period in excess of forty five days unless the incapacity/injury was caused, occurred in the line of duty, in which event Kinder shall receive the same benefits as other officers on the force.
4. Engaging in criminal or related conduct by Kinder.

Council Member Everitt asked what are the officers benefits on the force.

Ms. Schafer stated if they are disabled they would draw 50% of a first class police officers pay at the time they are disabled which is right now probably \$12,000.00 per year in 1994 in addition to that in the event of death the widow would receive \$6,000.00 life insurance from the town. The money would come from P.E.R.F. if they were eligible for the program as opposed to coming from the tax payers if you're not. So that's a disadvantage.

Council Member Everitt stated I guess one of the questions I have then is...

Attorney McCall stated you mean the \$6,000.00 that you're talking about would be something that would come out of the town budget.

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Chief Kinder Addresses Council/Police Chief Contract Renewal Cont.

Ms. Schafer stated that is correct also the \$12,000.00 where a regular police officer, if he were eligible for the program, the disability benefit would be paid by P.E.R.F. and not the town, because he's not eligible the monetary amount that we're paying him is what the town would pay if he were eligible. We're not paying into P.E.R.F.

Council Member Truman stated I heard Stan say that would be paid by long term disability.

Ms. Schafer stated okay, then why is this in here.

Council Member Everitt stated that's what I was wondering, if this here, if Kinder would agree to take number three out of this and also Dave if you would be willing to take a physical exam before we sign the contract. Now, I'm not being, no, listen folks, I like Dave, he's done a hell of a good job in Sellersburg. These things, if we hire an officer Mr. Vogel, that's one of the things they do do is take a physical exam. Am I right or am I wrong and I see no difference between the Chief of Police and an officer that we hire as a patrolman. We've got to take the tax payers of Sellersburg, am I right.

Council Member Truman stated yes, I like to hear all this talking about protecting the tax payers and Ed makes a good speech about the expenses and everything you know but my question is I mean where were you last year when the town spent an extra \$15,000.00 for the insurance, where were you this year when the town spent an extra \$9,000.00 on insurance, where were you when the town added staff to the town hall, where were you about the, all the other salary increases that came up this year. Where were you on those questions. Why is this the only thing your're worried about.

Mr. Denton stated Karl, I'll tell you what, you haven't wore out one pair of shoes in Sellersburg and to try to tell us how to run it, but I was there.

Council Member Truman stated well, if you want to make this personal Ed, we can make it personal.

Council Member Everitt stated I'd rather you all not. I asked a question and if Dave would like to answer or if he'd want to at a later date that's fine. I'm not here to argue but I still feel that I asked a question and it can either be answered here or at a later date. I do know and I think the police commissioners know, I think there's a couple of them here that would ask the same thing. If we hire a person off the street, they take a physical. If there's a problem with that then I suggest we take number three out of this and go from there.

Ms. Dellarosa asked Mr. Everitt to repeat what he said.

Council Member Everitt stated oh man, Linda turn the tape on, will you play it. I just asked Dave if he'd be willing to take a physical. I mean before, Mary Ann, when we hired Dave, he came immediately off the Indiana State Police force and I'm sure he was okay but now this is four years later, his contract is up next September and that's the reason why I asked. I like Dave and I talked to Dave this morning, he come to the house and I told him these things I've got to ask.

A resident stated it should be in the contract if you want him to take a physical.

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Chief Kinder Addresses Council/Police Chief Contract Renewal Cont.

Council Member Everitt stated that's why I asked, it's not in here.

Council Member Truman asked are you going to make all of the other employees take physicals.

Council Member Everitt stated they do.

President Tucker stated not on an annual basis, most companies do not give annual physicals.

Council Member Everitt stated when we hire a police officer, yes they do get a physical when we hire them, okay. This is the same thing as rehiring Dave, this contract, we're giving him a new contract, then I feel that since he didn't have to take one before he should have to take one now. That's my feeling, because our officers do take physicals.

President Tucker stated where we are is that the motion to approve this contract as presented, the motion has been made and seconded. We have to vote on this contract. If it is not passed, then we can alter the contract but we have to vote on it as presented.

Mr. Denton stated what do you mean Stan, if it's not passed.

President Tucker stated if there's not a majority vote to pass this contract, then it doesn't pass. We can either negotiate it in another way, add the physical, whatever you want to call it. We can do it a different way. What's on the table right now is this contract as presented. We have to vote on this contract as it is, unless Karl or Dave wants to change the motion.

Vote 3-1, with Council Member Everitt voting against.

Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of Sept. 13th through September 26th in the amount of \$391.50.

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

Vote 4-0

Council Member Eddings Addresses Council/Painting Water Tank

Council Member Eddings stated we have a representative from C. T. Services here with the bonds and insurance and all. It needs to be signed off so the work can start on the water tower downtown.

Motion made by Council Member Truman to allow Council Member Eddings to sign the contract for \$64,032.00 for painting the exterior of the water tank by Kessinger Services and seconded by Council Member Broady.

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Council Member Eddings Addresses Council/Painting Water Tank Cont.

Council Member Everitt asked when your painting, is this going to be a magnet spray that you're spraying or are we going to have over spray on cars.

Mr. Coursen stated it will be rolled.

Vote 4-0

Council Member Broady Addresses Council/Darrell Miles Property

Council Member Broady stated I would like board approval to repair Mr. Miles driveway. He's had a problem with pieces popping off and to repair it would cost \$950.00.

Motion to approve the repair of the driveway for Darrell Miles at 1703 Mayfair Drive made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Council Member Broady Addresses Council/Provisional Operator at Sewer Plant

Council Member Broady stated we sent a provisional notice to the Ind. Department of Environmental Management on the operation of our sewer plant, Clark Henson the provisional operator for the time being until we decide what we are going to do about replacing the sewer superintendent also we are taking applications for this position.

Ms. Schafer stated I have received about seven applications but October 6th is the cut off date.

Council Member Broady Addresses Council/94-601 Sellersburg Pretreatment Ordinance

Council Member Broady stated this is a pretreatment ordinance required by the state. What it is about, when you have companies come in they are required to pretreat their sewage. We had Commonwealth Engineers draft this for us and get it all ready. Rick and John agreed with what it says and I'd like to present this to the board for approval tonight.

Motion to consider Ordinance 94-601 on the first reading made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Council Member Broady Addresses Council/94-601 Sellersburg Pretreatment Ordinance

Motion to approve Ordinance 94-601, Sellersburg Pretreatment Ordinance made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

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Council Member Broady Addresses Council/Claim from Commonwealth Engineers, Inc.

Council Member Broady stated I have a bill from Commonwealth Engineers, Inc. which has been approved by our engineer, John Toombs in the amount of \$3,192.75. They had given us a price of \$3,400.00.

Motion to approve bill from Commonwealth Engineers, Inc. in the amount of \$3,192.75 for preparing the ordinance for pretreatment made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Council Member Broady Addresses Council/Corrective Action Plan

Council Member Broady stated I would like board approval to send this letter off to Donald Daily, which is in special projects with the IDEM to release our final funding of \$31,527.00 for the EPA project and present this to Stan at this time for his signature.

Motion to allow President Tucker to sign the letter to IDEM made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

President Tucker Addresses Council/Animal Control Officer

President Tucker stated we have had a problem. I'll try to make a long story short. We had with the cooperation of Clarksville an animal control person who was coming out on an on call basis. That agreement ended in about July if I'm not mistaken. We've sort of been in a lurch not having anybody taking care of this. Obviously, probably alot of you have read in the paper or experienced that we've had a bird problem in the Cresten area and other areas and were little by little moving this equipment that was purchased and as I can determine in the Cresten area the birds have moved away. I'm not sure where they moved, I'm sure they didn't move very far and that's why we are kind of chasing them out of town, if you want to call it that and we need an animal control officer to deal with dog packs. We also need to deal with this bird problem and the use of this equipment and we have a proposal given to us from Mr. Mark Dean to be the animal control officer for the Town of Sellersburg as well as deal with the bird problem. We have a description of what he proposes to do and he will purchase the equipment necessary to do it. What he is looking for is a one time up front \$1,000.00 initial start up fee and \$683.34 a month in salary to be the animal and bird control person. This is the only contract that I'm aware that we've received. I personally feel that we need this.

Council Member Truman stated if the board approves this I'd like for Perry to get with him to prepare a formal contract specifying the independent contractor status and the insurance requirements and that type of thing.

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President Tucker Addresses Council/Animal Control Officer Cont.

Council Member Eddings asked what was budgeted for this.

President Tucker stated about \$6,000.00.

Ms. Schafer stated \$4,500.00 that's what I budgeted for Clarksville. There's only a portion of the year left, I will have to do some switching around.

President Tucker stated now what we have is \$6,500.00 worth of equipment and we need some one to use this equipment and take care of it.

Motion made by Council Member Everitt to approve the animal control/bird control officer and seconded by Council Member Broady.

Council Member Truman asked what does \$683.34 a month come out to times twelve.

Council Member Everitt stated \$8,200.08.

A resident asked what was the cost for Clarksville.

President Tucker stated a little less than \$5,000.00.

Council Member Eddings stated we will also have bird control which we didn't have before.

Attorney McCalled stated that Clarksville resigned, they said they wouldn't do it anymore.

Mark Ball stated are we hiring a birth control officer .

President Tucker stated no, bird control

Mr. Ball stated does he have to take a physical.

President Tucker stated we haven't asked him to.

Council Member Truman asked are there going to be regular patrols.

President Tucker stated my understanding is it's an on call situation. If we receive the information through the chief and if that call comes in at 2:00 a.m., then this person is on call, and if I understand correctly he works 3rd shift and if I understand his father will cover for him. It is a 24 hour service, 7 days a week.

Vote 4-0

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

Clerk Treasurer Schafer presented the claims for the sewer, water and civil departments for the last two week period.

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

Vote 3-1, with Council Member Truman voting against.

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Clerk Treasurer Addresses Council/Ordinance 94-602 Amending Ordinance 22

Ms. Schafer stated I requested from the town attorney, since we do have a gun ordinance in the town. We were probably lucky when we were in the Cresten area that we didn't get arrested for using the pyrotechnics part of the bird control. I requested that the town attorney amend the gun ordinance which would allow us to use the pistol which is loaded with two 6mm. blanks and would launch screamers or exploders up in the air to help keep the birds aflight when we are administering the program.

Attorney McCall stated Ordinance 94-602, it's an ordinance amending ordinance #22 in regard to the discharge of any gun, pistol or firearms with the Town of Sellersburg. It says that the Town of Sellersburg now has in place an ordinance preventing persons from discharging guns pistols or other firearms, fireworks of any kind within the corporate limits of the Town of Sellersburg and whereas the town council for the Town of Sellersburg, Indiana has recently purchased a system for the effective removal of birds and from various areas within the corporate limits of Sellersburg, as part of the program to remove birds from the Town of Sellersburg it is necessary to discharge a single to double pistol containing a blank round 6mm which shall launch a 15mm screamer or exploder cartridge for the purpose of disturbing birds and removing them from their roost and whereas, the town council for the Town of Sellersburg, Indiana has determined that Ordinance #22 shall be amended to allow authorized personnel within the Town of Sellersburg, Indiana, to discharge a single or double pistol containing a 6mm blank round which will launch a screamer or exploder cartridge to allow for the effective removal of birds from the Town of Sellersburg, Indiana, and whereas the matter was considered in an open meeting at which the public was invited to attend and participate.

Ms. Schafer stated what about a hold harmless on behalf of the town because there's several of us qualified to use the launchers, would it be necessary to obtain a hold harmless from the person using that.

President Tucker stated could I put this on you and ask as part of the contract with Mr. Dean if he'd get a release signed by whomever he designates to help with the bird system.

Ms. Schafer stated I did check with Bob Stewart and he did state that if any resident complained of the noise, that we would probably have to obtain a permit through the Fire Marshall.

Motion to approve Ordinance 94-602 amending Ordinance #22 made by Council Member Eddings and seconded by Council Member Everitt.

Council Member Truman stated I'm concerned, I think it's to open ended. I think it raises to much potential for abuse. If you have a crowd of citizens throwing fireworks and suddenly someone jumps in with their own pyrotechnics and they say well I'm an authorized person because I'm helping on this bird problem. I think there needs to be more control. I don't know how many handguns are in use or what pyrotechnics are in use. I think there needs to be more control. If the animal control officer is in charge of the operation, he needs to pass out or give permits to specific individuals. It's to open ended. There's no control on it.

President Tucker asked Attorney McCall, can we put controls on it.

Attorney McCall stated you can do anything you want.

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Clerk Treasurer Addresses Council/Ordinance 94-602 Amending Ordinance #22

President Tucker stated in the contractual agreement with Mark, can we put the responsibility on him to control the situation and hand out permits or give permission.

Attorney McCall stated sure.

President Tucker stated Chief, I'm kind of putting you in the middle here. Whenever we use the bird equipment to chase the birds off, Mark will be an independent contractor using the equipment and he's going to need some assistance and if I understand correctly there are four guns that are going to fire these blanks. Is that something that through the Police Department we can ask that an officer be in attendance to supervise on behalf of the town.

Council Member Truman stated I think it can be the animal control officer to act on behalf of the town. Why not just take our present ordinance and add a sentence on the end and say except for those individuals authorized by written permission by the town's animal control officer.

Attorney McCall stated we can add that.

Council Member Eddings stated I withdraw the motion to approve this ordinance and make a motion that we approve 94-602 and that we specify that with written approval by the animal control officer for the time period and seconded by Council Member Broady.

Vote 4-0

Ordinance 94-602 Amending Ordinance #22

Motion to consider Ordinance 94-602 amending Ordinance #22 on the first reading made by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

Clerk Treasurer Addresses Council/Danny Baker's Retirement Plan P.E.R.F.

Ms. Schafer stated I had Danny Baker, who is with the Street and Sanitation Department approach me about his retirement plan and I filled this application out and sent it in and there saying that at the time he was first hired, which Mark Warren said he had no idea because he was not familiar that he was suppose to notify that he was eligible. They declined his application and they are wanting you to sign another letter similar to the one that you did for Shelly Sarles and Susan Ehringer. Danny said that he did not want to pay any more and he didn't want the town to pay any more so I'm wondering if Attorney McCall could check into this and see if it's necessary through P.E.R.F.

Attorney McCall will check with P.E.R.F.

Clerk Treasurer Schafer Addresses Council/Specifications on Garbage Packer

Ms. Schafer stated for the Street and Sanitation Department supervisor, he has obtained specifications on a new garbage packer and we wanted me to have you all take a look at it and I can put it in your box to look over. I know we have high maintenance on the two old ones that we have and he recommended that we do it over a three year type payment plan to keep the cost down. The money is in the budget this year to make a substantial payment and in the budget nex year to make a second one. As far as the finances, we do have the funds to do it.

President Tucker asked her to make copies and a cover letter to put in the council's box for review.

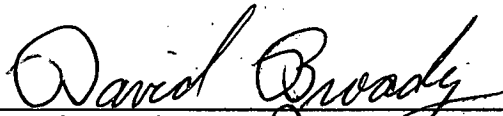
Council Member Truman stated I think before we start buying a new garbage packer, we ought to look into the cost to contract it out.

Adjournment

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

Vote 4-0

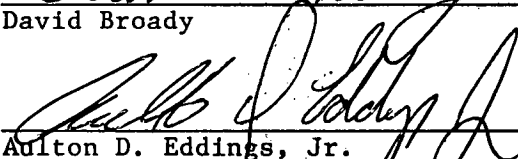
With no further business this meeting was adjourned by President Tucker at 7:58 p.m.



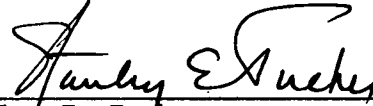
David Broady



Karl Truman




Aulton D. Eddings, Jr.



Stanley E. Tucker

absent

Roy E. Everitt



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

October 10, 1994

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Doug Eddings, Jr., Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Attorney; with Karl Truman, Council Member, arriving at 6:27 p.m. and Roy Everitt, Council Member, being absent.

Called To Order

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

Topics of Discussion

Annexation/Remonstrance
Painting of Town Water Tank
Utility Agreement/Clark County/Indiana Cities
Quiet Title/Waste Water Treatment Plant

Adjournment

With no further business the Executive Session was adjourned by President Tucker at 6:28 p.m.

Regular Meeting

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

Called To Order

President Tucker called the regular meeting to order at 6:31 p.m.

Prayer

President Tucker dispensed with the prayer.

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Pledge

The pledge of allegiance to the flag was recited.

Minutes of the Last Meeting

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

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

Vote 3-0

County Councilman, Greg Isgrigg addresses Council/County Ambulance Service

Mr. Isgrigg stated gentlemen my reason for being here is the interlocal agreement. We had a meeting last week with slight attendance so what we are doing now is coming to you all. I think you got a copy of the plan through you attorney. This is to support the county ambulance service. You've probably seen this in the paper. We are trying now to put it together. We've had ten applicants for administrator. We were looking at going national but they said we have ten good qualified applicants right here in Clark County, ten candidates for the job of administrator.

President Tucker stated I asked Perry, I guess it's fair to ask you, we have, as I understand it, two ambulance services in Sellersburg right now through the fire department and one that is privately run.

Mr. Isgrigg stated the privately run would be out.

Council Member Truman asked what effect would this have on the fire department.

Mr. Isgrigg stated at this time I couldn't tell you. At this time we do need the interlocal agreement so they know who will support this.

President Tucker stated are all of the other areas and town's supporting it.

Mr. Isgrigg stated well as soon as I leave here I have to go to Clarksville. Ralph is going to Charlestown and Utica and Borden have already signed on. Roy was at our meeting and I'm sure he has filled you all in.

President Tucker stated we haven't seen Roy.

Mr. Isgrigg stated oh you haven't. Well he told me to come to your meeting and that's why I got on the agenda, to ask you to sign the interlocal agreement.

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County Councilman, Greg Isgrigg addresses Council/County Ambulance Service Cont.

President Tucker stated as I understand Doug and Dave have not read that agreement. I got a copy several weeks ago. I think Karl has read it and again we haven't had a chance to talk to Roy. I think he's down at the county council meeting. In all fairness, I feel we need to have Dave and Doug review it. My guess is we will have to wait until the next meeting to approve or disapprove it.

Mr. Isgrigg stated I understand.

Council Member Truman stated what's the three corporations.

Mr. Isgrigg stated you have a business board, a medical board and safety that set the standards and basically what the agreement is, any ambulance service that meets the standards of the health department. You've got five members on the medical board that sets the standards. The safety board is a non profit organization for strictly EMT and ambulances.

Council Member Truman stated there's no way for us to know, I mean if this board decides to contract with, there not going to contract with people, there going to own and operate their own.

Mr. Isgrigg stated it's going to be owned and operated by the county.

Ms. Schafer stated are we going to have as many ambulances protecting our people here as what we do now.

Mr. Isgrigg stated more. I mean for the other areas. My main concern is taking forty minutes to get somewhere.

Ms. Schafer stated so we will have six ambulances setting here in Sellersburg.

Mr. Isgrigg stated now I don't know that.

President Tucker stated some of the pieces haven't fallen into place.

Mr. Isgrigg stated all of that has to fall in place, some people are jumping around and not giving the safety board a chance. The thing of it is we're kind of going out on a limb to put up one million dollars for this, now maybe not in Sellersburg but all over the county. County wide you have to look at this system. The commissioners have had to deal with this for years. This way you would have an ambulance service run by the county and if they don't get there in time we want to know why because they are going to have to answer to somebody. When you have a private firm, you don't have that. That's basically what we had to look at so that's why we decided to do this.

President Tucker stated I'm not trying to play the devil's advocate but what happens if Sellersburg doesn't sign.

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County Councilman, Greg Isgrigg addresses Council/County Ambulance Service Cont.

Mr. Isgrigg stated that's your option. I mean I don't know. What we're doing is just asking everyone to support the system. If you look at this when they set up the standards this would be for any ambulance service in Clark County. It does not mean that this is the only game in town but they are going to meet the standards before they can operate. We want to make sure that the people in New Washington have an ambulance service as well as they do here, in Sellersburg. You want to have good protection out in the rural areas.

President Tucker asked Perry if he could get Dave and Doug a copy of the agreement and we would bring it up at the next meeting.

Virgil Bolly asked if he could just make a brief statement on this. I'm speaking on behalf of the Sellersburg Volunteer Fire Departments Ambulance Service. The agreement that I have seen has a statement in it that they attend to eliminate competition. I think that it's the only way that they are going to operate economically and so for them to say that the Sellersburg Volunteer Fire Department Ambulance Service is still going to be here, I think that we need to look at that very closely. I would welcome to set down with any of your representatives and talk over concerns.

President Tucker stated what I heard Mr. Isgrigg say was, he wants the agreement signed by us prior to knowing the perimeters. Could I ask Perry to get with Mr. Bolly and sort of draw up some notes, sort of pirate this for what it is and let us study this before the next meeting.

Council Member Truman stated I know that Greg had to leave but I'd hate to see the community put in a position where the fire department is prohibited from operating their ambulances.

President Tucker stated well I feel like we didn't get real clear answers to the questions that we asked and all I'm trying to do is get some clearer answers so the board can make a decision. What I feel is that we have two ambulance services here in Sellersburg. We are probably in the cat bird seat from that stand point.

Michelle King of the United Way addresses Council

Ms. King stated my reason for being here tonight is to ask for your support for the United Way of Clark County and also that we can come up and talk to the employees for the Town of Sellersburg not only for their financial support but to educate them on what the United Way is and if they have somebody that needs help that they will know where to turn to get the services that they need.

President Tucker asked did we not do this last year.

Ms. Schafer state yes, we did.

President Tucker stated Michelle, if you would call Linda and maybe that can be arranged. Unfortunately it's probably going to be at 7:00 a.m.

Ms. King stated that's fine, anytime.

Ann Burgin addresses Council/Barking Dogs in Hill n Dale Subdivision

Ms. Burgin stated I'm here about the dogs in Hill n Dale Subdivision barking all day long and asked President Tucker if he watched the video tape.

President Tucker stated yes.

Ms. Burgin stated I talked to the animal control officer.

President Tucker asked did he offer any suggestions.

Ms. Burgin stated he said he would take care of it as far as putting notices of the ordinances on their doors.

President Tucker stated that's why we worked to find someone to be the animal control officer also to take care of the bird problem that we've had. I have not talked to him so I do not know and Linda if you could have...

Mr. Dean stated I'm right here. I've been by there fourteen times now. What I told them is that I've had no other complaints and it's hard to do something but I've been by there fourteen times and the dogs are laying in the yard not making a sound without me witnessing something I find it hard to do. I told her if I drove by and got the dogs barking that I could put a copy of the ordinance on the door to let them know that I was there and there is a nuisance ordinance.

Mr. Burgin asked why can't you use the video tape.

Mr. Dean stated the video tape, I explained to her that with the video I really couldn't do much with that because it's shot inside a privacy fence. I can see the dogs just barking and so forth I mean they could be provoked, I'm not saying that was the case but for me to go out and write a ticket I have to witness it.

Mr. Burgin asked did you walk down the street.

Mr. Dean stated no, I did not.

Mr. Burgin stated if you walk down the street.

President Tucker stated let me offer a way to try and deal with this. If you could have some of your neighbors who I assume have to put up with this same problem. I assume there has to be about six houses involved that are suffering from this.

Mr. Burgin stated, well okay, there are three hundred houses back there and probably fifty percent of the houses have dogs. The problem is, one of the worst problems that you have in a neighborhood is domestic problems. If I start something myself then that's going to cause ill will among my neighbors. Evidently things have been said and got back to my neighbor and he was kind of upset about it. I don't want to be upset with my neighbors. I like them and they've always seemed to like me but to have a neutral party generally makes things a whole lot calmer. You are our representatives, you are our neutral party and if you can do something about it and that way it won't create that ill will feeling between he and me where he is trying to get back at me or I'm trying to get at him. See what I'm trying to say.

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Ann Burgin addresses Council/Barking Dogs in Hill n Dale Subdivision Cont.

President Tucker stated yes sir.

Mr. Burgin stated what we need is a neutral party, someone to maintain the laws and not just to brush them off. If I go and get six or eight neighbors against one, two or three other neighbors, then you're going to have ill feelings.

President Tucker stated okay we have a representative and this is he, okay and he has apparently been there numerous times and has not found the same thing that you have described.

Mr. Burgin stated try walking down the street.

President Tucker stated okay, I ask if you will work out a time or a couple more times to see if he can experience this and if you can we can put a copy of the ordinance on their door.

Mr. Burgin stated come back at 6:00 a.m. and dogs will be barking. I'm not saying who's dogs but I'll tell you who's they weren't. They weren't Scott's and the reason why I'll tell you this is because of what we thought went in private got back to them so it had to be someone on the town board.

President Tucker stated I think that is probably not correct.

Mr. Burgin stated I wish that you were right.

President Tucker stated I don't believe that anybody on this board went back to your neighbors. The first time I heard about it is when I picked up the agenda and read it today. Now what times would be appropriate other than 6:00 a.m.

Mr. Burgin stated anytime.

President Tucker asked Mr. Dean to go back over there at least two or three times and walk.

Mr. Burgin stated it's not just where we live. I can tell you where they are at. I didn't even enjoy my backyard this summer.

President Tucker stated I understand, we will look at it and see what we can do.

Steve Porter addresses Council/Dr. Bizer's Vision Plan

Mr. Porter presented a discount vision plan from Dr. Bizer's Vision World. There are five different plans available. Mr. Porter explained the different plans to the council and explained that it could be payroll deducted. There is a 10 employee minimum.

President Tucker stated what I suggest is we gather these up and let the employees take a look at it and if they are interested we will see what we can do. I don't think there's a problem with payroll deduction. We'll ask Linda to pass these out to the employees.

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Tom Beikman addresses Council/Yard Waste

Mr. Beikman stated as far as recycling bins and composting that's fine but what are we suppose to do with tree limbs and branches and leaves. Will there be any place that we can take it to be shredded or if they'd shred it I'd even take it back.

President Tucker stated at this point we haven't worked all of the pieces out. We have a meeting Thursday night at 6:00 p.m. with the compost people explaining what they will provide and what they will be able to do. We have certain restrictions of what we can take to the landfill. Unfortunately all of the pieces haven't fallen into place yet. Thursday night we will find out more and we've been fortunate enough around here that we could take certain things out to farmers which other areas in the county haven't been able to do.

Council Member Broady stated I have some information from Roy. He does have a place for leaves and his intentions are at this time, that we will be able to pick up leaves. The limbs and shrubs, I don't think we've ever picked those up but we hope to have an answer somewhere down the road where they are going to have to go.

President Tucker stated, again we are going Thursday night. There's alot of agreements. In other words, everybody has to agree to use the composting site. We are just wading through this information to try and figure out what we are going to do. We do know that at the end of September we can't take things to the landfill like we use to do.

Chief Kinder addresses Council/Grant Application and New Police Car

Chief Kinder stated we just received a grant application on impaired and dangerous driving and I need President Tucker's and Linda's signature on this so I can sent it back and they will send the money down and also the other thing that I wanted to bring up, in next years budget we had asked for three police cars. One was cut out of next years budget because of financial restraints and we just got a letter from Advantage Ford and they have six automobile's left at this year's price of \$14,100.00. We have the money in our budget in the salary category for a police officer in case we had the annexation, so the money is there. We have almost \$20,000.00 there. All I'm asking the board to do is allow us to use that money to purchase this car. It would save interest and we would own it.

President Tucker stated let me suggest as far as that automobile goes that you and Linda discuss this and you can get back with me or Karl and pass the information around. I assume you have two weeks to do this.

Chief Kinder stated he has six, that's all he has, he had fourteen last week.

Ms. Schafer stated I don't have a problem with transferring it there's plenty of money in the budget providing when we do these necessary things here that we have enough there and I'm sure we're not going to use every penny of his budget and if we run short we can always put it back up there.

Council Member Truman asked what is the amount.

Chief Kinder stated \$14,100.00

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Chief Kinder addresses Council/Grant Application and New Police Car Cont.

Ms. Schafer stated it is within his department so I don't have a problem with that.

Motion made to sign the grant application and also to transfer \$14,100.00 from 113-salaries to 415 police auto by Council Member Truman and seconded by Council Member Eddings.

Vote 3-0

Council Member Truman stated on this I was looking through here on the fire claims, how much has the fire claims been, \$8,500.00 for fire damage.

Chief Kinder stated Linda has the exact figures.

Ms. Schafer stated all of them haven't come in yet.

Chief Kinder stated we still have about four that haven't come in but I think it will be close to \$9,000.00.

Council Member Truman stated isn't that being paid by insurance.

Chief Kinder stated we are being reimbursed.

Council Member Truman stated how much of that will be reimbursed.

Chief Kinder stated I can't answer that.

President Tucker stated there's a deductible.

Chief Kinder stated the insurance company will come back against the people who put it in, does the town do this too Mr. McCall.

Council Member Truman stated you mean we have to front the money and ask the insurance company to pay us back.

Mr. McCall stated no, that's the deductible.

Ms. Schafer stated no, he's confused. On this, this is simply appropriations where I paid the bills but restored the appropriations. It has nothing to do with cash.

Council Member Truman asked so how much have we paid on the fire claims.

Ms. Schafer stated \$8,504.54. What I simply did was pay it out and restore it back in here.

Council Member Truman stated what my questions is, we're having to front the money for the insurance company. Why isn't the insurance company paying.

Chief Kinder stated no they've paid, the only thing we are out is the deductible but I don't know what our deductible is.

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Chief Kinder addresses Council/Grant Application and New Police Car Cont.

Ms. Dean stated we tell them what the bills are, they send us a check for that amount and we write the checks to pay the bills ourselves.

Council Member Truman stated so they aren't paying them for us.

Ms. Dean stated right.

Chief Kinder addresses Council/Animal Control Officer

Chief Kinder stated I do want to acknowledge Mark because you take the two weeks that he's been on the job it's amazing how many calls this man has already had. I know he got a call at 1:30 in the morning on a dog and that's kind of unreasonable and it's like the gentleman here a little bit ago, it's hard for him and I know what he's going through. Thank you for hiring him.

President Tucker stated be patient.

Mr. Dean stated I've been patient. I've got cat traps all over town and I'm trying to trap a skunk right now. I mean it's on and on and on.

Council Member Eddings addresses Council/Resolutions 1994-26 & 1994-27

Council Member Eddings stated we need to negotiate an easement between Indiana Cities and the town for a water main to go through our property and for us to tap in to that water main. This would be an added source of water if we ever had any problems and I'd like to go ahead and vote on that tonight and get the resolution number for that and the other one I need is a utility agreement with Clark County, that's also a resolution for me to sign the utility agreement with Clark County to acknowledge our main line going up Allison Lane.

Motion to approve resolution 1994-26 and 1994-27, permission to sign an easement agreement with Indiana Cities and Clark County for the utility agreement made by Council Member Eddings and seconded by Council Member Broady.

Vote 3-0

Council Member Eddings addresses Council/Ordinance 94-603 amending Ordinance 509

Council Member Eddings stated I've got an ordinance prepared for all those people who are on the Sellersburg Waste Water Treatment System. It's an ordinance amending a previous ordinance that stated only if you live in the Town of Sellersburg and had an automatic sprinkler system you could take an adjustment for water that passes through the automatic sprinkler system and you're sewer adjustment. We've talked about this before where people out side of Sellersburg but are on Sellersburg sewer system that had automatic sprinkler system in the ground and a seperate water meter, they were not able to take advantage of this adjustment.

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Council Member Eddings addresses Council/Ordinance 94-603 amending Ordinance 509 Cont.

Council Member Eddings stated I think we need to open it up to all of those people that meet the guidelines of the ordinance which is, they have an underground sprinkler system and they have a separate meter so we've got the ordinance changed to read: all of those people who are on Sellersburg Waste Water instead of all of those people within Sellersburg, another thing is there were three adjustments a year, we are going to one adjustment a year and it will be in a month that is at the best advantage for the town to go out and read the meter. Right now it looks like October may be the best time of the year. It will be read by someone on our water department.

Motion to approve Ordinance 94-603 on the first reading by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

Council Member Eddings addresses Council/Salary Ordinance 94-605

Council Member Eddings stated recently our Waste Water Treatment Plant Supervisor has taken a different position and that position is now vacant. Dave and I have gotten together and we've looked at various ways to manage both the Waste Water Treatment Plant and the Water Department and try to do it in the most economic fashion. We do have to have a Class 3 license to run the Waste Water Treatment Plant, however, the state will allow you to run with a Class 2 license for a period of time as long as you are showing an effort to obtain a Class 3 license. We got our heads together and looks like there is a way to run the two departments using Clark as the superintendent over both departments. He does have a Class 2 license, letting Travis run the lab and half of the plant and letting Jim run the waste collection part. Jim also has a Class 2 license. In order to do that, what Dave and I are suggesting we do is in the interim, until we can get a Class 3 license by Clark, Jim or Travis or we hire a new superintendent we want to drop the salaries of these three individuals in order to take care of that one vacancy. We have to do that through a salary ordinance. What we are suggesting is that we increase Clark \$60.00 a week and he would be in charge of both departments and increase Travis's hourly rate from \$7.86 to \$9.00 an hour and Jim Blincoe from \$10.09 to \$10.85, which would be \$1.14 for Travis and .76 for Jim Blincoe.

Council Member Eddings stated these three raises and the addition of one person to fill the vacancy would be less money than what we were spending on Rick's salary and Rick's job would be covered. If we hire a laborer for the water or sewer department and give them raises we would still spend less money than we would to fill the superintendents job.

President Tucker stated again I don't want to play the devil's advocate but if the Class 3 is not completed or if one of the people who applied for the job is chosen, what happens with the salaries.

Council Member Eddings stated the salaries revert back, this is in the interim. We don't have a written salary ordinance at this point but I'd like to get this passed as an ordinance and make the salaries retroactive back to Thursday.

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Council Member Eddings addresses Council/Salary Ordinance 94-605 Cont.

Motion to pass Ordinance 94-605 made by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

Council Member Truman addresses Council/Town Manager Position

Council Member Truman stated I'd like to bring up since we budgeted for the Town Manager next year as far as setting a time table to start taking applications since it might be a lengthy process. I'd like for us to look at November 1st to start accepting applications and publicizing to generate some interest.

President Tucker stated I think we are trying to put together a job description.

Council Member Truman stated I just don't want to wait until the last minute and try to rush through it.

Council Member Broady addresses Council/Sewer Superintendent Applicants

Council Member Broady stated we did get the applications for the sewer superintendent. We did get seven applicants, we've looked over them briefly. I think out of seven I've got three with no classification, two that has Class 2 and maybe 1 that has a Class 4.

President Tucker stated could I offer the suggestion that we at least get a letter back to these guys after the decision has been made.

Clerk Treasurer Schafer addresses Council/Claim from K & I Asphalt

Ms. Schafer stated I have a claim from K & I Asphalt, Inc. in the amount of \$65,163.46.

Motion made by Council Member Eddings to pay the claim in the amount of \$65,163.46 and seconded by Council Member Broady.

Vote 3-0

Clerk Treasurer Schafer addresses Council/Claim H. J. Umbaugh & Associates

Ms. Schafer stated I have a claim from H. J. Umbaugh & Associates for professional services rendered in the amount of \$4,095.00.

Motion made by Council Member Broady to pay the claim in the amount of \$4,095.00 and seconded by Council Member Eddings.

Vote 3-0

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Clerk Treasurer Schafer addresses Council/Claim from Michael and Cindy Bryant

Ms. Schafer stated I have a claim from Michael and Cindy Bryant on a clean up cost for a sewer back up for \$175.00.

President Tucker stated did this go through the insurance company.

Ms. Schafer stated no it was just given to me.

Council Member Eddings stated I told them to turn in into us.

Ms. Schafer stated I can attempt it if you want to hold off until the next meeting.

Council Member Eddings stated it was our fault.

Council Member Truman stated I think we need to turn it into our insurance, I mean why wouldn't they pay it.

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

Ms. Schafer presented the claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

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

Vote 2-1, with Council Member Truman voting against.

Clerk Treasurer Schafer Presents Ordinance 94-604-Transfer of Appropriations

Ms. Schafer stated I've prepared a transfer of appropriations for the council and put it in your box. I'm requesting that the council pass this ordinance to transfer appropriations to meet the needs of the town. There is one correction on there that the Chief didn't see which was in the area of repairs to the building. I need to transfer \$200.00 from the salary portion into that to cover the negative area.

Motion to approve Ordinance 94-604 made by Council Member Eddings and seconded by Council Member Broady.

Vote 3-1, with Council Member Truman voting against.

Clerk Treasurer Schafer addresses Council/Halloween Party at the American Legion

Ms. Schafer stated the American Legion Ladies Auxiliary will be having a Halloween Party for our Sellersburg children on October 29th between 1:00 p.m. and 3:00 p.m. at the American Legion, at 412 N. New Albany Street. There will be games for the children and also prizes for the best costume. For additional information call 346-4938. I thought that was very nice of them and asked if there was an age limit on trick or treating. I know our Halloween will be on the 31st.

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Clerk Treasurer Schafer addresses Council/Halloween Party at the American Legion Cont.

Chief Kinder stated October 31st from 6:00 p.m. to 9:00 p.m., nobody age 14 and up can wear a face mask.

Clerk Treasurer Schafer addresses Council/Dump Truck for Water Department

Ms. Schafer stated if there is any additional money in the Servend Project when the water tower is painted the water department desperately needs a dump truck. I don't know if Clark has mentioned that to you.

Council Member Eddings stated we have a water line project over in Hill n Dale that is our second priority.

Clerk Treasurer Schafer addresses Council/Specs. on Garbage Packer

Ms. Schafer stated I did put specs. in for a new garbage packer. I was wondering if Council Member Truman had checked into what it would cost to contract BFI for that service.

Council Member Truman stated no the board hasn't indicated that that's what they want to do and BFI is certainly not the only company that does that. I think that what we need to do is prepare a rfp (request for proposal) and publicize it and see what kind of response we get.

Ms. Schafer stated well I'm sorry, I assumed that since you brought the issue up last time that you were planning on doing that.

Council Member Truman stated no, it that's what the council wants to do then like I say what we need to do is to prepare a rfp and submit it and see what kind of response we get.

President Tucker stated would you like to prepare the rfp.

Council Member Truman stated if I can get the information sure.

Motion made to submit an rfp and see what kind of response we get made by Council Member Truman and seconded by Council Member Broady.

Vote 3-0

Attorney McCall addresses Council/Ordinance 94-602 amending Ordinance 22

Attorney McCall stated I was asked to make some changes in Ordinance 94-602 which had been approved at the last meeting and it was to authorize the animal control officer to have the term authorized personnel to discharge pistols, screamers, exploders and/or other pyrotechnic devices and the town animal control officer for those individuals that he determines authorized or given written authorization to.

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Attorney McCall addresses Council/Ordinance 94-602 amending Ordinance 22 Cont.

Motion to ratify Ordinance 94-602 made by Council Member Eddings and seconded by Council Member Broady.

Ms. Schafer stated when the chief reviewed the launcher he said they would probably need a gun permit to handle that weapon since it does have 2 6mm. blanks and what it does is launch 15 mm. shells which is similar to a fireworks type thing that is similar to a screaming mimi.

Chief Kinder stated it falls under the definition of a firearm.

Vote 3-0

Attorney McCall addresses Council/Camp Run Creek

Attorney McCall stated last week I was asked to contact the Corp. of Engineers regarding the property behind Jim O'Neal and Big O and I've contacted Patricia Lahr and she has not contacted me back. I hope to hear from her soon.

Attorney McCall addresses Council/Contract for Animal Control Officer

Attorney McCall stated I've drafted and dictated the contract for the animal control officer, Mark, he's been by the office last week and we're going to meet again to discuss the content of the contract and the status of independent contractor.

Attorney McCall addresses Council/Danny Baker's PERF

Attorney McCall stated I've been asked also to check on the PERF for Danny Baker, I did that. I spoke with Marty Montgomery, she indicated that the cost to the town would be minimum, she didn't give specifics. It would require the town board's signature on this to reinstate him.

Motion to reinstate Danny Baker's PERF made by Council Member Eddings and seconded by Council Member Broady.

Vote 3-0

Attorney McCall addresses Council/Mosley Park

Attorney McCall stated I was contacted by David Mosley the attorney for Jeffersonville and the past town council wanted to change the name of our park to William Mosley Park. I believe action had been accomplished but they want to formalize it and the family has agreed to let Mr. Mosley assume the expense associated with the change.

Attorney McCall addresses Council/Mosley Park Cont.

Attorney McCall stated I recall that Ms. Mosley appeared at one of the meetings to present that again to the town council and I've been asked again to bring it up. I don't know where we go from here, it's already been done. I guess we need to take the appropriate steps to get the name changed. If you recall she came to the meeting with various articles out of the newspaper where the town council had agreed to change the name.

Council Member Truman stated Roy said that was for the street that it wasn't for the park.

Attorney McCall stated well the paper says the park.

Council Member Truman stated the paper could never be wrong could they.

Attorney McCall stated I haven't seen anything one way or the other as far as the minutes go.

Ms. Schafer stated did you check with Farmers Home where we have the loan.

Attorney McCall stated it wouldn't have anything to do with this.

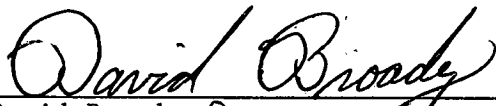
Attorney McCall asked Ms. Schafer to place this information in Council Member Everitt's box, I remember he said something but I don't remember what he said. I think at that meeting we did decide to take steps in that direction.

Adjournment

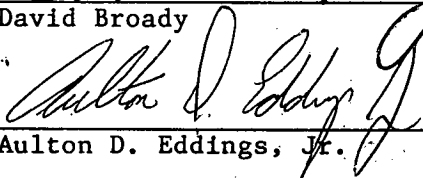
Motion made by Council Member Truman to adjourn this meeting and seconded by Council Member Eddings.

Vote 3-0

With no further business this meeting was adjourned by President Tucker at 7:40 p.m.




David Broady



Aulton D. Eddings, Jr.

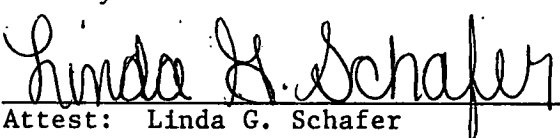
Roy E. Everitt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

October 24, 1994

Regular Meeting

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

Called To Order

President Tucker called the regular meeting to order at 6:20 p.m.

Prayer

The prayer was offered by Reverend Gary Fenner.

Pledge

The pledge of allegiance to the flag was recited.

Minutes of the Last Meeting

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

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

Vote 4-0

Patricia Beckett addresses Council/Yard Waste

Ms. Beckett stated I've never been to a town council meeting before. I'm not sure how you conduct your meetings. I'm here on the subject of yard waste. I feel like I should come here and speak out for people who may be having the same problem. I am a nature lover but we do have a problem where waste is concerned. I was already recycling when you all started the recycling so that caused me no problem. The problem we have, the elderly, and single people like myself, do not have a way to haul off yard waste, trees, bushes and whatever. I was especially upset when a 70 year old couple said well we are going to cut down our 100 year old tree because we can't haul away our yard waste and it sheds alot of limbs. We don't know what else to do. If people start cutting down trees there will be more polution and also trees put off our oxygen.

Sellersburg Town Council
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Patricia Beckett addresses Council/Yard Waste Cont.

Ms. Beckett stated I know that you have not yet decided what Sellersburg is going to do but I wanted to be here when the decision is made and also make you aware that some people have no way to get rid of their yard waste. The composting, it requires alot of work and alot of yards in Sellersburg aren't big enough. It could also be dangerous where there are older people and small children. My doctor won't allow me to have a compost. It could draw bugs, disease and even rats. When I moved here 35 years ago we had rats in Sellersburg. I haven't seen any for years but composting could draw them in. These are things I wanted to bring to your attention.

President Tucker stated two weeks ago last Thursday I went to a meeting in Jeffersonville, at that time they were talking about Jerry Fuller, who is running what is being picked up now, the glass and plastics but he's working to create the compost site at ICI America. The discussion was that there was only one drop site which was going to be off Highway 62 where the old Brown Forman distillery yard was and that didn't seem to meet with everyone's approval. Clarksville wanted one closer to Clarksville, not having to drive all the way to Charlestown. Jerry, right now is working on a compromise, whether he's going to give one to Clarksville, I'm really not sure right now, all of the sites that existed before refuse to take yard waste and there's really nothing we can do about it. I think Roy has set it up so that we can pick up leaves for the rest of this year if they are bagged up we will pick them up. As far as bushes, shrubs and tree limbs, I don't have a solution to that problem. I've talked to numerous people in the last month about that and at this point I don't have an answer for you. We are working on it. They've talked about a 5 year contract, a 10 year contract, a cost of product. We will probably have something in the next week or two. I don't know this, probably at the council meeting on November 14th we may be addressing this. We are looking into this, it's a problem, we don't want people to cut down their trees.

Keith Miller addresses Council/Residents Blowing Leaves Out In The Streets Of Sellersburg

Mr. Miller stated the question I have, is there an ordinance about residents blowing trash out into the streets. I live in Hill n Dale Subdivision and alot of people do this.

President Tucker stated the answer is yes, and I was wondering if we could ask our friends of the paper, we basically have an ordinance. You can make a copy, but it says you can't blow leaves out into the street. It says putting, blowing, dumping, depositing or causing to be put, thrown, dumped, left or deposited any paper, boxes, brush, brick, wood, glass, dirt, sand, gravel, leaves, debris, rubbish or refuse of any kind whatsoever, in or upon or within the limits of any street, alley, sidewalk, yard in the Town of Sellersburg without permission shall be unlawful. It will cause a fine to the sum of \$50.00 for each violation and this ordinance is enforced by the Police Department.

Mr. Miller stated alot of people are doing that.

President Tucker stated I understand. We've had special crews out sweeping it out of the streets so it doesn't go down the storm drains. If people are caught doing this they will be fined.

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Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of September 27th thru October 24th in the amount of \$183.60.

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

Vote 4-0

Council Member Eddings addresses Council/Newly Painted Water Tower

Council Member Eddings stated the water tower is done. The method that they used to drain the tank and prepare it to fill it back up, we only had 2 leaks in the main line this time. The last time this was done we had 13 leaks, so it is getting better.

Council Member Eddings addresses Council/Town Manager's Job Description

Council Member Eddings stated I have a first rough draft for the town manager, town assistant that we are looking at hiring next year. I'll pass it out to the board members to look at and make any changes, suggestions. Karl provided me with some information on job descriptions.

Council Member Truman stated I contacted the Indiana Association of Cities and Towns, they sent me samples of what some other towns had.

Council Member Eddings stated if everyone will read over them and make any changes and put them in my box and we'll go over it at the next meeting.

Council Member Eddings addresses Council/Ord. 94-603 amending Ord. 509

Motion made by Council Member Eddings to approve Ordinance 94-603 on the second reading and seconded by Council Member Truman.

Council Member Everitt stated was this brought up at the last meeting. I know I wasn't here at the last meeting.

President Tucker stated it was brought up but we couldn't pass it without a unanimous vote.

Council Member Everitt stated are you speaking of Fuzzy Zoeller's.

President Tucker stated at this point in time anyone who is on our sewer system.

Council Member Eddings stated a one time adjustment, they pay a \$25.00 annual fee and it's still the same regulations that you had to have in town, we are just opening it up to all residents that are on our waste water treatment system. You pay a one time \$25.00 fee, a separate in ground water sprinkling system with a meter. Our people will come out and read the meter one time a year and make the adjustment one time a year.

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Council Member Eddings addresses Council/Ord. 94-603 amending Ord. 509 Cont.

Council Member Everitt stated can we do that in town then.

Council Member Eddings stated we do it in town now but now we are opening it up to anyone on our waste water treatment system.

Council Member Everitt stated can you have 2 meters, I know my brother has one and I think he pays a high water bill every month instead of once a year and even if you figure it up at the end of the year he's going to have more money in water than he's going to use.

President Tucker stated but he has a second meter.

Council Member Everitt stated he has a second meter.

President Tucker stated we will read it once a year like we do swimming pools so to speak and make the adjustment.

Ms. Schafer stated there are 4 people in town currently that have a sprinkling system. The amendment to Ordinance 509 was to where it says Sellersburg residents only will open it up to anyone on our sewer system to be able to obtain an adjustment provided they have an underground sprinkling system with a separate meter and if he's not on our program and he's just had one installed, he needs to contact the town hall.

Council Member Everitt stated he has one.

President Tucker stated I don't think he's on the list.

Council Member Everitt stated he's been paying the bill.

Ms. Schafer stated you have to make the application.

Vote 3-1 with Council Member Everitt voting against.

Council Member Broady addresses Council/Claim from Jacobi, Toombs and Lanz, Inc.

Council Member Broady presented a claim from Jacobi, Toombs and Lanz, Inc. in the amount of \$880.00 for jobs #8823-C & 8823-C5.

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

Vote 4-0

Council Member Broady addresses Council/Employees On-Call

Council Member Broady stated we are having a problem with workers carrying beepers. Some employees have no problem doing this and others do not want to carry them or want to be guaranteed 1 call out which would guarantee them overtime and I feel that this is not a very good idea.

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Council Member Broady addresses Council/Employees On-Call Cont.

Council Member Truman stated why don't we tell them that if they carry it we will guarantee they get a paycheck next week.

Ms. Schafer stated that's correct. I agree 100%.

President Tucker stated is there a way since Clark is in charge, is there a way that Clark could suggest what we could do to create a schedule for employees to go by. What I'm hearing is they don't want to carry the beepers.

Council Member Eddings stated that's right. What happened is we have people that worked for the town long before beepers were invented and some of them don't want to carry the beeper and we've never forced them to carry them. Those that do carry them feel they should be compensated. No where in past history have we hired in someone and said this is going to be your job description and from time to time you will be expected to carry a beeper but it's what we need to do from this day forward. It doesn't eliviate our problem. I'm strictly against paying for carrying a beeper just for the sake of carrying a beeper. It should be part of the job. If you don't like the job find one some where else.

Council Member Everitt stated are we speaking of all employees or just superintendents.

Council Member Eddings stated superintendents do carry beepers.

President Tucker stated could we not put the responsibility on the superintendents to decide who and when they will carry the beepers.

Council Member Eddings stated if we are willing to stand behind them they can force the issue.

President Tucker stated that seems like the logical approach to me. Let me offer a suggestion as opposed to making a motion. Why don't the two of you and Roy either I or you, I assume Mark and his group are involved in this. Basically tell them that they the supervisor's need to work up some type of schedule for their employees and if they can't work it, if it creates a problem, they need to come back to the board and we will make it a rule.

Council Member Truman addresses Council/Town Manager and Garbage Contract

Council Member Truman stated as mentioned previously, when Doug mentioned the town manager I have the documentation on what other towns have enacted for ordinances as far as town manager duties also in the past couple of meetings we've discussed sending out a proposal to see what the cost would be and not making any decisions at this time just simply seeing what options might be available to the board to contract garbage pick up rather than purchase a new garbage packer. I called the Indiana Association of Cities and Towns for information on that. I don't think they really sent me what I was looking for, they sent me some other town ordinances which you may want to look at for some of the things that they had adopted in their ordinances that we may want to adopt but to put together something I do need to know the number of garbage customers that we have.

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Council Member Truman addresses Council/Town Manager and Garbage Contract Cont.

Ms. Schafer stated I can get that, you just need to call us. I can put it in your box.

Mr. Truman stated just put a note in my box.

Attorney McCall stated we need to verify that this description for the town manager does not conflict with the ADA bill. We need to make sure that we comply.

Mr. Truman stated he didn't think there would be a problem with it. I think some of the things Doug put down are pretty generic in nature. We can take a look at it once it's done but I don't think there's a problem.

President Tucker stated once it's all together may I suggest that we give it to Perry to look over and make sure we are in compliance.

Council Member Everitt Addresses Council/Fall Leaf Pick Up

Council Member Everitt stated on the leaf situation we will be picking up leaves. Again on the limbs that she was talking about, we do have an ordinance but we don't have anyplace to take them until we do sign that act. I won't know, right now they want \$13.75 a ton to take our leaves over there and we can get rid of our leaves for nothing. People want them for their yards and stuff, so \$13.75 a ton for leaves or let the people even though this is going to be a Clark County business really in a way but Mr. Nickles will take limbs if people want to take them over there. For the first year and a half it will cost you nothing after that it would so we are getting rid of our leaves for nothing and next year if we say okay we'll take them to Charlestown we will be out \$2,000.00. I'm like Stan, I really haven't decided what to do.

President Tucker stated it's kind of like a catch 22.

Mr. Everitt stated I don't like the 5 year contract and I would join tomorrow if they said you don't have to bring all of your leaves here because we've had people for years saying we want your leaves. I don't want to pay to get rid of them when were getting rid of them for nothing. I know there's a lady down on Utica that has one the prettiest gardens you've laid your eyes on, she's been getting leaves for 10 years.

President Tucker stated one of the conditions of the agreement is the only place that we can't dispose of refuse is at this site. It's like all or nothing. Now that's not true of individuals, if you want to gather it all up in your truck and take it there they will not charge you for the first year and a half. But if the town does it we have no choice we can't give it to farmers around, it's all got to go there. We didn't particularly like that but unfortunately for Clark Nickles to do it that's the only way he would do it. We are still working on it.

Clerk Treasurer Schafer addresses Council/Ordinance 94-607-Transfer of Appropriations

Ms. Schafer stated at the previous meeting Chief Kinder requested a transfer of appropriations from the salary into police auto to purchase a vehicle.

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Clerk Treasurer Schafer addresses Council/Ord 94-607-Transfer of Appropriations Cont.

Ms. Schafer stated he later the next day informed me that there was an additional \$150.00 document fee so I've prepared an ordinance for the councils approval to transfer \$14,250.00 to purchase a police vehicle.

Motion made by Council Member Eddings to approve Ordinance 94-607 and seconded by Council Member Truman.

Vote 4-0

Clerk Treasurer Schafer addresses Council/Ord. 94-605 An Ordinance Amending Ordinance 93-577 Concerning 1994 Salary, Holiday And Longevity Pay

Ms. Schafer stated back in January 14, 1994th meeting the council did approve in reference to license of the sewer department that some pay increases be given. The salary ordinance, which I didn't realize until I went to prepare this ordinance, which I was requested to do at the last meeting had not been amended so what I did was prepare an amendment that should of been done back in January retroactive back to January 20, 1994. The problem is that 94-605 should of been passed second so we need to transfer the numbers around making the ordinance that you approved at the last meeting on the pay increases for the sewer department should be 94-606 and the one that I'm presenting in addition to that should be 94-605.

Motion to correct an inadvertant mistake of 94-606 which should of been 95-605 and in turn approve 94-606 which approves the increases for Clark Henson, Travis Walters and Jim Blincoe made by Council Member Eddings and seconded by Council Member Everitt.

Vote 4-0

Clerk Treasurer Schafer addresses Council/Salary Ordinance 93-577

Ms. Schafer stated the original salary ordinance that the town council passed on September 27, 1993 does not exist in the town hall neither does Perry McCall have it. This is a copy of the original. I do need the council's signatures for the audit. It has been passed you just need to sign it. This is a correct copy of the original document.

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

Ms. Schafer presented the claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

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

Vote 3-1, with Council Member Truman voting against.

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Clerk Treasurer Addresses Council/Halloween Party at American Legion

Ms. Schafer stated the American Legion Ladies Auxiliary will have a Halloween Party on October 29, from 1:00 p.m. to 3:00 p.m. for our Sellersburg children. There will be prizes and games. If you have any questions, please call 246-4938.

Perry McCall addresses Council/Interlocal Agreement with Town of Clarksville

Mr. McCall stated I put in you box an interlocal agreement between the Town of Clarksville and the Town of Sellersburg. This is something that Mr. Broady had requested that we attempt to do a while back. I gave it to the attorney for Clarksville, Sam Gwinn after I drafted it and he said it was acceptable to them and I'll present it to the town council tonight for approval. I don't know if you've had the opportunity to review it. It's something that Rick had started before he left.

Council Member Broady stated right now we can't handle it, that was quite some time ago. At this point we just can't do it.

Perry McCall addresses Council/Animal Control Officer Contract

Mr. McCall stated also I've got the employment contract for the Animal Control Officer and I've had the opportunity to review that. I had a note on the contract from Mr. Dean stating that it was acceptable to him. There is a question that I was not sure of, the amount of insurance that he will need to carry.

Ms. Schafer stated I have a copy of that policy in my office, it's what ever the amount the council stated he needed.

Mr. McCall stated other than that it appears to be acceptable.

Motion to approve the Animal Control Officer's contract made by Council Member Eddings and seconded by Council Member Broady.

President Tucker stated by the way he's doing a great job, he got a bat today.

Council Member Everitt stated I've got one question, does he inturn sometime or another want the town to buy a vehicle for him.

Ms. Dean stated no, he's looking to buy a van now.

Mr. McCall stated that's not part of his contract. He maintains his own vehicle.

Vote 4-0

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Perry McCall addresses Council/Mr. Nunn Property

Mr. McCall stated I received a letter from Mr. Numm regarding his property. Mr. Toombs is checking into it. I didn't know when he was annexed.

Council Member Everitt stated he was annexed when they annexed Hill n Dale. The property in question has been through this with the last two council's. I know that whenever they run water to that house these people know when they bought that house it wasn't on our water.

Mr. McCall stated the point is when you annex property you have to provide certain service and if you don't they can request to be deannexed and you'd have to pay back the amount of taxes that they've paid on the property. What they are trying to do is get water out to that area.

Council Member Eddings stated they are looking at ways to get more water and water pressure out in that area.

Perry McCall addresses Council/Pixley vs Town of Sellersburg

Mr. McCall stated in the Pixley situation at the waste water treatment plant we need to get the grass cover out there. I'm not sure what has happened to date. I just want to remind you of the contract.

Mr. Toombs stated I spoke with them and we are going to make a sketch of what we will do. If we plant the seed now it won't do any good.

Mr. McCall stated the bottom line is as long as we show we are doing something we don't want it to slip through the cracks.

Perry McCall addresses Council/Creek behind Jim O'Neal Ford

Mr. McCall stated we are still working on the creek behind Jim O'Neal Ford. Ms. Kelly is very insistant and I have contacted Ms. Lahr and we are working on that.

President Tucker addresses Council/Tax Abatement of Atlas of Indiana Inc.

President Tucker stated that Atlas of Indiana, Inc. moved into Avco and we allow tax abatements for business that move in. They have already moved in and I need permission to sign the tax abatement.

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

Vote 3-1, with Council Member Everitt voting against.

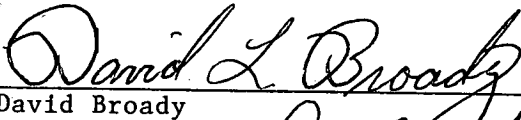
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Adjournment

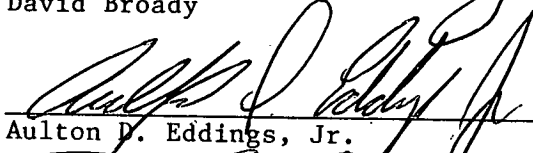
Motion made by Council Member Truman to adjourn this meeting and seconded by Council Member Broady.

Vote 4-0

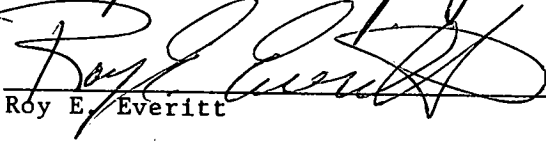
With no further business this meeting was adjourned by President Tucker at 7:27p.m.



David Broady



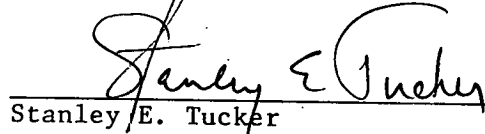
Aulton D. Eddings, Jr.



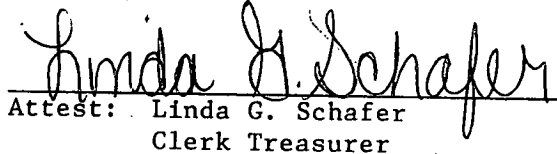
Roy E. Everitt



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

November 14, 1994

Executive Session

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

Called To Order

President Tucker called the Executive Session to order at 6:14 p.m.

Topics of Discussion

Remonstrance
Wright vs Town of Sellersburg
County Ambulance Service
Utility Reserve Account
Police Commissioners Expiration

Adjournment

With no further business the Executive Session was adjourned by President Tucker at 6:31 p.m.

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at 6:30 p.m. at the Sellersburg Library. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member; Karl Truman, Council Member; Doug Eddings, Jr., Council Member; Cheryl Dean, Chief Deputy Clerk; Perry McCall, Town Attorney.

Called To Order

President Tucker called the regular meeting to order at 6:31 p.m.

Prayer

Father Herman Lutz offered the prayer for this meeting.

Sellersburg Town Council
Regular Meeting
November 14, 1994
Page 2.

Pledge

The pledge of allegiance to the flag was recited.

Minutes of the Last Meeting

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

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

Vote 4-0

Cindy Bryant Addresses Council/Sewer Back Up at 732 Ohio Ave.

Ms. Bryant stated we had sewage back up at our house and wondered what the town intended to do about the cost of clean up and carpet replacement.

President Tucker stated I have a note for our attorney to check a few things out with our insurance company and get back to you as quickly as possible.

Ms. Bryant stated I received a letter from the insurance company today and they will not cover it.

President Tucker stated if you will give us an opportunity to talk with Perry about this we will try to do something within the next two weeks if not sooner than that. I also understand and I'm not real clear on this that there is something called a check valve that you need to put on your sewer line in the basement so if this kind of thing happens again it will cut it off, until you get that done it could happen again.

Ms. Bryant stated my husband was told before that it would not help.

Clark Henson stated it should help, it has for others.

Ms. Bryant stated maybe you should come by and look at our problem.

Mr. Henson stated that he would.

Lola Cissell Addresses Council/Garbage Pick Up And Service

Ms. Cissell stated I wanted to talk about garbage pick up, will we get dumpsters in our area and what do we do with limbs.

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Lola Cissell Addresses Council/Garbage Pick Up And Service Cont.

President Tucker stated we are in a delima right now. We will pick up leaves for the rest of the year. We have farmers who are willing to take them, as far as branches, shrubs and things like that we don't have a solution to that yet. We are working on it. There is a County wide dumping facility that's being worked on right now and we are working as quickly as we can to determine what we are going to do. As far as a dumpster, Roy have you...

Council Member Everitt stated Linda mentioned today that we may be able to set two down at the new waste water treatment plant, that would be up to Dave and Clark.

Dan Cristiani Addresses Council/Composting Services Available-Earth First

Mr. Cristiana stated first of all I'll introduce myself, I'm Dan Cristiana. I'm involved in two companies one is Dan Cristiana Excavating and the other is Earth First. What we do is recycle yard waste. We have a compost site which is located in Greenville, Indiana and we can take tree stumps, brush, any kind of yard waste, we grind up the material and make it into compost. We also make a hardwood bark mulch. What we are proposing to you, the Town, I've talked with Jerry Fuller with the Solid Waste Management District and agreed this year to take christmas trees. We would bring a dumpster, at no charge, where residents could bring their christmas trees. We will do this for the entire county. We've done this for the past two years. Yard waste, we have proposed to different cities. Our fee is basically \$18.00 a ton, this would take care of the transportation cost as well as the dumping fee. We set a dumpster at a location that you choose. You call us when it is full and we come and haul it and drop off another. Any resident that wants to bring leaves to our location can do this at no charge. A pick-up truck load of branches and brush runs about \$10.00 a truck load or \$18.00 a ton which ever is greater. \$18.00 is a higher price than what we've quoted Clarksville and Jeffersonville but that's due to the volume. We have the leaf special going on right now and we are doing the christmas trees. That's basically our proposal.

President Tucker asked are you going to send a letter out or a proposal.

Mr. Cristiani stated I can. I just wanted to make sure that the town was interested.

President Tucker stated I can't speak for everyone but let me chime in. I think we have a solution for the leaves, at least for the time being so I don't sense that we need that help. What I think I heard you say is that christmas trees are going to be done gracious by you at least for this year so that takes care of christmas trees. What I have left is the yard waste and what I think I heard you say was that you'd be willing to put some type of container in a local and in essence we the town would pay \$18.00 a ton and you would pick it up.

Mr. Cristiani stated you would need to work it out with the town. If you're going to foot the bill. I don't want to get involved with the collection of money. Some towns charge so much to residents to dump and some pay for it.

Sellersburg Town Council
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Dan Cristiani Addresses Council/Composting Services Available-Earth First Cont.

President Tucker stated if you could put something in writing and send it to me or Linda Schafer, we would be happy to look at it.

A resident complained on the height of the dumpsters and stated if you don't have a truck you can't reach the dumpsters.

Mr. Cristiani stated the different types of dumpsters his company offered and stated he would also be willing to work out with the town on taking sludge. The town would get credit for it and explained how the process would work.

President Tucker stated that Clark Henson is working for us in several capacities and if you would like to mail a copy of that proposal to him and he can get with Mr. Broady and see what we can do.

A resident stated we have another problem in our area with speeders. The speed limit is 20 mph and I think people forget that they've turned off the highway. In the past two or three years it has picked up quite a bit.

President Tucker asked Chief Kinder to put an officer on Greenwood Road.

Chief Kinder stated they have several problem areas and they are patrolling and he would note it.

Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of October 25 thru November 14 in the amount of \$126.00.

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

Vote 4-0

Council Member Eddings Presents Claim/Jacobi, Toombs and Lanz, Inc.

Council Member Eddings stated the water line back to Hill n Dale, we have a phase project going. We want to run the water line so far and pick up some houses and we've investigated seeking some alternative finances or help or assistance with some area builders that are building homes out in that area to pick up or pay for part of the water line from that point on back. We've had Jacobi, Toombs and Lanz do some survey type work and look at the easements and that type thing.

Motion made to pay the claim to Jacobi, Toombs and Lanz, Inc. in the amount of \$80.00 for services rendered made by Council Member Eddings and seconded by Council Member Truman.

Vote 4-0

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Council Member Broady Presents Claims/Jacobi, Toombs and Lanz, Inc.

Council Member Broady presented two claims from Jacobi, Toombs and Lanz, Inc. in the amount of \$685.00 for Job #8823-C5 and 8823-C.

Motion to pay the claims in the amount of \$685.00 made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Council Member Broady Addresses Council/Complaints By Area Builders On Sewer Bills

Council Member Broady stated I'd like to bring up that builders are building homes all over different areas and the way it is set up now when they get the water meter set we automatically start charging sewer on the water meter and it was brought to our attention particularly one spot that lot of times they get the water meter set and they don't have a building there and we're automatically charging sewer which they can't possibly be using. I'd like to change the ordinance to change this. Other cities do not charge until it's transferred out of the builders name into the buyers name then they start charging sewer. I'd like the boards permission to have Perry look into that.

President Tucker stated we would have to include in the ordinance a deferral of the billing.

Council Member Broady stated I'll tell you how bad it is, one builder has a bill for \$2,000.00 in sewer charges and there's not even a home on the lot, that's pretty bad. I think it is a legitimate complaint and I'd like to see it changed where we don't charge the builder and start charging the home buyer.

Motion made by Council Member Broady to allow Attorney McCall to check into changing this ordinance and seconded by Council Member Eddings.

Council Member Everitt stated on the hook up how will we know when it changes names, will they come into the town hall.

Council Member Broady stated we have a list of the contractor's and when the billing address changes from the builder to the buyer we would know.

President Tucker stated that's the way it works in Jeffersonville and New Albany.

Vote 4-0

Council Member Broady stated would we make it retroactive back to when this problem started. This builder has already paid over \$600.00.

Council Member Eddings stated you could give him a credit.

Ms. Dean stated he will never have a water bill. The builder will not have a water bill.

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Council Member Broady Addresses Council/Complaints By Area Builders On Sewer Bills Cont.

Clark Henson stated it's Silver Creek Water.

Ms. Dean stated that's money that he has paid, he has paid \$600.00 on sewer and the sewer does not exist.

Council Member Broady stated we will probably have to give him a check back. We've talked about this a couple of times. I'm not sure what date to go by.

Attorney McCall stated have other builders paid these fees in the past. Is this the only one we are talking about.

Council Member Broady stated we've had this happen before under the same builders. If it's one or two homes it doesn't really bother them.

Attorney McCall stated if you make it retroactive back to a certain date are other builders going to come back and say hey.

President Tucker stated I think we should address these two.

Council Member Broady Addresses Council/Proposal From Mid Southern Builders

Council Member Broady stated I'd like to present to the board for approval a proposal from Mid Southern Builders in the amount of \$11,996.00 for grinder pump installation at 566 and 560 Linnwood Ave.

Motion made by Council Member Broady to accept the proposal from Mid Southern Builders in the amount of \$11,996.00 and seconded by Council Member Truman.

Vote 4-0

Council Member Truman Addresses Council/Garbage Collection Proposal

Council Member Truman stated I've passed out a rough draft on request for proposal on garbage collection. There might be some changes in this for example I'm not sure we're no longer doing the dumpsters. I had included that in there but that can be deleted. If there are any other changes that I need to make for this to be submitted to get proposals from companies. Again, this is just a request for proposals, it certainly is not binding on the town to do anything but it is simply looking at the cost factor, presenting the options to the town. It doesn't mean that this will be done or has to be done it's just gathering information on cost options.

President Tucker stated we will digest this and if there are any changes we will put it in your box.

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Council Member Truman Addresses Council/Garbage Collection Proposal Cont.

Council Member Truman stated that would be fine. I don't know what kind of time table we are looking at. It might be appropriate to get this information by the first of the year so we would know what we want to do.

President Tucker stated I don't think there would be a problem with getting this information to you by the end of next week.

Council Member Truman stated so after I get comments do I have approval to go ahead and sent this out.

President Tucker stated well like Doug is doing, you can either redraft or whatever and request it at the next board meeting.

Council Member Truman stated I just wondered. It might take a month or so to get the totals.

Council Member Everitt Addresses Council/Legal Notice re: Rezoning On Holmans Lane

Council Member Everitt stated I got this letter. I guess did everybody get one on Holmans Lane. I'm not sure what that property is. Clark do you know anything about it.

Attorney McCall stated I just got the notice yesterday.

Council Member Everitt asked is it something to do with the easements, water lines and stuff.

Attorney McCall stated the way I read the letter is that there is going to be a meeting I think it's on the 28th or 29th where they want rezoning. They want a zoning change from residential to some type of commercial and because we are a contiguous town, because we have lines running through that general area they put us on notice.

Attorney McCall stated that's the way I read it also.

President Tucker stated what I have done is send a copy of that, I've asked Cheryl to send a copy to John and for John to advise us or attend on our behalf to make sure that we need to be there or not be there or for us to not be caught unprepared.

Council Member Everitt stated I wondered if they wanted us to relocate or move the lines and stuff.

President Tucker stated I don't think so.

Council Member Eddings stated we had talked about if we give up any easements at all, getting a tap system from their water system so if we ever run short of water or whatever we'd have some type of contract that says they'd have to supply us water in lieu of the easements we would give up.

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Council Member Everitt Addresses Council/Legal Notice re: Rezoning On Holmans Lane Cont.

Council Member Everitt stated is anyone going to attend this meeting.

President Tucker stated I've asked John to let us know whether he could or one of us should. Roy if you want to attend that's fine too.

Chief Deputy Clerk Presents Claims For The Civil, Sewer And Water Department

Ms. Dean presented the claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

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

Vote 4-0

President Tucker Addresses Council/Police Commissioner's Expiration's And Nominations

President Tucker stated we have two places on the Police Board that need to be replaced or redone by the end of the year. Linda Stewart and Danny Vogel's term will be up on December 31, 1994. I ask that you all give some thought to nominations and that we bring this up at the next meeting.

President Tucker Presents Ordinance 94-608 Transfer Of Appropriations/Police Department

President Tucker stated I have Ordinance 94-608, this is for the transfer of appropriations from the Police Department accounts into other Police Department accounts. It reads as follows:

From Acct., Name & Amount Police Department	To Acct., Name & Amount Police Department
225-Gasoline 1500.	223-Police Equipment 1500.
393-Police Training 2000.	223-Police Equipment 2000.
113-Police Salary 1000.	413-Police Radios 1000.

Motion to consider Ordinance 94-608 on the first reading made by Council Member Eddings and seconded by Council Member Truman.

Vote 4-0

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President Tucker Presents Ordinance 94-608-Transfer of Appropriations/Police Dept.

President Tucker presented Ordinance 94-608 to the Town Council for approval on the second reading.

Motion to approve Ordinance 94-608 made by Council Member Eddings and seconded by Council Member Truman.

Vote 4-0

President Tucker Presented Annual Agreements From Local Financial Institutions

President Tucker stated each year we are presented by local financial institutions in essence an agreement that they are allowed to receive public funds from political subdivisions. I have this agreement from PNC, Liberty National Bank and NBD to continue using these banks. I am asking the board for permissions to sign these agreements.

Motion made by Council Member Eddings to allow President Tucker to sign the agreements and seconded by Council Member Broady.

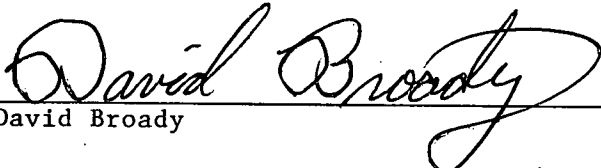
Vote 4-0

Adjournment

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

Vote 4-0

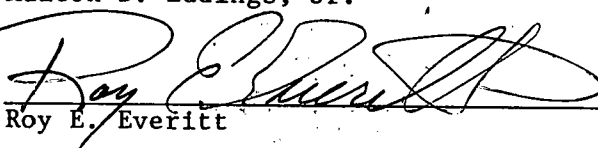
With no further business this meeting was adjourned by President Tucker at 7:17 p.m.



David Broady

Absent

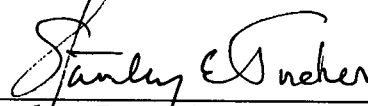
Aulton D. Eddings, Jr.



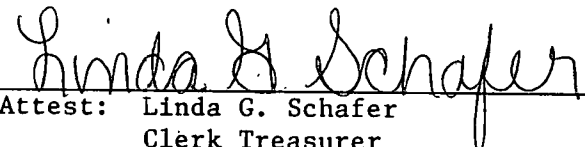
Roy E. Everitt

Absent

Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

November 28, 1994

Regular Meeting

A regular meeting of the Sellersburg Town Council was held at 6:30 p.m. at the Sellersburg Library. Those present were: Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Roy Everitt, Council Member, Linda G. Schafer, Clerk Treasurer and Perry McCall, Town Attorney.

Called To Order

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

Prayer

Reverend Dale Offutt offered the prayer for this meeting.

Pledge

The pledge of allegiance to the flag was recited.

Council Member Everitt Presents Plaque to Mr. Ed Denton

Council Member Everitt stated I'm doing this as a board member but this has nothing to do with the town council. Over the past seven years there has been alot of accomplishments done in the Town of Sellersburg. I'm going to ask if Ed Denton will come forward. As you all know Ed has had a dream, I guess to build a park for the youth, kids and us old timers here in Sellersburg and he done that. He's still not finished, he's still working on it. But before I do leave the town board I'd like to present to you Ed with this plaque, says to Edward D. Denton in appreciation for your hard work and dedication to the community in Silver Creek Township.

Mr. Denton stated thank you Roy. I'd just like to say something about this, really Joe Meyer and Martha are the two people that really gave the idea about this park to start out with and then Bill Paschal and I took it from there to try to find a piece of ground which was so beautifully located but there are alot of good people who have helped build this park. There's an Indianapolis man who gave \$3,000.00 worth of wire to wire the park. Just so many of those things happened to us and I've met with Tom Horner today and I've got a copy of Helen Humphrey's will and I'll show you how this park works. I've got her will there and she has willed over \$900,000.00 to the youngsters of Silver Creek High School for scholarship's and in talking to Tommy today here's what he says, he said you know if I'd known what you people were doing for that park and all of those kids that you have in there playing, I would of talked Helen into giving some of this scholarship money to the youngsters who are going to play in that park. Thank You.

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Minutes of the Last Meeting

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

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

Vote 3-0

Robert Krajnak Addresses Council/Misread Water Meters

Mr. Krajnak stated I had a disagreement on my water reading. I'm just a single man. I usually use between two and three gallons. The guy turned in 600 gallons so I called in and told them it was probably 2600 and the clerk had the meter man go out and read it and she said she could not change it but the next one would be around \$40.00. You see it's kind of jacking my bill around. I asked her if I couldn't go ahead and pay \$26.66. I wondered if you couldn't change it so you could get more of an accurate reading.

President Tucker stated I don't have an answer for you right off of the top of my head. I need to talk to Clark Henson, who is in charge of the water and sewer department. If you will let me have your phone number I'll talk to Clark in the next day or two and I'll get back to you.

Ms. Schafer stated I do have something to say on that. When the meter books, which our meter readers read about 18 or 19 books a month, whatever they put down on the sheet is what we program into the system and once the bill is printed, we can not alter or change that. You can always pay more on your bill. We won't refuse any additional amount but as far as changing your meter readings we can not change it once the bill has been printed.

Mr. Krajnak stated well, you see we were on the Charlestown water system and it only happened one time but I did call in and they would just change it. I didn't see why Sellersburg couldn't do that.

Ms. Schafer stated you can pay more on your bill, you can always pay more on your bill.

Mr. Krajnak stated I just wanted to have the meter reading changed.

Ms. Schafer stated we can't do that once it has been printed. We can't alter the computer. We can only carry it on to the next month because the bill has already been printed. Once we post that. Once we have entered it we can always change something but once we post, we can't change anything but we can take additional money.

Mr. Krajnak stated but you see it's kind of jacking mine around, like say I use 5,000 gallons in two months and I have 600 and then 4,400. That's what I'm saying. Charlestown wouldn't make a big deal about it.

President Tucker stated well let me check into it and I'll try to get back with you in the next two days.

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Roger Harshey Addresses Council/Storm Drain Grant

Mr. Harshey stated I'm going to open up that can or worms about the storm drain. I want to know where you are going to start and what you are going to do.

President Tucker stated John Toombs did the study and basically there are three areas and he recommended area #1 be basically downtown Sellersburg and I'll let him elaborate on that.

Mr. Toombs stated we are going to start where there is a big culvert that goes under both railroads at the northwest corner of Mr. Denton's park and try to replace that pipe under both railroads because it is a bottleneck and come up that drainage system which comes through Ms. what's her names yard and under the road and goes up here behind the apartments and actually under the road across the street to the corner of Hanger and then that way to near the old town hall. The other leg will go on the park side and then work it's way up to Penn and North Fern Street and drain that pond. That will be the extent that we are hoping to do. We hope with the money they give us we will have enough to do all of that.

President Tucker stated when John did the study a year or so ago it was that area which he thought to be the best place to start based on that recommendation that's where we started.

Mr. Toombs stated it's like a tree, you have the trunk and it spreads all out.

Mr. Harshey stated for 30 years we have complained to every town board here about the water situation down there between Hwy. 31 and Penn Street. There has been studies and studies and what we've spent for studies to find out why the water backed up. It's back wash, we need it cleaned out at the sink hole by the old sewer plant. Do you realize how much of an area those two creeks drain. The water backs up in that field where it's four and six feet deep.

Mr. Toombs stated he is right in one respect and wrong in another. When Ran Paige built their building and we went down and looked at the problem we came out at a time when Silver Creek was way up and if you stand on Utica Sellersburg Road, there is very little difference in the elevation of Silver Creek and the base on the other side of the road. There is actually no pipe under there. I've forgotten but it's like \$200,000.00 to take out the road and put in a concrete drainage under there and put the road back and all that would do is improve the flow when it all went tearing out of there.

Mr. Harshey stated it only happens one time out of ten when Silver Creek is up.

Mr. Toombs stated there's no need for us to argue about it. If someone will give me about 2 million bucks, I'll fix everything.

President Tucker stated we've started. We have a small grant that's going to get us started and we are required to continue with this. Even after this initial stage and we have to come up with the money any way we can.

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Roger Harshey Addresses Council/Storm Drain Grant Cont.

President Tucker stated at least it's started and we're going in the right direction. It may not reach where you want it at this point but at least it's going to start and other boards are going to have to deal with raising the money to continue.

Council Member Everitt stated John did I understand you to say you are only going to come up to Penn and North Fern Street.

Mr. Toombs stated I'm just not remembering the names. It goes all the way down to Indiana Southern Railroad.

President Tucker stated so I can't give you an answer tonight, it has started and will work in that direction.

Mr. Toombs stated it may slightly help his situation.

Council Member Everitt stated I believe the state should help us on what he's talking about.

Mr. Toombs stated well if money was no object, there's a limit to what we could do. Silver Creek is the only place the water goes and when the creek is up there's not alot we can do.

President Tucker stated well we don't have the money to do what you are asking. We have to allocate the money that the state has given us.

Mr. Harshey stated but I was here a year ago and asked you about that and you said you were working on it then.

President Tucker stated we are working on the funds. We do have a grant, it's just not going to address your situation, it's going to address another situation that bothers people as well. You have to start someplace and we are going to start on Utica Street and then there are two other areas that are going to be addresses and we have to do this over time and we are required to do it once we start. We will continue to work on this.

Building Commissioner, Stephen D. Prather Presents Claims

Building commissioner, Stephen D. Prather presented his claim for the period of November 15th through November 28th in the amount of \$389.70.

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

Vote 3-0

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Council Member Everitt Addresses Council/Legal Notice re: Holmans Lane

Council Member Everitt stated the letter that I got on that property on the easements pertaining to Holmans Lane. I've been trying to find out, are they going to mess with any water lines or anything to do with the Town of Sellersburg.

Attorney McCall stated on the legal notice that was sent out, not that I know of.

Council Member Everitt stated we've got a water line that runs through there.

Attorney McCall stated all this is doing is changing the zoning.

Council Member Everitt stated they are going to do something else.

Mr. Toombs stated the reason you got a letter is because you are an adjoining property.

Council Member Everitt stated there not going to force us or make us move something.

Mr. Toombs stated your already being forced but that's by the state.

Council Member Everitt stated okay.

Council Member Everitt Addresses Council/Earth First

Council Member Everitt stated I don't know if you've noticed but Earth First was talking about \$18.00 a ton but he gave Clarkville and I've asked the board that when he comes back out to check because he give them \$13.85.

Ms. Dean stated he said that was due to volume that Jeffersonville and Clarksville in the meeting he stated that he did give them a better price and that was due to volume.

Ms. Schafer stated yes that's correct.

Clerk Treasurer Schafer Addresses Council/Letter from Community Savings Bank

Ms. Schafer stated I'd like to present this letter to the council for the President's signature from Community Savings Bank.

President Tucker stated last meeting we did Liberty, PNC and NBD, what it says is if we are going to deposit any money into their bank that they are willing to accept it.

Motion made by Council Member Broady and seconded by Council Member Everitt to allow President Tucker to sign the letter from Community Savings Bank.

Vote 3-0

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Clerk Treasurer Addresses Council/Claim from Clark Nickles, Inc.

Ms. Schafer stated I have a bill from Clark Nickles, Inc., a sewer bill that needs to be paid from the Waste Water Treatment Project in the amount of \$22,691.10 for work they have done.

Motion made by Council Member Broady and seconded by Council Member Everitt to approve claim.

Vote 3-0

President Tucker Presents Claims for the Civil, Sewer and Water Department

President Tucker presented the claims for this meeting in the Civil, Sewer and Water Departments for the last two week period.

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

Vote 3-0

Council Member Everitt Addresses Council/Letter to Dale Orem

Council Member Everitt stated I did have one other thing I'd like to ask that the council, two of the members aren't present but I'd like to ask that the council, if they'd be in favor of sending Dale Orem a letter saying that Sellersburg would back him on this new bridge going across the Ohio River. That we would desire the East bound bridge on 265.

Motion made to send a letter to Dale Orem made by Council Member Everitt and seconded by Council Member Broady.

President Tucker stated if you don't mind let me call him.

Council Member Everitt stated I'll leave this with the town, it's a map of the bridge.

Vote 3-0

Attorney McCall Addresses Council/Silk Fence at Waste Water Treatment Plant

Attorney McCall stated maybe 2 months ago we were talking about putting or rearranging the silk fence and grass coverage at the Waste Water Treatment Plant.

Mr. Toombs stated Clark has the drawing that I made. He's going to take the silk fence down and put a slit and reattach it and get it in order to drill seed in the ground, it will be called power seeding.

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Attorney McCall Addresses Council/New Home Construction Sewer Charges

Attorney McCall stated you asked me to prepare an ordinance to exempt new home construction from paying sewer charges during the period of construction. This may be something and I think it is, and I'm going to check towards the subject of a thirty day filing request through the regulatory commission.

Ms. Schafer stated it's a local ordinance, it has nothing to do with water, only a local ordinance in reference to the sewer rates.

Attorney McCall stated it deals with exempting someone from a sewer charge established pursuant to an ordinance.

Ms. Schafer stated a local ordinance not through the Utility Regulatory Commission.

Attorney McCall stated but all local ordinances have to be approved anytime you make a rate or change a rate it's governed by the Utility Regulatory Commission. You'd have to do a 30 day or 90 day filing. You'd have to file a petition to change that rate. I do believe it is subject to a 30 day filing. The ordinance is prepared but I think you should check on this.

Attorney McCall Addresses Council/Camp Run Creek

Attorney McCall stated the Corp. of Engineers and myself are corresponding back and forth about the property behind Jim O'Neal Ford and Camp Run Creek.

Chief Kinder Addresses Council/Letter to Fire Department

Chief Kinder stated the town board may want to write a letter to the Sellersburg Fire Department for what they did last Tuesday night. The gas and water break. The businesses were getting ready to close and go home and they called and if it hadn't been for the Sellersburg Fire Department we'd probably lost a whole block in town. Haz. Mat came down and checked the gas and at that time the level was up to explosive, had a furnace kicked on it would of ignited and could of been a disaster.

John Toombs Addresses Council/Mr. Ott Property

Mr. Toombs stated I need permission to ask Mr. Mark Warren to install a pipe across Mr. Ott's yard behind the library. It's leaking again and he's called me several times. For a while it had stopped draining. This is the apartments behind the library. It's ground water it's not sewage. It's not water out of our water line.

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John Toombs Addresses Council/Bid Opening Monday, Dec. 5th at Town Hall

Mr. Toombs stated we have a bid opening this coming Monday afternoon at 2:00 p.m. at the town hall. This is for bids on our water system on two major supply lines. I would recommend that we award that regardless of the price because that will obligate the rest of our servend money to carry over until next year and I frankly would not bet fifty cents that it would actually be approved in the Spring because of the paperwork because it was suppose to be bid this month, suppose to be bid in September, July and May and da, da, da, da. They keep putting it off.

John Toombs Addresses Council/Ohio Ave. Water Line

Mr. Toombs stated we took prices on the Ohio Ave. over there, it runs from McDonalds all the way out to Mr. Nunn's house. I would like the boards permission to have you all authorize Doug Eddings to sign the contract to the lowest bidder if it is under \$25,000.00.

Motion made by Council Member Broady to allow Doug Eddings to sign the contract if it is under \$25,000.00 and seconded by Council Member Everitt.

Vote 3-0

John Toombs Addresses Council/Five Bay Shelter At Waste Water Treatment Plant

Mr. Toombs stated Doug and several people had asked about a five bay shelter/shed whatever you want to call it at the Waste Water Treatment Plant and apparently there were bids previously and no one is able to find them and we'd like to contact those same people and see if they have copies of their proposals. We also talked about the fact, I'm not sure when the period runs out where we can try to sell that floater.

Council Member Everitt stated I thought it was three years.

Mr. Toombs stated I've heard alot of things and I think that what we ought to do is have Linda contact Dave Fredrick and I will talk to Ed Tinkle and see if we have to sell at a certain length of time. It probably started June 6th.

Adjournment

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

Vote 3-0

With no further business this meeting was adjourned by President Tucker at 7:15 p.m.

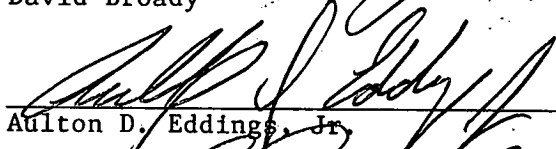
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Adjournment Cont.

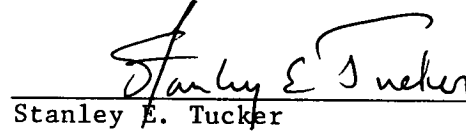


David Broady

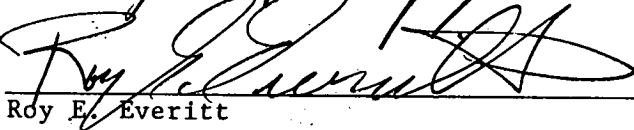
Karl Truman



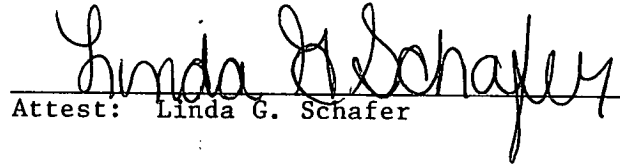
Aulton D. Eddings, Jr.



Stanley E. Tucker



Roy E. Everitt



Attest: Linda G. Schafer

SELLERSBURG TOWN COUNCIL

December 12, 1994

EXECUTIVE SESSION

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

Called To Order

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

Topics Of Discussion

Holman Lane Project
Ohio Ave. Water Main
Holiday Hours Trash Pick Up
Dreyer vs Town of Sellersburg
Annexation
Bryant Sewer Back Up
Trester Property
Seasonal Employees
Unemployment
Personnel Policy/Sick Days
Police Commissioner Nominations
Henryville Buying More Water

Adjournment

With no further business, President Tucker adjourned the Executive Session at 6:24 p.m.

REGULAR MEETING

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were Stanley E. Tucker, Council President; Dave Broady, Council Vice-President; Doug Eddings, Jr., Council Member; Linda G. Schafer, Clerk Treasurer; Perry McCall, Town Attorney, with Roy Everitt, Council Member, arriving at 6:35 and Karl Truman, Council Member, arriving at 6:42 p.m.

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Page 2.

Called To Order

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

Prayer

Reverend Gerald Boyer offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes

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

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

Vote 3-0

President Tucker Addresses Council/Holiday Hours-Garbage Pick Up

President Tucker stated this is for the newspapers, garbage pick up. The town will take a half day off on Friday the 23rd, take a full day on Monday the 26th. Garbage pick up on the 27th will be as regularly scheduled. They will do a double pick up on the 27th and on January 1st, that's also a Sunday. They will be off on the 2nd and there will be double pick up on the 3rd. So people normally picked up on Monday will be picked up on Tuesday.

Ms. Schafer asked Mr. Fuller if he new when the Solid Waste Management District's pick up would be.

Mr. Fuller stated it would be on the same day as usual due to the holiday being on the weekends.

Jerry Fuller Addresses Council/Contract With Clark County Compost

Mr. Fuller stated this is hopefully the last time I will come before you to discuss the composting contract. We have one final version of the contract and the only difference there are two differences. The term of the contract has been reduced from the previous ten years down to five years. The second difference is that in the contract that you saw previously the exhalation factor has changed.

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Jerry Fuller Addresses Council/Contract With Clark County Compost Cont.

Mr. Fuller stated it starts at \$13.75 a ton, stays there for a year, it's escalated annually, in the first contract it was escalated with the municipal cost index, that's been scrapped. The annual escalation has been pegged at 3.46% which happens to be an average of the last five years of the consumer price index, so it starts at \$13.75 a ton with escalation at a rate of 3.46% each year throughout the contract. Other than that nothing else has changed. It's a contract between the city and Clark County Compost to handle all of your yard waste over which you have control, anything the city picks up, anything that any private contractor picks up under the contract to the city must be delivered to Clark County Compost. For the average house owner, if he decides he wants to take it somewhere else that is not material over which the city has control, so that's no problem. As you know Solid Waste Management is helping out financially, we're covering all of the cost through 94 which at this state of the game doesn't mean very much. If you do need to deliver any yard waste to Clark County Compost whether you sign on this contract or not, through the end of this year we will pay for it. You would deliver it to Clark County Compost, tell them you are from Sellersburg and Solid Waste Management will pay for it. Should you choose to sign on then throughout 1994 the Solid Waste Management District is committed to cover half of the tipping fee, so your cost then would exceed \$8.00 and something of \$6.00 something, almost \$7.00. The Solid Waste Management District fully plans to continue to help the cities out to the extent that we have the money to do so. As you know our funds come from a surcharge at the landfill and as the input to the landfill goes down with the recycling and the yard waste ban our funds go down. So to the extent that we have the money the Solid Waste District does plan to continue to help out. The thing that we can guarantee you with this contract is half payment through 1995 and see what we can do for 96 and 97.

Council Member Eddings asked does this contract start in 1995.

Mr. Fuller stated Clark County Compost is the last party to sign, if they sign then that begins the date. That probably won't happen before the first of the year. The only city that has signed on at this point is Charlestown. Clarkville has simply refused, I have not gone to Jeffersonville yet. I took it before the Public Works Board this morning and they said they wanted to think about it for another week. So once the city has signed on and then Clark County Compost signs on then the contract starts and it's five years from that date. I would be surprised if it occurs before Christmas. The Solid Waste District said we'll either have a contract before December 31st or we'll forget the whole thing. That's why I say this is the last time I will come before you at least on this issue.

President Tucker stated will they need all participants, do they need Clarksville to make this work.

Mr. Fuller stated that's up to Clark County Compost to decide. What we will do, I'll go to them with all of the communities that have signed on and say here it is, do we have a deal and it's up to them to say yes or no. If they sign it then we have a deal and then hopefully the communities that didn't sign on will come in to the whole interim.

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Jerry Fuller Addresses Council/Contract With Clark County Compost Cont.

Mr. Fuller stated we will go with whoever we've got. Let's say for example only Sellersburg and Charlestown sign on, let's say just for discussion Jeffersonville does not, I don't know if Clark County Compost will sign it or not. If they don't then the whole deal is dead. If they do then we have approval.

President Tucker stated well that's basically everyone, you don't go to Henryville and Borden.

Mr. Fuller stated no, basically no because they really don't control that much. Henryville does not collect any yard waste nor does Borden. If they did we would.

President Tucker stated do you have a revised contract with you.

Mr. Fuller stated yes, I do. I have them with me if you should agree to sign it. I have them with me tonight and I would like to get you to sign them tonight. I have multiple copies. I'd like to get you to sign all of them. It would be you, Stan and Linda signing for the city, if you agree and I have multiple copies because we want to have a number of original copies signed so once they are signed by everyone including Clark County Compost, you would get an original copy. I have them with me should you agree to sign. I feel like it's a pretty good deal honestly, \$13.75 is a fairly reasonable fee, it's not quite as advantageous to Sellersburg because the composting facility is at Charlestown. It is considerably closer than the landfill itself and the national figures for composting cost are around \$25,000.00 so I think \$13.75 is fairly reasonable.

Council Member Broady stated should we choose to go somewhere else would the Solid Waste District pay half of the cost of that. Would you all be in the position to pay half of the cost if we did go somewhere else in Clark County.

Mr. Fuller stated not necessarily, as it stands right now the board has said, the board has invested alot in putting this together, so this is the Solid Waste District Boards private issue for the simple reason, not because the Solid Waste District Board wants to make Clark County Compost rich but because the board feels like rightly, I believe the more communities that we can get together the better the deal for everyone involved, just like the curbside program. we have a really good deal financially simply because we all came together so the board has committed to help out financially. If you sign on to the contract if you don't, the board has not said that they won't help out.

Council Member Truman asked do they just take leaves.

Mr. Fuller stated any vegetative material, any vegetative material, stumps, trunks, leaves, branches, grass, rose trimmings, hedge trimmings, material from the garden, no food waste, no garbage per say, but any vegetative material.

Council Member Everitt stated Jerry would they be willing to set out bins once or twice a year for shrubs and this sort of stuff.

Mr. Fuller stated if they wouldn't, I can guarantee that the Solid Waste District would.

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Jerry Fuller Addresses Council/Contract With Clark County Compost Cont.

Council Member Everitt stated you would guarantee it.

Mr. Fuller stated yes, I'm going out on a limb a little bit there. I can tell you what influence that I have with the Solid Waste Board that's one thing that we will do for you. We will work with you. I know that's something that Sellersburg needs. I can guarantee you that I will go to bat with the board to work with you and try to get that done.

Council Member Truman stated what kind of containers will it have to be in.

Mr. Fuller stated as delivered to the composting facility?

Council Member Truman stated when it's picked up from the residents.

Mr. Fuller stated no plastic bags, either in the 33 gallon brown paper craft yard waste bags that you can get at Kmart or permanent containers but no plastic bags. Plastic bags are strictly prohibited. They can not handle plastic bags at the composting site. It can either be in a packer where you go around and you pick it up and dump the material in the packer or picked up in brown craft bags where they can be picked up and thrown in the packer and composted as is. No plastic bags.

Mr. Truman stated but our packer would have to pick it up then.

Mr. Fuller stated yes, yes, the city would be responsible for collection and delivery to the compost facility.

Mr. Truman stated I think it sounds like the best option that we've really got.

President Tucker stated let me ask what may be a stupid question but most people are going to bag them in plastic bags.

Mr. Fuller stated that's gotta stop.

President Tucker stated so is the garbage people dumping out of the plastic bags into the garbage truck.

Mr. Fuller stated there are two ways to go. You can do what Jeffersonville has done, where they have just said plastic are out period, put it in plastic bags, you'd better figure out what to do with it on your own. That's it, there out. There is no facility on the north side of the river that will accept plastic bags. The Outer-Loop will still accept plastic bags at a healthy fee. They bought a quarter million dollar debagger. There is no place on the north side of the river that will take plastic bags, ban plastic completely or give the citizens a break and let the collection crew open the bags, dump the material and leave the bags at the curbside, a very distasteful alternative quite honestly. If it stays in plastic bags it has to go to the Outer-Loop.

President Tucker stated apparently you can purchase some type of paper bags.

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Jerry Fuller Addresses Council/Contract With Clark County Compost Cont.

Mr. Fuller stated yes, you can buy 30 gallon craft paper bags and the craft paper is the heavy brown paper that you get groceries in. You can buy them in 30 gallon. I buy them at Kmart in Jeffersonville. They are \$2.75 for five. They are more expensive than plastic, there's no question about that. They are very handy as a matter of fact, the composting center likes to get them. They compost very good. They are very good with grass. They help with the odor condition. Those are the alternatives, the brown craft bags or permanent containers which is an ordinary trash can used for yard waste only. Collection people would take them and dump them just like it was garbage only it's a separate collection where they are only collecting yard waste.

Council Member Truman asked do you ever have a problem with the garbage packer that's normally used with garbage contaminating or anything.

Mr. Fuller stated no, not really. Ordinarily with proper maintenance procedure the garbage packer is sprayed out on a regular basis anyway so there's generally no residual so ordinarily that's no problem. The only problem that occurs is sometimes when the packers are used for example in Jeffersonville, limbs are required to be in bundles not longer than 4 feet and no greater than 18 inches. Sometimes folks may stick in a limb as big as your arm and when the packer goes to pack it you might have a problem with the hydraulics, other than that there is generally no problem. It seems to work very hard on the garbage truck but no more than fairly abrasive ordinary garbage.

Council Member Broady asked should the town be picking up this type of stuff or should we have a designated place and ask the residents to bring it to us. It's going to be hard to pick up. You may have a neighborhood where someone has trimmed their bushes and the rest is garbage. Will you have a truck once a week picking it up, how are you going to do that. Would it be just as convenient to the residents to furnish a common place and when you have this problem bring it to us and we haul it off or whatever maybe go that route and in doing so we would get out of the pick up business and the other problem I have with the pick up business it we get involved picking it up and we don't use a dumpster, we'd use a small truck which alot of the stuff that we pick up now goes on to one of our small town trucks and if we fill this truck up we'd probably have less than a ton. Now you're going to run these guys from here to Charlestown with a ton of material for the cost difference of what we can do over there.

Council Member Truman stated my initial thought on it is it's the towns responsibility to pick it up like other trash. If you get a dumpster people will put other stuff in it.

Council Member Everitt stated you'd have to put the dumpster someplace secure like the Waste Water Treatment Plant.

Council Member Truman stated they would only be open during business hours and that knocks out people who work all day.

Council Member Everitt stated on Saturdays there is always somebody there.

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Jerry Fuller Addresses Council/Contract With Clark County Compost Cont.

Mr. Fuller stated it is an unfortunate fact, we would certainly like to see yard waste not picked up at all, most yard waste is in my opinion, can be taken care of by the homeowner. They can leave the grass on the lawn of composting. Unfortunately not all of it. Sometimes trees come down, ice storms, unfortunately the homeowner just can not take care of it all. Most communities have found that they do have to do something they have to have some other collection for a fairly aggressive home delivery program.

Council Member Broady stated the grass and leaves could go on the packer but for an ice storm, generally the homeowner would cut the limbs up but they would still be too big for the garbage packer.

Chief Kinder stated what about Rumpke. I know down around Clarksville they sell containers and they have one day where Rumpke comes by and empties the containers of yard waste. You have to pay so much a month for the container.

Mr. Fuller stated it is against the law now as you know to mix garbage and yard waste on the same truck.

Chief Kinder stated Rumpke has a separate truck to pick up the yard waste.

Mr. Fuller stated Clarksville has tried to discourage the generation of yard waste by requesting the people to use these 90 gallon toters, they are semi-automated toters, that's their means of trying to discourage the generation of yard waste. The Solid Waste Management District is still giving rebates for the purchase of mulching mowers that will probably continue indefinitely. We sell compost bins, all different types and information on how to use them and there are alternatives.

Council Member Truman stated so the tag is put on a paper bag.

Mr. Fuller stated yes, or around the handle. It is an adhesive tag and when the collection people come along of course, it's on the bag and it goes into the truck and if it's on a permanent container they rip it off.

Council Member Truman stated and they put everything in the bag, leaves and limbs.

Mr. Fuller stated well the limbs. If they are the larger limbs they have to be bundled in bunches no bigger than 18 inches and no longer than 4 feet. They have to be tied so one man can handle them and a tag would go on them.

Council Member Truman stated so a bundle of limbs still has to have a tag.

Mr. Fuller stated yes, that's correct, it works very very well. I designed the tags for the city, we had them made, I undertook to have 275,000 of them made, we distribute them for the city and we've gotten grocery stores and hardware stores all around Jeff. to work with us. We sell the tags for 85¢ to the stores and they sell them for \$1.00 so they get 15¢ for handling them. They are really happy about that. It's worked out pretty well.

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Jerry Fuller Addresses Council/Contract With Clark County Compost Cont.

Council Member Truman stated if we used tags would you help us with that.

Mr. Fuller stated absolutely, we'd do the same for you as we did for the City of Jeffersonville. We'd design it unless you wanted to, we'd have them made and we'd distribute them.

Council Member Truman stated I like that idea.

Mr. Fuller stated I think it's an awful good system and quite honestly I think that's the direction that we're going with all solid waste. The state is very high on what it calls volume based rates for all solid waste anything you set out you pay on what you set out not just a flat fee, it's like going to the grocery store and filling your cart or going to the gas station and filling your car up and paying the same fee, it doesn't make any sense. You should be paying based on what you generate, that way you'll think more about ways to cut down. I think it's a good system to ease into with yard waste because yard waste is very easy for most people to avoid. There will be some griping, we have had some griping in Jeffersonville. Some people were very upset about it.

Dan Cristiani stated I just wanted to say that I gave you all a proposal on dumpsters and I just wanted to say a little bit about that, leaves and grass are not that hard to handle but limbs can be bad and alot of people don't have the means to be able to cut limbs up and make them small enough to put into bundles and whether the city is going to pick it up or if people are going to deliver or whatever we feel like the dumpsters work out, by having dumpsters set out you have a place for them to use if they need to. If you do have an ice storm or a wind storm you do have a place to put branches and trees and that takes the burden off of the city. The size of this town, sending two men to Charles-town, the cost and the fuel. I think the dumpsters are actually a cheaper rate. I proposed \$18.00 per ton and that at no cost to dump them. They will set there until they are full and we will pick them up and dump them when they are full at \$18.00 a ton or if you'd rather have a flat rate we can do it that way but \$18.00 a ton is the cheaper way with that you are not limited on how big or how long they have to be. It would save them the hauling problem. It would get the people involved, they could compost and on bigger items they can't do anything with they have a place to go with them. If the city wants to charge them so much a year or whatever.

Ms. Schafer asked if I decided I wanted to bring down a truck load of shrubs and limbs and stuff what would you charge a resident of Sellersburg.

Mr. Cristiani stated we have a minimum charge of \$10.00 a pick up truck load or \$18.00 a ton. We can either take it at our Clarksville site or at our Greenville site.

President Tucker stated, it sounds like we have a couple of choices.

Council Member Eddings stated Dan your offer would be more or less to haul from Sellersburg to the Clark County site.

Mr. Cristiani stated no, it wouldn't be to the Clark County site it would be to mine, it would be to my site. I wouldn't mind hauling to the Clark County site if they'd let me.

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Jerry Fuller Addresses Council/Contract With Clark County Compost Cont.

Council Member Truman stated my concern about a central dumpster type situation, I mean, I just think of myself as a resident I mean I've got bags and bags of leaves and limbs. I don't have a pick up truck. I don't know anybody that has a pick up truck or someone that would let me use it so that means I'm going to have to stuff the trunk of my Ford Taurus full of bags of leaves and limbs and stuff and try to haul it somewhere when I'm not working or busy, I mean nothing against the proposal it's just...

Mr. Cristiani stated what I'm getting at more than the leaves is the limbs they are so hard to try and handle. There is a fuel and labor factor, when you have your people haul that and a liability factor too and a time factor.

Council Member Truman stated I guess I just have a problem with the idea of me just having to stuff all of my leaves and limbs in my trunk and hauling it down somewhere.

Mr. Fuller stated I tend to agree with Karl on that, most cities can't get away from municipal handling of yard waste, they can cut way back, they can collect very heavily in the spring, very heavily in the fall and little or not at all in the summer, mostly grass and of course not at all in the winter.

President Tucker stated we were thinking of not having a meeting on the 26th of December but sounds like to me that we probably need another meeting. We basically have two choices here. If you want to think about it.

Council Member Truman stated I'd be in favor of not having a meeting on the 26th.

President Tucker stated I don't think that's an option. I think we just eliminated that idea, what do you think Doug?

Council Member Eddings stated I won't be here for that meeting.

President Tucker stated would you like to give us some input before you leave, Roy.

Council Member Everitt stated I'm also not going to be in town of the 26th. I've been considering the county for a long time we have and right now we're talking about purchasing a new packer and we'd take the old packer and we've already tried to get a grant on it once to put new tires on it and change the old packer for picking up leaves and they came back disapproved and we've been told since then that if we filed again it's 99% chance that we'd get it next time but to go ahead and pick up leaves only in the packer once, twice maybe three times a year we'd have dumpsters set at the Waste Water Treatment Plant for limbs. I know the people have trees cut down and I feel if they have them cut down them people ought to be made to haul them off not the town. If there's a tornado as we've had once before we did do alot of the stuff but I feel right now looking at and knowing that the \$3.00 pick up that we take in approximately \$72,000.00 a year I feel the town could go with the county recycling. Hopefully that we can get this grant to fix up the truck I believe this would help us out too. If he sticks to his promise, he says he's get the dumpsters.

Council Member Truman stated he promised us he would work on that.

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Jerry Fuller Addresses Council/Contract With Clark County Compost Cont.

Motion made by Council Member Truman that we approve the agreement with Solid Waste Management District and that we also implement a program similar to what Jeffersonville has done with the bags and tag system.

Council Member Everitt stated I'll go along with Karl on that, there's going to have to be some different ordinances made up and I know people don't like new ordinances but when you get into we are maybe picking up at one house 50 to 100 bags a month in leaves and another house maybe 20 bags they should be asked to maybe mulch some of those up. You're going to have to set down and redo the ordinance that we have now. I second his motion.

President Tucker stated motion made by Karl and seconded by Roy.

Council Member Eddings stated I think we should discuss all of the alternatives that we have. I don't necessarily think we should go to the tag system, we may want to do something different.

Council Member Truman stated I don't have any problem with amending my motion to just approve the agreement with the Solid Waste Management District for discarding yard waste and addressing the rest later.

Council Member Everitt stated Jerry did I understand you said if people was to come in, I know one lady has 100 bags and that's really on the light side. If someone from out of town comes in and gets her leaves they are not going to say anything as long as the town doesn't do it.

Mr. Fuller stated if she makes the arrangements herself, the way we've defined it, only over which the town has control.

Council Member Truman stated I'm not saying that Mr. Cristiani's proposal was bad or anything it's just that my concern it having a central pick up for the residents having to bring them. I know the Solid Waste Management District has done alot of work on this and the bargaining power just like with the other things we've worked on with the district the more people in, the better off you'd be able to negotiate.

Mr. Fuller stated and how ever you should decide to go I'd be happy to present you with a number of options of how some other communities have done it. Jeffersonville felt the tag system was the best for them and basically the Solid Waste Management District beard the cost of administering it and for all intense and purpose it was the Solid Waste District's program and we would pretty much bear the cost of administering it and getting the tags out and trouble shooting and asking questions and obvoiusly we'd be more than happy to do the same thing for Sellersburg. We want to present people with alternatives that will help generate collection. However we can do that in cooperation with the city we will work with you.

Vote 3-1, with Council Member Broady voting against.

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Jerry Fuller Addresses Council/Contract With Clark County Compost Cont.

Mr. Cristiani stated I'd like to say one thing. I'm glad you all made a decision. I do think this contract with the Solid Waste Management District is better than it was before. It's more equal and a better deal for the people of the town. I don't know if Jerry has talked to you about the christmas tree pick up for this year or not. I wanted to let you all know that I'll be working with Clark County. I'm picking up christmas trees like I have in the past years. I'd like to participate with you all. We are accepting christmas trees at no cost.

Mr. Fuller stated we do have the dates on that it's December... I'm sorry, but Dan has done this for the past 3 or 4 years at no cost and at great expense and trouble to him and it's helped us out a whole lot. We have bins all over Jeffersonville that Dan has set out.

Council Member Everitt stated ours has always been on the 15th of January because people lay them out every year.

Mr. Cristiani stated I'd still like to continue working with you on that and I appreciate the opportunity to try and be of service to you all and I'm still of service if you all would need it.

Danny Dellarosa Addresses Council/Businesses In Hill N Dale Subdivision

Mr. Dellarosa stated good evening, I'm Dan Dellarosa. I live in Hill N Dale Subdivision. I've got a small complaint. The Combs across the street have Combs Cleaning and Supplies. They have a warehouse now that they've opened up on Progress Way and my complaint is they have 3 or 4 trucks parked in the street all of the time and several people coming and going all hours of the night. They use my driveway to back in and back out. I'd like to know what I can do about the trucks and the people who work there when he has a shop on Progress Way. They park in the street and they make all kinds of noise throughout the night. This has gone on for about three years.

President Tucker stated so that I understand this gentleman is having his work vehicles park in front of his house.

Mr. Dellarosa stated people come pick up the stuff and park their cars and take his trucks to go to work and they come back and get their cars.

President Tucker stated Steve could you check into, what I'm hearing is that this gentleman is running a business out of his house or it is perceived that way.

Steve Prather stated according to our ordinances, basically it was brought up a year ago, he has about a 2½ car garage and he does store supplies in it and the people that work there that obviously drive the Combs trucks, vehicles or whatever, stop in to pick up their supplies. What the board came up with earlier, what the basic consensus was that since he did not have a walk in business that it was alright. That is strictly a town decision there is no ordinance that prohibits him, to our knowledge, I think Perry looked into it before, from operating a business out of his house.

Danny Dellarosa Addresses Council/Businesses In Hill N Dale Subdivision Cont.

President Tucker stated what I'm hearing is and maybe I heard incorrectly that he has four trucks that sit out in front of his house, that the people come and leave their cars there and get into the trucks and leave them and that they are actually it's a business operating in that environment and that there's parking problems because these people leave their trucks and/or their company vehicles out on the street. I don't know the answer to this but does Hill N Dale have any subdivision requirements that say you may have so many people park.

Ms. Dellarosa stated I have a restriction here that says no business like activity shall be carried out on any lot in this subdivision and it also says these restrictions go for 25 years from the date of this covenant and that there automatically extended up to a period of 10 years unless an instrument signed by a majority of owners of the lots has been afforded to change that covenant, there are businesses in there that shouldn't even be in there.

Mr. Dellarosa stated my complaint is why don't they go down to their shop and not their house.

President Tucker stated I don't have an answer for that. I'm trying to figure out what recourse there is.

Mr. Dellarosa stated it gets pretty loud at 2 or 3 in the morning, my window is open, they use my driveway. That's my complaint.

President Tucker stated Perry, I don't know the answer to this. If someone has certain subdivision requirements if something is not done correctly, what recourse do they have.

Attorney McCall stated basically it's up to the person who doesn't agree to enforce that. They would have to take legal action against their neighbor to enforce it.

President Tucker stated what can we recommend that they do.

Attorney McCall stated hire an attorney and then sue the particular individual.

Mr. Dellarosa stated I understand what your talking about. I like to be a good neighbor like I say I know this man really well in fact I called him the other day and we've talked a couple of times.

Council Member Truman stated I think Steve can maybe contact them and talk to them about a possible nuisance or something and try to resolve it.

Mr. Prather stated they are not in any violation of any nuisance that we have.

Council Member Everitt stated if he's got a business down there on Progress Way he ought to be down there.

President Tucker stated basically what I'm hearing from the people and the town board is that we don't have anything that applies to your problem.

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Danny Dellarosa Addresses Council/ Businesses in Hill N Dale Subdivision Cont.

Council Member Broady stated we've had something similar to that in our subdivision and it was handled by the attorney. He sent a letter that they were breaking subdivision regulations.

Cindy Bryant Addresses Council/Sewer Back Up at 732 Ohio Ave.

Ms. Bryant stated have you made a decision.

President Tucker stated my recommendation is that we pay what you requested, the \$1381.00 for the carpet, \$436.82 for the sewer clean up which is what you requested contingent upon that you put a check valve in your sewer system and once we see the bill that you have paid for the check valve to be put in we will write you a check for the other two amounts. If I'm understanding correctly, if the check valve goes into place the chances of this happening again will be alot less.

Mr. Bryant asked the difference between the clean out and the check valve.

Council Member Broady stated the clean out is where you can get in to the line and address the problem. The only trouble is it doesn't help to stop the problem it let's you know a problem exists. The check valve will stop it from backing up into your house if there is a problem.

President Tucker stated I think since this has happened more than once what I'm understanding from the people on the sewer department and fellow board members in order for this not to happen to the town again is to have this check valve put back in and the condition on which we will pay your expenses is if you have the check valve put back in and we see a receipt where that has been done and then we will write the check accordingly.

Council Member Truman stated didn't our insurance pay on this.

President Tucker stated no.

Council Member Truman asked why?

President Tucker stated it doesn't fall under the policy.

Council Member Truman stated the policy does not cover any sewer back ups?

President Tucker stated well that's not necessarily true, just not this one.

Council Member Truman asked why doesn't it cover this one.

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Cindy Bryant Addresses Council/Sewer Back Up at 732 Ohio Ave. Cont.

Motion by Council Member Eddings to approve the method of payment that Stan recommended after installing the check valve and seconded by Council Member Truman.

Vote 4-0

Council Member Truman stated our insurance should of taken care of this I think.

President Tucker stated we did check with them obviously.

Council Member Eddings Addresses Council/Ratification of New Dump Truck

Council Member Eddings stated basically we have a dump truck that belongs to the water department and it's unsafe to drive. We've had several occasions where the sewer and water department has had a need for a dump truck so we've got the funds together and basically purchased a dump truck and split the cost between the water and sewer department. The truck was \$27,829.00 for the new dump truck for the sewer and water department, also comes with a snow plow.

Motion made by Council Member Eddings to ratify the purchase of the new dump truck for the sewer and water department and it can be used by the street department also and seconded by Council Member Everitt.

Vote 4-0

Council Member Eddings Addresses Council/Sealed Bids on 70 International & 64 Ford

President Tucker stated we need to give Clark permission to bid out the 1970 International truck and the 1964 Ford Truck.

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

Vote 4-0

Clerk Treasurer Addresses Council/Capital Improvement Fund

Ms. Schafer stated these papers indicate where I paid half out of the Servend and the other portion out of the Waste Water Treatment Plant, that's the total of the truck. The other stub is the 3rd payment of the interlocal agreement between Clarksville and the Town of Sellersburg, the third out of 20 payments of the Servend project. I was requested to deposit that into Capital Improvement for future use to maybe repair Holmans Lane water line.

President Tucker stated so we need to ratify the putting of money from the Servend Project.

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Clerk Treasurer Addresses Council/Capital Improvement Fund Cont.

Ms. Schafer stated no it was actually the third payment of the interlocal agreement between Clarksville on the Servend project.

Motion made by Council Member Eddings that we take the money, the third payment of the interlocal agreement with Clarksville to put the money in the Capital Improvement Account and reserve that for the Holmans Lane project should the state decide that we do need to do that project and seconded by Council Member Everitt.

Vote 4-0

President Tucker Addresses Council/Ordinance 94-609-Transfer of Appropriations

President Tucker stated this is an Ordinance to transfer monies from the following:

Acct. #, Name & Amount

Town Council

311-Consulting Services 100.00

Police Dept.

133-Off Duty Court Pay 580.00
313-Medical Exams 106.75
321-Postage 300.00
351-Electric 600.00
354-Heat & Gas 1300.00
363-Maint. Police Veh. 1613.25

MVH

355-Street Lights 1000.00
355-Street Lights 500.00

Parks

356-Gas/Electric Util. 1500.00
365-Blast & Paint 100.00

To Acct. #, Name & Amount

Town Council

395 Judgements 100.00

Police Dept.

223-Police Equipment 580.00
223-Police Equipment 106.75
223-Police Equipment 300.00
223-Police Equipment 600.00
223-Police Equipment 1300.00
223-Police Equipment 1613.25

MVH

225-Gasoline 1000.00
397-Paving 500.00

Parks

362-Repairs Maint. 1500.00
391-Sales Tax 100.00

Motion to approve Ordinance 94-609 on the first reading made by Council Member Truman and seconded by Council Member Everitt.

Vote 4-0

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President Tucker Addresses Council/Ordinance 94-609/Transfer of Appropriations

Motion to approve Ordinance 94-609/Transfer of Appropriations made by Council Member Truman and seconded by Council Member Everitt.

Vote 4-0

Stephen D. Prather, Building Commissioner Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of November 29th through December 12th in the amount of \$468.45.

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

Vote 4-0

Stephen D. Prather, Building Commissioner Addresses Council-Preapproval of Claim

Mr. Prather stated what is the final decision at this time for December 26th.

President Tucker stated I don't know that we've made that decision but I will before we adjourn.

Mr. Prather stated I have a request to make in lieu of the fact that there is not a meeting on the 26th of December, it being the 4th Monday of the month to have a voucher preapproved up to \$500.00 if there are receipts that warrant to that amount since it would be about four and a half weeks before the next meeting that would transpire and that would put those funds in my case in 95 as opposed to 1994.

Motion by Council Member Truman to preapprove up to \$500.00 to the Building Commissioner if we do not have a meeting on December 26th and seconded by Council Member Eddings.

Vote 4-0

Council Member Eddings Addresses Council/Town Manager

Council Member Eddings stated we've all had time to look at the job description for the Town Manager. I'd like to go ahead and move to the next step and get the actual job description written into ordinance form or what the actual next step is so we can go ahead and publish this job in the paper and start accepting resumes and/or applications for the job.

Sellersburg Town Council
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Council Member Eddings Addresses Council/Town Manager Cont.

Council Member Truman stated I think we are ready to proceed with accepting applications. We do need an ordinance establishing the position and job description. I think we need to proceed with soliciting applicants. I think we need to proceed with both of those at the same time. I thought the board had already decided on this, we budgeted for it.

Council Member Everitt stated we talked about a town manager and a utilities manager. I don't know if the town has ever actually voted a "manager". We've talked about both of them.

Council Member Eddings stated I'm talking about a town manager that would over see all utilities, Police Department and all.

Council Member Truman stated we've talked off and on about a town manager for three years now. We made a definite decision to proceed on a utilities manager and this is a little more comprehensive than that.

President Tucker stated so basically what we are suggesting is that we put in place the possibility of existing for that position that job description and we, I guess, solicit applications.

Motion made to have the town attorney prepare the ordinance to establish the position according to statute and incorporate the job description and that we begin soliciting applicants for the position made by Council Member Truman and seconded by Council Member Eddings.

Vote 3-1, with Council Member Everitt voting against.

Council Member Eddings Addresses Council/Bids For New Town Hall

Council Member Eddings stated we have our bids for the town hall and we've only received one bid. It was from Koetter Construction. The bids were due by 4:00 p.m. and there was only one bid turned in. Do you want me to open it.

President Tucker stated yes.

Council Member Eddings stated do you want me to read the bid? The amount of the bid is, this is for the whole job, the amount turned in by Koetter Construction is \$341,127.00 for construction of the new town hall which consists of two phases, the new part, all of the office complexes, the handicap access, break rooms, garage and after that part is done, moving all of the office equipment, phone system, everything in to the offices, taking what is now the town hall, gutting it and making it a public meeting room.

Motion made to take the bid under advisement made by Council Member Eddings and seconded by Council Member Truman.

Council Member Everitt asked, Doug, do you know what date that was put in the paper?

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Council Member Eddings Addresses Council/Bids For New Town Hall Cont.

Attorney McCall asked do we have the affidavits back. There should be an affidavit from the Evening News.

Ms. Schafer stated we have it at the town hall.

Vote 4-0

Council Member Broady Addresses Council/Survey At Old Sewer Plant

Council Member Broady stated I'd like to get the boards permission to get the engineer to do a survey at the old sewer treatment plant and determind the legal status for Perry.

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

Vote 4-0

Council Member Eddings Addresses Council/Indiana Cities Easements

Council Member Eddings stated Indiana Cities and Towns has been asking our position on selling those easements by the well field. They'd like to know if we are going to grant them those easements. They had all of the surveys done and have given us a fair market value for those easements. They do not want to grant us at this time, the right to tap into that system. I'd like for the board to grant the easements.

President Tucker asked since we don't have the ability to tap in should we worry about that.

Council Member Everitt asked why would they be going down through our field.

Council Member Eddings stated they have a project going on with the Clark Maritime project and if they decide to go with it I'd like the board to grant the easements.

Motion to grant the easements made by Council Member Eddings and seconded by Council Member Broady.

Vote 3-1, with Council Member Everitt voting against.

Council Member Truman Addresses Council/Garbage Pick Up Proposals

Council Member Truman stated we had in past meetings talked about the request for proposals on the sanitation pick up and we had presented a proposal request on that and had asked for suggestions on that and I received one which basically reworded what we had done. There were no other comments so I'd like to make a motion to go ahead and publish that and submit that to potential vendors on that and see what kind of response we get.

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Council Member Truman Addresses Council/Garbage Pick Up Proposals Cont.

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

President Tucker stated my personal feeling is, I don't have a problem with seeing what it will cost, I don't feel that the Town of Sellersburg is in the position to totally eliminate the garbage trucks and that type of thing.

Council Member Truman stated that's all I'm looking at. I'm not setting here advocating that's the way it goes. I want to clarify that is not what I'm saying. I'm not saying that's the way we need to go. I'm saying we don't know until we look at the numbers. I just think that it ought to be done before we make the plunge of buying a new garbage packer.

Vote 4-0

Council Member Everitt Addresses Council/Nominations For Police Commissioners

Council Member Everitt stated at the last executive session I brought out a name for the Police Commissioner's and there's also another gentleman that's interested in it, it's Jon Millman.

President Tucker stated we need to go ahead with nominations for the Police Commissioners, to either replace or reappoint the republican and democratic position on that board. The remaining people will be Earl Bonnaville, Bill Paschal and Ed Denton. I will take nominations at this point in time for the republican position for Police Commissioner.

Council Member Truman stated I make the motion that we reappoint Linda Stewart and Dan Vogel for another term on that. They've both been dedicated members, I'm not aware that they've ever misses a meeting and they have really performed their duties on that board.

President Tucker stated the nominations now are for Linda Stewart and Danny Bogel, are there any other nominations.

Council Member Everitt stated on the two I just talked about, on the democrat. I have no quarrel with Danny Vogel. Linda Stewart on the Democrat, he's a republican. The democrat's would be Denny Amos and the second one would be Jon Millman.

Council Member Truman stated now I don't know as far as procedure on this with nominations and everything. I think the appropriate method is to make a motion and if there's a second on the motion.

President Tucker stated okay, so the motion was to reappoint Linda Stewart and Danny Vogel. Do I have a second.

Motion was seconded by Council Member Broady.

Vote 3-1, with Council Member Everitt voting against.

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Council Member Everitt Addresses Council/Nominations For Police Commissioners Cont.

President Tucker stated does that eliminate any other nominations.

Council Member Everitt stated it's the same thing you done last time. It's over.

President Tucker stated it seems to me that should of been something where you bring up names and vote on the names.

Council Member Everitt stated that's right. Mr. Truman's done this before. So I'm just, I'm going to leave it lay. I'm leaving so it doesn't matter. I'm not going to fight this one Mary Ann. I named two gentlemen, this meeting and last one. Mr. Truman wasn't here then to get that information. I mean these gentlemen has come forward and one of them is a potential, one of these days, would like to run for the town council. He wanted to get his feet, you might say wet but...

President Tucker stated seems to me in retrospect, it might be to late but in retrospect, if you nominate names, if you bring up the nomination of names you'd vote on those nominations and who ever gets the most nominations gets it.

Council Member Truman stated well it's not a nomination for president or vice-president, it's an appointment by the board.

President Tucker stated when you appoint someone by the board, you normally make nominations and aren't they approved by the board.

Council Member Truman stated I think if it's a motion...

Attorney McCall stated these people voted 3 to 1, I'm checking.

President Tucker asked, Roy do you have anything else.

Council Member Everitt stated that's it, I'm done.

Clerk Treasurer Presents Claim From Ready Electric

Ms. Schafer stated I have a bill from Ready Electric to pay out of the Waste Water Treatment Plant and I will put a voucher in the council's box to sign. I think Dave has reviewed the bill in the amount of \$2,151.53.

Motion to approve the bill from Ready Electric made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

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

Ms. Schafer stated I have a bill from Jacobi, Toombs and Lanz, Inc. in the amount of \$475.00 for work, research at the Swimming Pool.

Motion made by Council Member Eddings to approve the bill as submitted and seconded by Council Member Truman.

Vote 4-0

Clerk Treasurer Presents Claim From ESR Electronics

Ms. Schafer stated I have a bill from ESR Electronics for a radio installed in the new dump truck in the amount of \$439.90 to be split between the sewer and water department.

Council Member Everitt asked don't you have a spare radio in the old trucks.

Clark Henson stated no.

Motion to approve the claim from ESR Electronics in the amount of \$439.90 made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Clerk Treasurer Presents Claims For The Civil, Sewer And Water Departments

Ms. Schafer presented the claims for this meeting in the Civil, Sewer and Water Department for the last two week period.

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

Vote 4-0

Attorney McCall Addresses Council/Storm Drain Improvement Project

Attorney McCall stated I have the, River Hills asked that I submit this to the council on behalf of John Toombs, the agreement between the town and engineer for professional services for the storm drain improvement project.

Motion to approve the contract made by Council Member Everitt and seconded by Council Member Eddings.

Vote 4-0

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Attorney McCall Addresses Council/Storm Drain Improvement Project

Attorney McCall stated the second matter is the agreement for professional and engineering services for the storm drain improvement project. The contract with River Hills, we need the town council to give President Tucker the authority to sign.

Motion made by Council Member Eddings to give President Tucker authorization to sign the contract with River Hills for the storm drain improvement project and seconded by Council Member Truman.

Vote 4-0

President Tucker Addresses Council/1995 Council President & Vice-President

President Tucker stated we need to determine who is going to be the President and Vice-President of the town council for 1995. We need to reappoint the people who are currently in there or appoint someone new.

Motion made by Council Member Everitt that they stay the same.

President Tucker stated that would be myself and Mr. Broady.

Council Member Everitt stated this will be the last thing I do.

President Tucker stated Mr. Broady has declined.

Council Member Truman stated I think we ought to table that until our first meeting in 1995 since Roy's going to be leaving for the county council and we'll have a new board member. We don't have any idea who that's going to be at this point.

President Tucker stated isn't there some kind of documentation that we have to fill out for the state or something?

Ms. Schafer stated it's a report.

Council Member Truman stated it's just a Indiana Associations of Cities and Towns.

Ms. Schafer stated it's a roster. You can hold off but I'd like to get it done as soon as possible.

President Tucker stated well I would entertain staying on as president of the council. If you all want to do another vice-president that's fine. If you want to wait until next year that's okay too. Do we have a nomination for vice-president.

Council Member Everitt stated I'd like to nominate Doug Eddings and seconded by Council Member Broady.

President Tucker stated I would be president and Mr. Eddings would be vice-president.

Vote 3-1, with Council Member Truman voting against.

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President Tucker Addresses Council/Purchase of New Garbage Packer

President Tucker stated if I'm understanding correctly because of the tax levy we need to consider the purchase of a new packer. I know that's been put on the back burner so to speak.

Ms. Schafer stated it's a loss of appropriations. In this years 94 budget there was some appropriations there to purchase a new packer. If it is not committed by December then you lose that payment, the appropriation to spend it which next year there is a 2nd payment appropriation in the budget that was passed for 1994. The third payment would be in the 96 budget but if you want to get out of the garbage business then you need to get out, if you want to you need to move along with eight purchasing or getting out of the business totally.

President Tucker stated if I'm understanding this correctly, if we made a motion now to continue the appropriation for the new packer then that will fix the money but we still don't necessarily have to buy the packer until next year.

Ms. Schafer stated if you commit to taking bids that's correct. The money is there, it's already been appropriated.

President Tucker stated I don't want to lose the appropriation.

Ms. Schafer stated you will if you don't either accept bids and made a committment before the end of the year. You will lose a payment and that will put you a year behind, a year longer behind.

Council Member Truman stated don't you have to actually encumber the money.

Council Member Everitt stated the money is already there.

Ms. Schafer stated the money is there, the appropriations is what you are going to lose.

Council Member Truman stated what I'm saying is don't you have to actually encumber the appropriation for it to carry over.

Ms. Schafer stated not if you commit that money and pay it out by the end of December. Doesn't matter if you encumber the bill or pay it by December 31st you still would have to acquire that debt by the end of this year.

Council Member Eddings stated do we have enough time to do that.

Ms. Schafer stated yes, I talked to the State Board of Accounts, it's possible to publish on the 16th and 23rd and the next council meeting is on the 26th.

Council Member Truman stated we're not going to have one.

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President Tucker Addresses Council/Purchase of New Garbage Packer Cont.

Council Member Everitt stated I said I wasn't going to get into this and I really hate to Karl, but we went through this before with past town boards and we figured that we couldn't really go with BFI at that time with the figures we were doing it cheaper than we could have them do it. We can do it for \$3.00 a household a month and they can do it for \$9.57 and that was the last quote. Mr. Dan may know more about it. I do know that it's cheaper for Sellersburg to do it.

Council Member Eddings stated I feel we need to go on with the packer and get it bought.

Council Member Truman stated buy a new packer just so you can encumber the money.

President Tucker stated I think we're going to need it Karl, no matter what we can't get out of the total garbage business.

Council Member Truman stated you know I've been bringing this up for quite sometime and it was delayed and delayed and now we're pushed at the end of the year to essentially being forced to buy a packer so we don't lose an appropriation of money by the end of the year.

President Tucker stated I understand that.

Council Member Eddings stated I think we need to go ahead and put the packer up for bid and if the study comes out different we can sell the packer.

Council Member Truman stated that's just going to cost money to buy a new packer and turn around and sell it.

Council Member Eddings stated its going to cost us more if we don't buy it this year. If you go into next year with it, it will cost us one year longer and one year longer interest payments should we have to have it.

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

Vote 3-1, with Council Member Truman voting against.

President Tucker stated we need to make some adjustments to the personnel manuel, Linda and I can do that. Conflict of interest forms need to be signed and Linda will put them in our boxes.

Adjournment

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

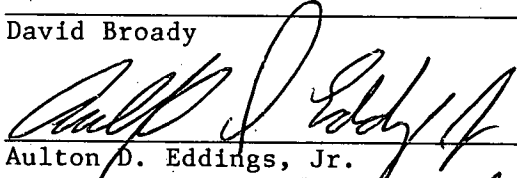
Vote 4-0

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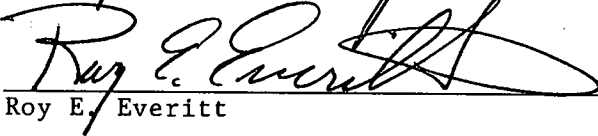
Adjournment Cont.

With no further business this meeting was adjourned by President Tucker at 8:05 p.m.

David Broady

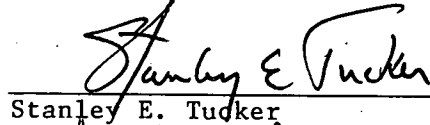


Aulton D. Eddings, Jr.

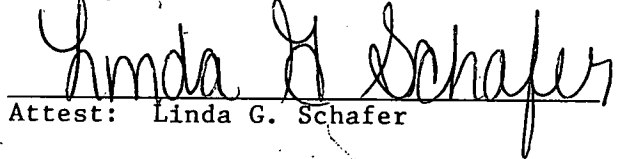


Roy E. Everitt

Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer

SELLERSBURG TOWN COUNCIL

December 27, 1994

REGULAR MEETING

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Library at 6:30 p.m. Those present were Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Member; Roy Everitt, Council Member; Linda G. Schafer, Clerk Treasurer; with Perry McCall, Attorney arriving at 6:40 p.m.

Called To Order

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

Prayer

President Tucker dispensed with the prayer.

Pledge

President Tucker dispensed with the Pledge of Allegiance to the flag.

Minutes

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

Motion to approve the minutes made by Council Member Everitt and seconded by Council Member Eddings.

Vote 3-0

President Tucker Addresses Council/Bids From Sou. Indiana Excavating, Cornell Harbison

President Tucker stated the swimming pool has some major problems and basically the lines that lead into the drain are leaking to where water is leaking out of the pool in the neighborhood of about an inch to two inches a day. John Toombs put together a bid and sent it out and we had two bidders, Southern Indiana Excavating and Cornell Harbison. Cornell was lower by approximately \$45,000.00. It's been set up in stages.

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Page 2.

President Tucker Addresses Council/Bids From Sou. Indiana Excavating & Cornell Harbison Cont.

President Tucker stated stage one is to go from where the filters are to essence to the side of the pool to see if they can find the problem. If they can find it easily, they can burrow underneath, if not, they will have to saw cut the pool to get all of the way down to the drain. They will do the cheapest one they can do. There is also a shed that needs to be built, the old shed fell down. To make a long story short, we are going to do this in phases. The first two phases are about \$22,600.00. I have drawings of what they are going to do. What I need for you all to do is give me permission to sign the contract with Cornell Harbison, he's the low bidder, to go ahead and proceed with the work in 1994.

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

Vote 3-0

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

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

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

Vote 3-0

Clerk Treasurer Schafer Presented Claims

Ms. Schafer stated I have three claims that I need the council to approve they are as follows:

1. Mid Southern Builders for residential grinder pump installation at 566 and 560 Linnwood Ave in the amount of \$10,796.40.
2. Jacobi, Toombs and Lanz, Inc. for professional engineering services at the Sellersburg Pool in the amount of \$260.00.
3. Jacobi, Toombs and Lanz, Inc. for professional engineering services at the Sellersburg Pool in the amount of \$1,527.50.

Motion made to approve the claims as submitted by Council Member Everitt and seconded by Council Member Eddings.

Vote 3-0

President Tucker Presents Ordinance 94-610/Transfer of Appropriations

President Tucker presented Ordinance 94-610-Transfer of Appropriations as follows:

<u>Acct. # Name & Amount</u>		<u>To Acct. # Name & Amount</u>	
<u>Town Council</u>		<u>Town Council</u>	
312-Building Inspect. Sal.	2500.00	311-Consulting Services	2500.00
312-Building Inspect. Sal.	5000.00	394-Misc. Services	5000.00
<u>Parks Department</u>		<u>Parks Department</u>	
111-Salaries	10945.06	362-Repairs & Maint.	10945.06
121-Social Security	838.67	362-Repairs & Maint.	838.67
122-Unemployment	356.95	362-Repairs & Maint.	356.95
226-Chemicals	2087.10	362-Repairs & Maint.	2087.10
227-Concessions	993.77	362-Repairs & Maint.	993.77
245-Other Supplies	27.27	362-Repairs & Maint.	27.27
325-Telephone	160.04	362-Repairs & Maint.	160.04
332-Print & Advert.	31.17	362-Repairs & Maint.	31.17
341-Insurance	311.76	362-Repairs & Maint.	311.76
356-Gas & Electric	1290.90	362-Repairs & Maint.	1290.90
357-Water & Sewer	981.52	362-Repairs & Maint.	981.52
351-Park Electric	65.61	362-Repairs & Maint.	65.61
353-Park Water	250.00	362-Repairs & Maint.	250.00
364-Park Repairs	62.88	362-Repairs & Maint.	62.88
365-Blast & Paint	111.84	362-Repairs & Maint.	111.84
372-FMHA	2.00	362-Repairs & Maint.	2.00
375-Chemical Test	68.90	362-Repairs & Maint.	68.90
391-Sales Tax	59.46	362-Repairs & Maint.	59.46
434-Landscaping	144.08	362-Repairs & Maint.	144.08
436-Park Equip.	7.32	362-Repairs & Maint.	7.32
445-Pool Filters	409.75	362-Repairs & Maint.	409.75

Motion to approve Ordinance 94-610 on the first reading made by Council Member Eddings and seconded by Council Member Everitt.

Vote 3-0

President Tucker Presents Ordinance 94-610/Transfer of Appropriations

President Tucker presented Ordinance 94-610/Transfer of Appropriations.

Motion to approve Ordinance 94-610 made by Council Member Eddings and seconded by Council Member Everitt.

Vote 3-0

Adjournment

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

Vote 3-0

With no further business this meeting was adjourned by President Tucker at 6:42 p.m.

David Broady
David Broady (absent)

Aulton D. Eddings, Jr.
Aulton D. Eddings, Jr.

Absent
Roy E. Everitt

absent
Karl Truman (absent)

Stanley E. Tucker
Stanley E. Tucker

Linda G. Schafer
Attest: Linda G. Schafer

SELLERSBURG TOWN COUNCIL

January 9, 1995

EXECUTIVE SESSION

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

Called To Order

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

Topics of Discussion

Remonstrance/Annexation
Corrective Action Plan
Pretreatment Ordinance
Items of repair in 1995 & 1996
Storage Building at Waste Water Treatment Plant
Ohio Ave. Water Line
Holmans Lane Project
Resignation of Shirley Yochem
Hiring of dispatcher/Christina Mattingly

Adjournment

With no further business, President Tucker adjourned the Executive Session at 6:23 p.m.

REGULAR MEETING

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

Called To Order

President Tucker called the Regular Meeting to order at 6:33 p.m.

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Page 2.
January 9, 1995

Prayer

Father Herman Lutz offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Introduction of New Council Member, Ken Alexander

President Tucker welcomed Ken Alexander, our new board member and stated Linda was very efficient and even had his name tag made, at least we know who he is. I appreciate Roy serving on the board for five years or a number of years anyway. He did say that at anytime we could call him for his thoughts and I'm sure that we will probably do that from time to time.

Minutes of the Last Meeting

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

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

Vote 4-0

Bob Isgrigg Addresses Council/Water Line Hamstead Heath

Mr. Isgrigg stated I represent a developer, Bob Renfrow, and he has a tract of ground which is adjacent to the Hamstead Heath Subdivision, he's had it for a number of years and as a matter of fact has done a preliminary lay out years ago addressing the development of that area with about 100 or so residential single family residential lots, 85 to 100 foot wide lots. He's looking into at this point in time developing that property and the only draw back I guess the major draw back that he finds that's there is a problem a difficulty with getting adequate amount of water and water pressure and water protection for that area. After talking with your water superintendent, he'd indicated that you were doing some improvements out on the main road out here, that there is better water pressure coming to this area and the reason I'm coming tonight is to mainly try and find out if there's a possibility even with my developer putting up some money or installing the line himself of getting a 8 inch water line put into this subdivision somehow. What the chances or possibilities are in the future of doing that and if there are any other drawbacks such as sewage treatment.

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Bob Isgrigg Addresses Council/Water Line Hamstead Heath Cont.

Council Member Eddings stated basically we've been working on trying to start getting more water pressure back to that area. We sent out for bids on a 8 inch water line to pick up some additional houses that are not on our system and should be, they are annexed into the Town of Sellersburg and they deserve the right to be on the water system. We have approximately \$25,000.00 that we can spend on that project and the bids were all over \$30,000.00 so we go back to square one and try to either rebid it and get it under \$25,000. or try to find alternative sources of funding or whatever we need to do but that just takes us up to about where that creek area crosses through there.

Mr. Isgrigg stated that he's indicated to me a willingness to share not only the cost of you extension but also paying for the part of the line that would run from the main road back to his development to the existing section so I think with 100 lots you can pretty well spread the kind of cost we are talking about over those lots pretty well. You don't happen to know how far back you're taking the line.

Mr. Toombs stated from McDonald's to the first house.

Mr. Isgrigg stated let me check with him and get some distances and some costs from his standpoint and I'll get back with you.

Mr. Toombs stated we will need a letter from him expressing what he wants to do.

Mr. Isgrigg stated are there any other road blocks that you know of for instance, sanitary sewage or anything.

Council Member Broady stated you'd be tying on to the existing sewer, as far as I know there wouldn't be any problems at all.

Mr. Isgrigg stated I'll get back with you shortly, thanks alot.

Chief Kinder Addresses Council/Christina Mattingly, New Dispatcher

Chief Kinder stated the only item I have is a new hire to the Police Department to replace Shirley Yochem, her name is Christina Mattingly.

Clark Henson Addresses Council/Bids on Dump Trucks

Mr. Henson stated the only item I have is the bids on the dump trucks. I'd like permission to sell the trucks to the highest bidder. The bids were as follows:

There were four (4) bids received for the 1964 Ford Dump Truck as follows:

Don Meyer	\$250.00
Jim Blincoe	\$526.00
Leroy Johnson	\$306.00
Wallace Cawthon	\$413.60

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Clark Henson Addresses Council/Bids on Dump Trucks Cont.

There were five (5) bids for the 1970 International Dump Truck as follows:

Don Meyer	\$300.00
Leroy Johnson	\$156.00
Travis Walters	\$301.00
Wallace Cawthon	\$413.60
Paul Chester	\$250.00

Motion to allow Linda the sale of the dump trucks to the highest bidder made by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of December 13th through December 26, 1994 to close out the year of 1994 there was no amount to pay on this claim it was to end out 1994.

Mr. Prather presented his claims from December 27, 1994 through January 9, 1995 in the amount of \$387.09 for permits and inspections.

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

Vote 4-0

Council Member Eddings presents Ordinance 95-611/Amending Ordinance 384-Town Manager

Council Member Eddings stated on this Ordinance to amend Ordinance 384 on the Town Manager position we need to do this, I think everyone has a copy.

Attorney McCall stated well I had two. If you look at it there were two different ones in you box. One requires the Town Manager to be bonded and the other one did not.

Motion to consider on the first reading Ordinance 95-611 which is an amendment to Ordinance 384 more specifically outlining the Town Managers position made by Council Member Eddings and seconded by Council Member Truman.

Vote 5-0

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Council Member Eddings presents Ordinance 95-611 Amending Ordinance 384-Town Manager

Motion to approve Ordinance 95-611 amending Ordinance 384 made by Council Member Eddings and seconded by Council Member Broady.

Council Member Truman stated one of the things that we've talked about once which was in statute that covers the term that the town can have the person only be, I don't have, do you have a copy of that statute Perry? There's a reference in there where the person can only be terminated for a cause. The town has the option to approve that provision which I think would be a good provision in order to attract someone to this job they would have to have a little bit of security that they wouldn't be fired at the end of next year.

Attorney McCall stated I don't have the statute, it's not part of the old ordinance.

Council Member Truman stated but there is a provision in the Indiana Code which refers to that and I just feel like it would be important for that person so they have some assurance that if five new board members come in or whatever next year that they won't automatically lose their job. I feel like this is an important provision to have in there.

Attorney McCall stated this ordinance does not have that provision in it, it was taken straight from the specifications, job description comparable with some of the provisions from the current ordinance.

Council Member Truman stated you would have to incorporate it into your local ordinance and again I do not have that statute here, there are a couple of options that the town can choose from.

President Tucker stated maybe it's a thought, that this can be approved and amend this one at the next meeting.

Council Member Truman stated I just soon go ahead and get it approved so we can get moving on this with the understanding that if everybody feels that way that it is going to be revised to include that. I don't know what everybody's position on it is but I feel like if someone's going to be interested in this job that they would like to have some feeling that it's more than just for the rest of the year.

Attorney McCall stated well if you have a contract. I don't know how you are going to hire an individual through a contract.

Council Member Truman stated I don't think the statute allows a contract for that position.

Attorney McCall stated this is itself a contract, it lists duties, responsibilities, you are going to make it a term so I mean you've got all of the makings of a contract but you're not calling it a contract. It doesn't matter to me, do what ever you want, you can pass this and then amend it.

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Council Member Eddings presents Ordinance 95-611-Amending Ord. 384-Town Manager Cont.

Council Member Truman stated I think the statute specifically disallows having a contract like that but it does allow you to have in there that a person can only be terminated for cause.

Attorney McCall stated it would be a year to year employee and subject to termination for cause.

Council Member stated no, I'm not talking about year to year employee.

Attorney McCall stated they would be employed by the town from year to year.

Mr. Toombs stated I think if you expect to get someone qualified you have to offer a five year contract or five year agreement or what ever you want to call it.

Council Member Truman stated well I mean, obviously I didn't bring a copy of the Indiana Code with me but I remember looking at it and I don't think that the Indiana Code allows you to have or make a five year contract for a Town Manager.

Attorney McCall stated we can pass this until the end and I'll go look it up.

President Tucker stated right now we've already done it on the first reading.

Council Member Truman stated I'd just as soon go ahead and approve it.

Council Member Eddings stated to post that position in the paper would that have to be part of the job description.

Council Member Truman stated no, I don't think so. I'm thinking go ahead and get it passed. We can always revise it next meeting.

Attorney McCall stated you've got the position already, you're just revising it again.

Vote 5-0

Council Member Eddings asked when can we get it published.

Ms. Schafer stated anytime you want, tomorrow it you want.

Council Member Eddings addresses Council/Construction of New Town Hall

Council Member Eddings stated I'd like to make a motion to go ahead and except the bid from Koetter Construction on the new town hall.

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

Council Member Broady asked if we had the necessary funds for completion.

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Council Member Eddings addresses Council/Construction of New Town Hall Cont.

Council Member Eddings stated we are real close, if we don't have the money to complete the entire contract we would have to float a bond at the end of the contract but we are not looking at the bond to be very much. The money that we couldn't pull out of some account we are probably talking about \$25,000.00 to \$50,000.00.

President Tucker stated this is done in phases correct, so technically we could do one, two and three and hold up on four and find an alternative for the funding.

Council Member Eddings stated the project will probably cover the better part of a year. We still have some properties that we can sell if we select to do that and we may be able to come up with enough money for 100% funding, it's that close.

Council Member Truman stated are we moving the vehicles out to the Waste Water Plant.

Council Member Eddings stated what we have is the new town hall with a public meeting area, the concrete building behind the town hall will remain, it will be sandblasted and painted, all new paving and striping for the parking lot, the gas dispensing unit will still stay there but will be guard railed in and striping so the vehicles know where to pull in and get gas and everything else will be gone. The packer's will be gone, the aluminum shed will be gone.

Council Member Truman stated the concrete building behind it stays.

Council Member Eddings stated yes, the concrete building behind it does stay, it will be used for additional storage.

Council Member Truman stated it's been a while since I've seen the plans, will there be an office in there for like the town manager.

Council Member Eddings stated the town manager's office is in there and one additional office.

Mr. Toombs stated I was going to made the suggestion that in your motion that you appoint the construction manager for this project.

Council Member Eddings amended his motion to allow Koetter to start construction of the new town hall with Gilbert Campbell to be construction manager of this project and I'll sign the contract for the town, motion was seconded by Council Member Broady.

Council Member Truman asked what kind of disruption is there going to be during construction.

Council Member Eddings stated the way this will be done in phases, they will build the new part first, the offices, the clerks office, all of that will be build first and they will move into that facility.

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Council Member Eddings addresses Council/Construction of New Town Hall Cont.

Council Member Alexander asked the interior part, I mean as far as desk's, do we have plenty of that or ...

Council Member Eddings stated yes the carpeting and all that kind of stuff, that's in option four. We will pick out what we want, colors or whatever. We will let the people who are working in there pick out the colors that they want, they will have to choose from this list of things.

Council Member Truman stated is there an estimated length of time how long this will take.

Council Member Eddings stated I think it will be August, that would be to complete all phases.

Council Member Alexander stated and then it's my understanding that we will have another building where we will have storage for the trucks and that and salt.

Council Member Eddings stated a cinder bin.

Council Member Truman stated is that included in what they are doing.

Council Member Eddings stated not in this proposal, it is a separate proposal for that.

Vote 4-0

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

Council Member Broady stated I've got three bills from Jacobi, Toombs & Lanz for work they have done for us. The bills are as follows:

1. Job No. 8823-A in the amount of \$1,171.76
2. Job No. 8823C-5 in the amount of \$160.00
3. Job No. 8823-C in the amount of \$250.00

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

Vote 4-0

Council Member Broady Addresses Council/Purchasing Crane for Sewer Dept.

Council Member Broady stated we are in need of and we've got a price of \$1,845.00. What it is, is a crane mount, it sits on a one ton truck. What it is used for is to lift out the sewage pumps in the lift stations for maintenance.

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Council Member Broady Addresses Council/Purchasing Crane for Sewer Dept. Cont.

Council Member Broady stated we do it now by hand, they have a tripod they put up and drop a cable over it and pull it up and swivel it out where we can get to it. I'd like the boards approval to get this ordered and have it installed for \$1,845.00 and that is installed.

Motion to approve purchase made by Council Member Broady and seconded by Council Member Eddings.

Vote 4-0

Council Member Broady Addresses Council/Sewer Pump Purchase

Council Member Broady stated we had a sewer pump that completely went out and the guys got a cost to fix it and it was \$7,000. or \$6,000. so we looked into buying a brand new one, a bigger pump so we will have a fifty something hundred dollar bill coming in and it was put in today and is back on line. This was just for your information.

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

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

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

Vote 4-0

Clerk Treasurer Schafer Addresses Council/Purchase of Garbage Packer

Ms. Schafer stated the bid for the packer, we did receive one and the packer and the chasis are two seperate pieces even though it is considered by the State Board of Accounts as one item so because they were unable to obtain a price on the chasis the whole garbage packer itself will have to be rebid. Ken wanted to review these documents and get back with the council on it.

Perry McCall Addresses Council/Cumulative Capital Development Fund

Attorney McCall stated the only thing I have is the Cumulative Capital Development Fund from 12% to 12¢ and it is my understanding from Linda she said it was time to renew the C. C. D. Fund and I intend to present that at the next meeting along with the amendment.

President Tucker stated should we go ahead and renew the Cumulative Capital Development Fund tonight.

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Perry McCall Addresses Council/Cumulative Capital Development Fund Cont.

Attorney McCall stated the reason I didn't think we needed to was because it was passed on October 25, 1992. You do need to renew it in 1995 and it will go through 1998. I don't know if it's important, I guess it is from Linda's standpoint.

Ms. Schafer stated before the budget, there is a thirty day remonstrance filed on that so we need to get on that as soon as possible.

President Tucker stated why don't we go ahead and approve it tonight on the first reading and at the next meeting present it for our signatures.

Attorney McCall Presents Ordinance 95-612 amending Ordinance 92-540

Attorney McCall stated let me present Ordinance 95-612 to change the language in the old one. It's to change the language from 12% to 12¢ and that's amending Ordinance 92-540.

Motion to approve Ordinance 95-612 amending Ordinance 92-540 made by Council Member Eddings and seconded by Council Member Truman.

Vote 5-0

Attorney McCall Addresses Council/Renewal of Cumulative Capital Development Fund

Attorney McCall stated I need a motion to renew the Cumulative Capital Development Fund for 1996, 1997 and 1998.

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

Vote 4-0

President Tucker Addresses Council/Ordinance 94-610-Transfer of Appropriations

President Tucker stated at our meeting of the 26th we did some transfer of appropriations which need to be ratified at this meeting. It is Ordinance 94-610, some of us were here and some of us weren't. I need a motion to ratify Ordinance 94-610 presented at the December 26th meeting.

Council Member Truman stated why wasn't it voted on then or was it.

President Tucker stated we had by year end to reappropriate the money and you weren't here and Dave wasn't here. Roy was here and Doug was here and we had to reappropriate the money by the year end so we went ahead and did it and it was suggested that we ratify it at this meeting.

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President Tucker Addresses Council/Ordinance 94-610-Transfer of Appropriations Cont.

Council Member Truman stated I guess my question is if you did it at a meeting and voted on it.

Ms. Schafer stated they had the money spent and we needed that money to try to get the swimming pool fixed underneath we had a bunch of lines that were messed up under the swimming pool so they had committed to a price, the parks department, we couldn't afford to take it out of the 1995 budget so we utilized what we had in 1994 to commit a portion of that money so it wouldn't be so hard on the parks department in 1995.

Attorney McCall stated there were three here to pass it.

Motion to ratify Ordinance 94-610-Transfer of Appropriations made by Council Member Eddings and seconded by Council Member Broady.

Vote 5-0

President Tucker Addresses Council/Ken Alexander appointment to River Hills Ec. Dev.

President Tucker stated last but not least Doug Eddings has been kind enough to work with River Hills Economic Development Planning Commission, Sellersburg is represented by Doug for the council and I thought Ken being in a new position and needing some more experience would like to be named to this particular commission so I ask for a motion that we appoint Ken to serve on the River Hills Economic Development Commission.

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

Vote 4-0

Steve Prather Addresses Council/Town of Sellersburg Annexation

Mr. Prather stated I need verification. I've been contacted by developers and also builders pertaining to the area out Highway 60 as far as the annexation goes. What the status is, Clarksville, Sellersburg, County or what. I've been getting calls and I don't know.

Attorney McCall stated it is still in remonstrance, the hearing date is set for the 24th. It could be days, weeks or years.

Council Member Broady stated until someone tells you different it's county.

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Adjournment


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

Vote 4-0

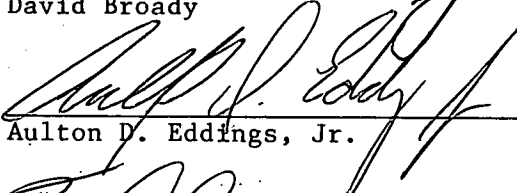
With no further business this meeting was adjourned by President Tucker at 7:10 p.m.



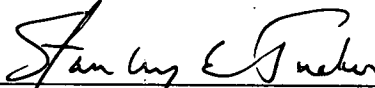
David Broady



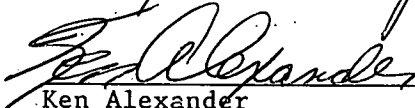
Karl Truman



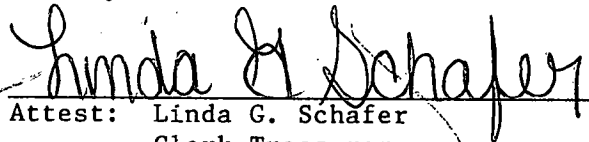
Aulton D. Eddings, Jr.



Stanley E. Tucker



Ken Alexander



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

January 23, 1995

REGULAR MEETING

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

Called To Order

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

Prayer

Reverend Gary Fenner offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

Minutes of the Last Meeting

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

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

Vote 4-0

Council Member Eddings addresses Council/Contract for Construction on New Town Hall

Council Member Eddings stated I have with me the contract with Koetter Construction and Gilbert Campbell, associate, for construction of the town hall which I was hoping to give to Perry for review before I signed just to make sure everything is okay. The bond issue is covered. When Perry reviews this and gets it back to my hands since we've already voted on it I'll go ahead and sign it them. I just want to make sure everything is okay with our attorney before I sign it.

Council Member Truman asked could you put a copy in our boxes to look at in case we have any comments.

Council Member Eddings stated this contract, sure, it's pretty thick.

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Council Member Eddings addresses Council/Contract for Construction on New Town Hall cont.

President Tucker asked if Mr. Truman would like to look at it.

Council Member Truman stated yes, in case there are any other comments the board members might have.

Council Member Eddings stated I can get copies, this would burn my copy machine up.

Council Member Truman stated well, I don't know if any body else is interested. I'd kind of like to look through it. I can drop it by Perry's office in a day or so, he's just around the corner from me.

Council Member Eddings addresses Council/Applicant's for Town Manager

Council Member Eddings stated also we've received all of the applications for the Town Manager's position. What I'd like to do is take those applications and hold them myself and I think we need to research alternate methods of selection and we need to do that in an executive session so what I'd like to do is set up some type of executive session for the board members and Clerk Treasurer and then Stan, since you are one of the candidates I'd like to hold the executive session in your absence.

President Tucker stated I can do that.

Council member Eddings stated we need to pick a time to do this.

President Tucker stated you have to have a ten day notice don't you.

Ms. Schafer stated do you want an extra meeting or have it before the next, we have an executive session for personnel matters scheduled the first meeting of every month which would be the next meeting.

Council Member Eddings stated how long do we have to publish.

Ms. Schafer stated it's already been published for the year, the newspapers got the notification at the beginning of the year.

Council Member Eddings stated I'm talking about if we want to have it sooner, how long do we have.

Ms. Schafer stated twenty four hours to notify the papers of the executive session. Is that correct.

Council Member Truman stated I think it's forty eight.

Ms. Schafer stated I can check with John on that.

Council Member Truman stated what about Friday morning early.

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Council Member Eddings addresses Council/Applicant's for Town Manager cont.

Council Member Eddings stated that's what I was thinking, if we could go ahead and publish it for Friday morning, is there anyone who couldn't make it Friday morning.

Council Member Alexander stated how early.

Council Member Truman stated 7:00 a.m., 8:00 a.m. something like that.

Council Member Alexander stated 7:00 a.m. would be better.

Council Member Truman stated 7:30 a.m., how about 7:30 a.m.

Ms. Schafer stated it depends on where it's at, I'm in the office by then.

Council Member Truman stated how about 7:30 a.m. at the Town Hall.

Council Member Eddings stated 7:30 a.m. at the Town Hall.

Ms. Schafer stated so the two papers have notification within forty eight hours so I just need to notify the Tribune is that correct.

Council Member Eddings stated I need those applications.

Ms. Schafer stated right here, there was one that didn't have an application so I had no idea if this lady was physically applying for that job or something in my office but I included it. She never returned my call.

Council Member Eddings asked is her phone number in here.

Ms. Schafer stated yes, I included that also.

Council Member Broady asked how many where there.

Council Member Eddings stated four isn't there.

Ms. Schafer stated five, there were five applicant's.

Stephen D. Prather addresses Council/Flood Hazard Ordinance

Mr. Prather stated I received a letter from Brian Garcia, Department of Natural Resources with the stated for I guess approximately the fifth time in about a year. They have reviewed our Ordinance 94-585, which is our flood hazard ordinance and they have basically sent us a xerox copy and noted what changes that need to be made again to meet their, I guess their current criteria for what the ordinance should state or at least the way it should state it.

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Stephen D. Prather addresses Council/Flood Hazard Ordinance cont.

Mr. Prather stated so I have a copy here of our original or excuse me are current Ordinance 94-585 that I got at the town hall today, Cheryl ran me a copy of this. I'll ask the board and I'm assuming that I would give this to Perry and he would redo this ordinance thing. This is the current one and this is what they said should be on there and obviously once Perry does this it will have to be voted on and passed by the council at which time Brian has asked me to forward a copy of the flood ordinance to the Department of Natural Resources basically in Indianapolis. That's really all I have on that part so if that can be taken care of between I guess now and the next meeting I can let Brian know that probably sometime about the middle of February he should have the revised, revised, revised copy of the revised quote ordinance.

Building Commissioner, Stephen D. Prather presents claims

Building Commissioner, Stephen D. Prather presented his claim for the period of January 10th through January 23rd in the amount of \$3,085.64, item number two on there was an adjustment for 1994, it's a 10¢ adjustment.

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

Vote 4-0

President Tucker stated you had a total of 17 permits.

Mr. Prather stated yes sir, yes.

President Tucker stated most of them are commercial.

Mr. Prather stated yes there were two commercial jobs, one of them was Koetter and the other one was F & S Medical. They are doing some renovation for the storage of records.

Council Member Truman addresses Council/Resision of Town Manager Ordinance

Council Member Truman stated last meeting we talked about revising the town manager ordinance to include about the person not being dismissed but for cause. I didn't know if Perry had a chance to look at that.

Attorney McCall stated I did and I did change the ordinance and amend it to...

Council Member Truman stated did you want to wait and bring that up then.

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Council Member Alexander addresses Council/Purchase of New Packer

Council Member Alexander stated the only thing I have tonight is we are trying to buy a packer. We tried once in December and due to the closing of Ford being off for their maintenance and that we couldn't get the full bid in so basically we are wanting to resubmit it, the only thing we are adding to the specs on here is having a drop axel added to what we had before the weight so we aren't caught out with a full load.

President Tucker stated which is another set of tires on each side.

Council Member Alexander stated do we need a motion on this. The packer we had already had a motion go through but they couldn't get a price on the chasis because Ford was running a maintenance season.

Council Member Eddings stated it's already on the budget.

Ms. Schafer stated yes, but he's requesting, is it necessary to have a motion to request the council to allow him to rebid this again.

Attorney McCall stated not that I know of but to be safe.

President Tucker stated would you like to make the motion.

Motion made by Council Member Alexander to resubmit a bid for the packer and seconded by Council Member Eddings.

Council Member Broady stated are we any closer to getting the bids for the garbage pick up.

Council Member Truman stated I think what Dave is talking about is privatizing the garbage collection which was discussed in December, at that time I was going to sent it out for the request for proposals but then there was discussion about having... The board wanted to spend the money on the packer by the end of the year so the board voted to proceed with purchasing the packer and so I didn't persue it. I figured what was the point if the board voted to proceed with buying the packer. I don't know what the situation was about the end of the year having to spend the money budgeted by the end of the year but obviously that's not happened and so I think now that that's no longer an issue I think it would be appropriate for us to go ahead and persue that matter.

Council Member Alexander stated basically it it's my understanding just taking the bid out doesn't mean that we have to accept it, correct.

Council Member Truman stated a request for proposal is just that, a request for proposal.

Council Member Alexander stated due to lack of information I was hoping to come tonight and do both so then we would have both at the same time.

President Tucker stated so you are working on this.

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Council Member Alexander addresses Council/Purchase of New Packer cont.

Council Member Alexander stated yes I am working on that but it's a process or either trying to do we want to do it all, do we want it in part. I'm trying to pin down exactly what would be to our best... The best was to look at it would be like just a section of town and then you could take that section and pretty well determine what it would cost for the whole.

Council Member Broady stated I guess what I'm getting at in bidding out the packer is something we need, we could go ahead and bid this out, would we be at an advantage not to buy until we find out what prices we could possibly privatize this out for or go ahead and bid, is that going to hold the bid up too long.

Council Member Alexander stated well the only thing you need to worry about is we are going to start picking up leaves and limbs, it's not going to be mixed. You know it's whatever the concensus is you've got an old packer, something needs to be done okay, regardless if we want to get out of it that's fine.

Council Member Truman stated there's nothing pressing on leaves at this point is there.

Council Member Alexander stated well as of... There's nothing pressing on it but you're going to have after April 1st when there's no more burning, yes.

Council Member Eddings stated but we've got until April then.

Council Member Alexander stated we've got until April.

Clark Henson stated if you order the truck now you won't get it until May or June.

Ms. Schafer stated that's correct.

Council Member Truman stated my personal feeling is for sometime now I've been asking to try and get a proposal again only to find out the information so we could make an intelligent decision.

Council Member Eddings stated the only thing you might include in that proposal, if we have a new packer that would be subject to the contract situation in other words, it it is cost beneficial and they'd have to acquire the packer at the same time or look at options to sell the packer or selling some of the old packers and keeping the new one. I don't think you could ever get away with not having a packer.

Council Member Truman stated there are alot of other cities that do.

President Tucker stated let me offer a suggestion, it's two weeks until the next meeting and two weeks until the next meeting after that, can we say that by February 20th, that you'll have an opportunity to bid out the packer and bid out sanitation privatization and basically come back with some type of recommendation.

Council Member Alexander stated sure.

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Council Member Alexander addresses Council/Purchase of New Packer cont.

President Tucker stated it has already been seconded, all we are doing is basically giving you permission to send out the bid which also in addition to that giving us the privatization cost.

Vote 4-0

Council Member Alexander addresses Council/Illegal Dumping

Council Member Alexander stated the only other thing I have or I did need to know was from the Solid Waste Management, their instructions on illegal dumping they've given the Town of Sellersburg \$1500.00 for in case we find trash in our streets that we can't trace back to the owner. It's got a form that goes along with it to be filled out if we find that. It is \$1500.00 and it's only guaranteed for next year.

President Tucker stated this year.

Council Member Alexander stated excuse me this year.

Council Member Truman stated we'll also have to be deciding how to handle leaf and limb pick up too when that comes if we are going to tag it.

Council Member Alexander stated right. I'll try in a months time, I mean basically I've touched on some areas. It would be nice to have a little more time but different areas that I've listed as far as how to pick up okay basically I want to go through the options and find out which options are most agreeable. If we pin down to a couple of them then we will attach a cost figure to them because it has to be user friendly okay if you don't make it user friendly you spend the \$1500.00 the first month okay so it's got to be user friendly but try to keep the cost down.

President Tucker stated we can try and do it in a month and if it takes longer than that.

Council Member Alexander stated we'll get it done.

President Tucker stated okay.

Clerk Treasurer presents claim/Jacobi, Toombs and Lanz, Inc.

Ms. Schafer presented a claim from Jacobi, Toombs and Lanz, Inc. in the amount of \$9,081.00 for Job No. 9222/Sellersburg Storm Drainage Improvement and requested a motion to approve the claim.

Council Member Broady asked is this coming out of the grant fund.

Ms. Schafer stated we haven't received the grant yet.

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Clerk Treasurer presents claim/Jacobi, Toombs and Lanz, Inc. cont.

Mr. Toombs stated it's either your money or the grant money.

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

Vote 4-0

President Tucker presented claims for the Civil, Water and Sewer Departments

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

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

Vote 4-0

Attorney McCall addresses Council/Ordinance 95-613-Renewal of Cumulative Cap. Dev. Fund.

Attorney McCall stated I just have an ordinance that I need to present tonight to renew the Cumulative Capital Development Fund for the town. Ordinance 95-613, to renew the Cumulative Capital Development Fund for a period of three years. It has to be renewed every three years.

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

Vote 5-0

Attorney McCall addresses Council/Ordinance 95-613-Renewal of Cumulative Cap. Dev. Fund.

Motion made by Council Member Eddings and seconded by Council Member Broady to approve the renewal of the Cumulative Capital Development Fund, Ordinance 95-613.

Vote 5-0

Attorney McCall addresses Council/Ordinance 95-614 Amending Ordinance 95-611

Attorney McCall stated Ordinance 95-614 amending Ordinance 95-611, at the last meeting we talked about the town manager wanting to amend the ordinance to reflect that the town manager could only be terminated for cause, looking at the statute 36-5-5-2 it says the manager may be employed to serve at the pleasure of the legislative body or for the definite tenure not to exceed the longest remaining term in office of a member of the legislative body in which case he may be dismissed only for cause.

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Attorney McCall addresses Council/Ordinance 95-614 Amending Ordinance 95-611 cont.

Attorney McCall stated so that applies to the cause issued that we've talked about. I have incorporated this into the Ordinance 95-611 and that would be for your consideration on the first reading.

Council Member Broady stated exactly what does that mean.

Attorney McCall stated that the person that you hire can only be dismissed for cause. If there is a reason for them to be dismissed he has the opportunity to explain his actions. He has some additional rights. There is nothing in the statute that says you can't contract with an individual. If you say it's for cause then you have the appropriate hearing to determine if that is cause.

Council Member Truman stated I don't want the position to be just a political appointment that you know you get a new town board in and they want their own individual. There's got to be some job security or you're not going to get...

Attorney McCall stated the term can only be for the longest remaining term in office and each of you are until the end of 1995, in which case it can only be for cause and I think that's the protection you're talking about, that you can't just get rid of them because they were hired by a previous board you'd have to have a legitimate reason to get rid of them at that point.

Council Member Alexander stated what if they eliminate the job.

Attorney McCall stated if he has a contract you'd have to pay it off.

Council Member Alexander stated okay wait a minute, you just said he's under contract, that we can give him a three year even though we'll be done at the end of the year.

Attorney McCall stated you can give him a 1 year, 2 year, you can give him 1 year now and then the next board would have to give additional.

Council Member Alexander stated one year is all he'll be able to get from us.

Attorney McCall stated right, his protection is the cause.

Council Member Alexander stated right and if the new board comes in and they say we don't want a town manager is that cause.

Attorney McCall stated I don't think so.

Council Member Truman stated it would have to be some sort of misconduct.

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Attorney McCall addresses Council/Ordinance 95-614 Amending Ordinance 95-611 cont.

Council Member Alexander stated there is protection there then, that's why I'm asking. He's protected, the new board can't come in and eliminate him but if he doesn't have a contract because he's got to renew it, isn't that correct.

Attorney McCall stated it says depicts the terms of employment compensation etc. I believe that what it's referring to when it says contract because you're talking about what the obligations are of the individual, what you're going to pay him. I mean he's going to want to know what he's going to have to do for that, that goes along with the job description and he may come back and say well what about this duty, do I have to do that. There's going to be some give and take as in any situation. In talking to the Indiana Association of Cities and Towns, they said this employee would be an employee of the town not an independent contract so it's going to be an employee of the town which would be on...

Ms. Schafer stated medicare, social security, AUL pension.

Attorney McCall stated that's correct so that's what I put in the ordinance which is 95-614.

President Tucker stated I have a question, since I have considered this job should I abstain number one and can you abstain or do you have to have universal approval.

Attorney McCall stated you could vote to have it approved on the first reading but as far as voting on it, it is entirely up to you. If you are putting your hat in the ring so to speak you may want to abstain from the vote. You can vote to consider it on the first reading.

President Tucker stated I'm just trying to get it correct.

Attorney McCall stated and along those lines too there have been questions asked whether or not you can, Stan on the town council, be considered for the position. I've looked into that and the statute there is legislavite body members barred it says may not be employed by one of it's members as the manager. I don't think anything prohibits you from submitting an application to be considered along with any body else, interviewed and offered the job but not hired. I think it contimplates an offer and acceptance by you and if you at that point accept you'd have to terminate your position on the board if you were offered that job. That's something that came up also.

Motion to consider Ordinance 95-614 amending Ordinance 95-611 on the first reading made by Council Member Eddings and seconded by Council Member Truman.

Steve Prather stated you may have answered the question but I couldn't hear it. When you were talking about couldn't exceed a current members term in office then does that mean that the next board for some strange reason and there's totally new board members January 1, 1996, if they would in turn eliminate or get rid of the town manager position then would there be a process to keep them from doing that or would they have the authority to eliminate the person and position.

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Attorney McCall addresses Council/Ordinance 95-614 Amending Ordinance 95-611 cont.

Attorney McCall stated it appears it is for a definite tenure and then in which case it would be just for cause. It is my understanding is at the end of eleven months that position would be up again for renewal under these circumstances.

President Tucker stated then they would have to reapply.

Attorney McCall stated yes, because you've got everybody coming in and out at the same time and they would have to reapply at that point. They could do away with the position at the end of eleven months. The choices are at the pleasure of the legislative body which basically opens up the problems we've talked about.

Vote 5-0.

Attorney McCall addresses Council/Ordinance 95-614 Amending Ordinance 95-611 cont.

Motion to approve Ordinance 95-614 amending Ordinance 95-611 made by Council Member Eddings and seconded by Council Member Truman.

Vote 4-0, with President Tucker abstaining.

Attorney McCall stated one other thing about this is you've made it a part of your town ordinance which will be there for future reference.

Attorney McCall addresses Council/Remonstrance

Attorney McCall stated tomorrow at 4:00 p.m. we have the remonstrance hearing, it starts at 9:00 a.m.

Council Member Eddings asked what if you can't make the time you've been subpoenaed for.

Attorney McCall stated Doug you've been subpoenaed by Larry Wilder, you are to be there at 1:00 p.m. unless you hear otherwise from him.

Council Member Alexander addresses Council/Updating the Burning Ordinance.

Council Member Alexander stated I have one more thing. Who's suppose to check into, we have a mandate coming down from Indiana on the burning. How do we get our ordinance up to specs.

Attorney McCall stated we find out what's coming down and then amend our ordinance. We have a burning ordinance I know.

Council Member Alexander addresses Council/Updating the Burning Ordinance cont.

Council Member Alexander stated right now it allows them to burn from 8:00 a.m. to 5:00 p.m. and they are not allowing any burning. Is that something I need to check out or you check out.

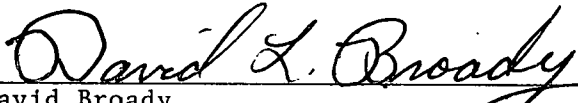
Attorney McCall stated if it comes down, it comes down. I'll probably get something, a letter saying the state legislature says we're no longer burning.

Adjournment

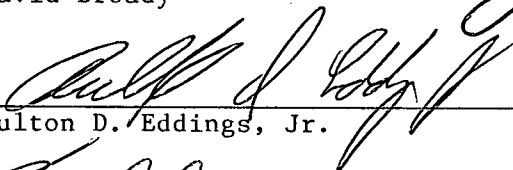
Motion made by Council Member Broady to adjourn this meeting and seconded by Council Member Eddings.

Vote 4-0

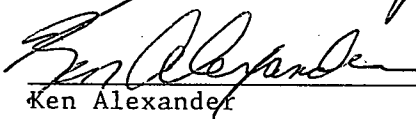
With no further business this meeting was ajourned by President Tucker at 7:30 p.m.



David Broady



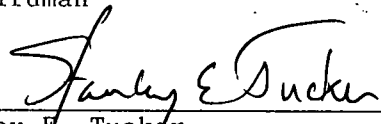
Aulton D. Eddings, Jr.



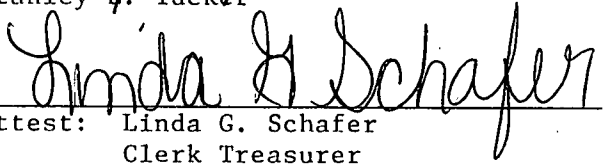
Ken Alexander



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SPECIAL EXECUTIVE SESSION
January 27, 1995

SPECIAL EXECUTIVE SESSION/HIRING OF TOWN MANAGER

A special executive session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:30 a.m. to discuss the method of hiring of a town manager. Those present were: Aulton D. Eddings Jr, Council Vice President; David Broady, Council Member; Ken Alexander, Council Member; Karl Truman, Council Member; and Linda Schafer, Clerk Treasurer. Council President Tucker and Attorney McCall were absent.

Called To Order

The special executive session was called to order at 7:34 a.m. by Vice President Eddings.

TOPICS OF DISCUSSION

Town Manager position
Applications received
Method of hiring

ADJOURNMENT

With no further business this executive session was adjourned by Vice President Eddings at 8:00 a.m.

Kenneth J. Alexander

David Broady

David Broady

Aulton D. Eddings Jr

Aulton D. Eddings Jr

Absent

Stanley E. Tucker

Karl Truman

Karl Truman

Attest:

Linda G. Schafer

Linda G. Schafer
Sellersburg Clerk Treasurer

SPECIAL EXECUTIVE SESSION
February 3, 1995

SPECIAL EXECUTIVE SESSION/REVIEW PROPOSALS MANAGEMENT CONSULTING FIRMS

A special executive session of the Sellersburg Town Council was held on February 9th, 1995 at 7:00 a.m. at the Sellersburg Town Hall to review proposals from management consulting firms in reference of hiring a town manager. Those present were: Aulton D. Eddings Jr, Council Vice President; David Broady, Council Member; Ken Alexander, Council Member; Karl Truman, Council Member; and Linda Schafer, Clerk Treasurer. Council President Tucker and Attorney McCall were absent.

CALLED TO ORDER

The special executive session was called to order at 7:00 a.m. by Council Vice President Eddings.

TOPIC OF DISCUSSION

Method of hiring a town manager
Consulting firms to review town manager applications

ADJOURNMENT

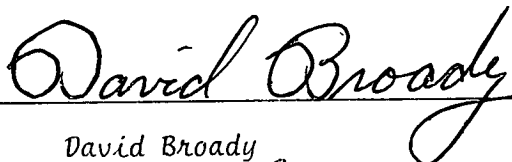
With no further business this executive session was adjourned by Vice president Eddings at 7:34 a.m.




Kenneth J. Alexander

absent

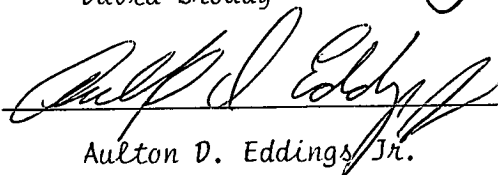
Stanley E. Tucker




David Broady



Karl Truman



Aulton D. Eddings Jr.

Attest: 

Linda G. Schafer

SELLERSBURG TOWN COUNCIL

February 13, 1995

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Library at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Stanley E. Tucker, Council President; Doug Eddings, Jr., Council Vice-President; Ken Alexander, Council Member; Dave Broady, Council Member; with Karl Truman, Council Member, arriving at 6:06 p.m. and Perry McCall, Attorney being absent also present was Linda G. Schafer, Clerk Treasurer.

Called To Order

President Tucker called the Executive Session to order at 6:04 p.m.

Topics of Discussion

Probation period ending/Dan Owsley, Jr.
Economic Revitalization Area
Sick Day Benefits

Adjournment

With no further business, President Tucker adjourned the Executive Session at 6:20 p.m.

Regular Meeting

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

Called To Order

President Tucker called the Regular Meeting to order at 6:33 p.m.

Prayer

Reverend Bob Hauselman offered the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

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Minutes of the Last Meetings

President Tucker dispensed with the reading of the minutes of the last meetings, January 23rd Special Session, January 27th Special Session and the Regular Meeting of February 13th and requested a motion to approve them.

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

Vote 4-0

Rick Cadle, Jesse Ballew Address Council/Revitalization Area

Mr. Cadle stated I wanted to explain our proposal. There is 140 acres that is just across from the Moose Lodge on Route 31. To give you a real brief synopsis. Jesse visited the area, literally walked the ground and has several ideas, since that has happened we have secured the land. There would have to happen before we would go ahead and make the purchase. We're talking right now with two businesses, A-1 Products is represented this evening by Stan Richards. Jesse and he are co-owners of the business and they would be coming into that property. There is another building Mr. Ballew may be constructing as well. Then we are talking currently to a packaging manufacturer, who at this time must remain nameless. They are talking about a 100,000 square foot building with the possibility of starting with 300 people and in a five to ten year time frame growing to 1200 possible jobs for the Sellersburg area, with that they are entertaining the idea of coming to this particular site or a couple of sites that they've looked at in the surrounding area. The tax abatement possibility for this area intrigues them and we are in fact going to receive a phone call from them tomorrow morning to inform them of what the proceedings were from this meeting. They are very interested in working with us provided there would be some incentives, the tax abatement, obviously that being a possibility, obviously for that to happen this area would have to be classified as an economic revitalization area which it is our understanding being the first step to ensue that such abatement, so we have made the attempt to give each one of you the resolution which we had drawn up by our attorney and hopefully everyone has received that resolution and at this point we'd like the board to consider that area as being an economic revitalization area.

Council Member Eddings stated how many jobs are we looking at for A-1 Products.

Mr. Richards stated immediately up front some where around nine to about twelve range. The salaries range from the least is \$6.50 an hour up to the neighborhood of \$12.00 per hour.

Mr. Cadle stated the firm that's entertaining the idea of the larger building is I guess I can say they are similar to U.P.S. without the flight. It will be a delivery, this would be a hub for them, the next near hub would be in Indianapolis and they've expressed to us there is a need in this immediate area to take their business South, East, and West from this location.

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Rick Cadle, Jesse Ballew Address Council/Revitalization Area Cont.

Jesse Ballew stated they have checked with Steve, the packaging company has, the people we are talking about is a big company but they wouldn't tell us their name. They did check with Steve, they would start out with about 300 people and in the year 2002 they are going to have 500 people and then up to 1200. They said they were going to be the same as U.P.S. except this would be a hub for packages, no flights.

Mr. Cadle stated we've been persuing land areas of this nature because I can say at the minimum of a five to one ratio companies have called us wanting an industrial site or light manufacturing so Jesse has been aggressively persuing areas of this nature that we could develop something along the line of what we're talking about here the coincidence that the time frame that we have persued this area and these companies have just now notified us obviously we've been looking for something for A-1 Products for a while so for this particular company to call us it seems coincidental but I can tell you based upon the phone calls that we've received in our office five to one are looking for a site simular to this and Jesse just loved the area. His feeling is he's got a pretty good awareness of where business is heading into.

Council Member Truman stated are you asking for the town to do intrastructure improvements to the area.

Ms. Ballew said we wanted to see if they would work with us on that through some type of a grant. We are not asking the town to foot the bill.

President Tucker stated I have heard in conversation with you Jesse, that you were wanting a road by the sewer treatment plant somewhere in the future.

Mr. Ballew stated yes, one of the things that the guy pointed out to us was as big of a piece of ground that this is, what if a truck got stuck on the tracks. If there was an emergency and that was the only way in or out, he said you all could consider making a road to come out by Bean Road as soon as he said that I could see the need for this road. It would make it easier and safer.

President Tucker stated as I understand it there's alot of little pieces and alot of big pieces, if you want to call it that, you've got the railroad track crossing, and the road extension from the sewer treatment plant. What I'm hearing you say today is you would like it to be declared a revitalization area and in the conversation that we've had it would help I guess entice the companies to look at this a little more.

Mr. Cadle stated we have a little bit of underlying fear that we would send the wrong message to this company if in fact tomorrow morning we might have been a little presumptuous saying call us tomorrow following this meeting and we'll let you know where we stand. They stopped looking for now because they really liked the area so with that they said what kind of time frame are we looking at.

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Rick Cadle, Jesse Ballew Addresses Council/Revitalization Area Cont.

Mr. Cadle stated we said we didn't know why they couldn't call us Tuesday morning and we can tell you where we are so to answer your question that's exactly right, we would like to know if there would be a chance that this would be named an environmental re-development area and with that I think we could move forward.

Mr. Ballew stated they wanted to see what kind of package we could offer, with the tax abatement that helps and they wanted to see what else we could do. We'd like to see them here in Indiana rather than go to Kentucky. This is kind of new to us. We've talked to Mark Smith and he says there's all kinds of grants we can get.

President Tucker stated I guess I'm putting words in these guys mouths but they have the opportunity to say it for themselves. We would naturally like for this area to become a... This area is already zoned industrial, my only concern that I mentioned to you on the phone is our attorney is out ill with Mono. and probably won't be well for at least another two weeks. I've asked John to look over the description. I don't want to put something on and have to take it off because it was wrong and go back and do it again, already been there once. I think Ken, he's kind of new at this, this is only his second meeting and he wants to feel a little more comfortable about what's going on. So I guess my suggestion is, I don't want to delay it any longer than I have to but I'd like to talk with Mark Smith, I know Mark well, I have no problem with seeing what type of grants are available and so I guess I would like to give everybody a little more of an opportunity to digest some of this and get some information back. Does anybody else have any comments.

Council Member Truman stated I had heard some discussion about some caves being under this area. Are you all aware of that or is that any problem with industrial sites.

Mr. Ballew stated I don't think that's a problem. There is an area and we've got the description of where it's at where they use to mine in certain areas.

Council Member Truman stated my personal opinion. I wouldn't have any problem designating this as a revitalization area. I don't think that would tie us into tax abatements or anything at this point. Personally I don't have a problem with taking that first step.

Council Member Eddings stated without Perry here, as long as we follow all of the state guidelines and that type of stuff as far as committing to that we have to make sure we can do it.

Council Member Truman stated it sounds like several board members are reluctant, then I would just make the motion that we just state in principle that we are in favor of pursuing this and let proper procedure follow that, basically that we stated our support for the project and assist in helping them further.

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Rick Cadle, Jesse Ballew Addresses Council/Revitalization Area Cont.

Mr. Cadle stated could I ask what kind of time frame we would be looking at. Do we have to wait until the next meeting or could something be done prior to that, that we could I think that in good faith would be a good way of approaching this tomorrow morning with this company.

President Tucker stated not realistically, anytime we get together it has to be a meeting has to be publicized in the paper and the whole process has to be and to get John to look at the description for us and talk to Perry on the telephone and maybe talk to Mark, it's going to be two weeks, it may seem a little long but I think it's also reasonable in my opinion. Ken hasn't had alot of exposure to this type thing and I don't know if he has any questions tonight or may have some tomorrow.

Council Member Alexander stated I'll have plenty of questions.

President Tucker stated I just don't want to rush into it. What I heard Karl say was that in principle, we are behind you and want to support doing this and if the description is correct and we can do it with proper procedure then we shouldn't have any problem blessing this at the next meeting.

Mr. Cadle stated I appreciate it, thanks.

Council Member Truman stated just for the record I'd like to put that into the form of a motion and seconded by Council Member Broady to show support for this project.

Vote 4-0

Council Member Eddings Addresses Council/Danny Owsley, Jr. Full Time Position

Council Member Eddings made the motion to make the new position for Danny Owsley, Jr., a full time position, he's through the 90 day probation period to a full time position and seconded by Council Member Broady.

Council Member Broady asked who's payroll is he on.

Ms. Schafer stated it is the sewer department currently, the rate would be increased from \$6.00 per hour to \$7.73.

Council Member Alexander stated how many is that total in that department.

Council Member Eddings stated no more than what we had a year ago.

Vote 4-0

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Building Commissioner, Stephen D. Prather Presents Claims

Mr. Prather stated at the last meeting on January 23rd I submitted a voucher in lieu of the town project, Town Hall project and not knowing when I turned that in that the representative from Koetter Construction had not been in that day as I had anticipated and their permits and fees and everything were counted in on last months voucher which was dated 10, January to 23, January, basically this is a corrected statement for that time frame, it denotes the total fees actually paid were \$770.40 as opposed to I think somewhere around \$3,400.00, that's what the voucher was, something like that, so it's since been amended and that is a corrected copy for just your all's reference.

Council Member Truman stated so is Koetter, say that again.

Mr. Prather stated Koetter was going to start Monday the 23rd so I had all of their permits and things ready and I talked to John Whalen who is a representative for Koetter and he was on his way to secure the permits. I left probably around 1:00 or 2:00 o'clock that afternoon, didn't find out until Tuesday morning around 10:00 o'clock that Mr. Whalen had got tied up in Eastern Kentucky and therefore had never made it in on Monday, yet I had assumed he was coming in and I already had that on the report and the voucher.

Council Member Truman stated so is the town paying permit fees for it's own building, seems unusual for the town to pay itself for it's own permits.

Mr. Prather stated yes.

Council Member Eddings stated there are state guidelines that we have to follow.

Council Member Truman stated I'm not talking about not getting the permits, I'm talking about paying our own permit fees.

Council Member Eddings stated when we tap into our own sewer we have to get a permit.

Council Member Truman stated, no, not if we're paying 90% of it to him.

Mr. Prather stated so in essence that is a corrected report.

Mr. Prather stated this is actually the report for 24, January to 13, February, 1995 in the amount of \$3,736.14.

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

Vote 4-0

Council Member Truman stated so has the town already paid it's own permit fees now.

Mr. Prather stated yes sir, they paid it the 24th which was the next day but since that went into another report it had to be taken off of the previous report because Mr. Whalen was not there and I thought he was going to be there.

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Building Commissioner, Stephen D. Prather Presents Claims Cont.

Council Member Truman stated I know this is out of order but I'd like to do this since we are talking about it and make the motion for the town to waive it's own fees for all of the other permits not saying that they don't need to be issued but there's no sense in the town paying it's own tap in fees and sewer fees so I'd like to make the motion that the town waive...

Council Member Eddings stated I make a motion to amend that motion and make it so that you check on which ones we legally need.

Council Member Truman stated I meant to have the Building Inspector check that out.

Mr. Prather stated I think if you own the municipality then you like you own your own water you can...

President Tucker stated you can check it out.

Mr. Prather stated yeah, I can do that.

Steve Prather Addresses Council/Ordinance 95-615 amending 92-541 Flood Hazard Area

Mr. Prather stated as I brought up last meeting Brian Garcia a guy from D.N.R. asked us for like the 5th or 6th time to redo our ordinance and Perry prepared this. I believe the top portion there is or actually the back portion is the highlighted changes that we had to make and we need or I need to have the board pass your flood plain ordinance again.

President Tucker stated I will entertain a motion to approve Ordinance 95-615 which amends Ordinance 92-541 regarding the Indiana Medel Ordinance for flood hazard area.

Motion to approve Ordinance 95-615 amending Ordinance 92-541 made by Council Member Broady and seconded by Council Member Truman.

Vote 5-0

Council Member Eddings Presents Claim From Jacobi, Toombs & Lanz, Inc.

Council Member Eddings presented a claim from Jacobi, Toombs & Lanz, Inc., in the amount for \$75.00 for Job. #8823-a/Sellersburg Water Company Survey.

Motion to approve claim as presented by Council Member Eddings and seconded by Council Member Broady.

Vote 4-0

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Council Member Eddings Addresses Council/Management Groups for Selection of Town Manager

Council Member Eddings stated we have had a couple of Executive Sessions to look over different management groups and they've put together proposals that would help us in the selection process of the town manager. They would do interviewing and pre-evaluation testing and provide data on each of the candidates that would help us made a decision on the town manager. In the Executive Session we've looked at two or three different ones and we could not vote on it until we had a public meeting. The group call Neif Santamacino and Assoc. formally known as Future Unlimited gave us the best price. What I would like to do tonight is make a motion to go ahead with Neif Santamacino and Assoc. to help us with the selection process. I'd like to made the motion to spend the \$1400.00 cash, more than likely it would be less than \$1400.00.

Motion made by Council Member Eddings to use the firm Neif Santamacino and Assoc. formally known as Future Unlimited and seconded by Council Member Broady.

Council Member Truman stated I'd like to state my position on that, I think it's a good idea in principle but I think that something like that is more effective if you have a large company and you're doing a search or you have a large number of applicants. If you really don't know who you're dealing with or what you're dealing with. I think in this situation, you know when you have a half dozen applicants and I think either one board member or another pretty much even knows the applicants individually, it's not like we're dealing with some unknown quantity and so I just don't see that it's going to be, it's going to really serve a purpose. I just don't think that it's going to give us \$1400.00 worth of information that we can't learn on our own or don't already know on our own. So for that reason I'm personally not in favor of spending the \$1400.00.

Council Member Alexander I would like to concur with Karl here. Looking over the applications, I feel that there are certain responsibilities gonna fall on myself anyway that I can handle it.

Council Member Broady stated in contrast to your all's opinion. I feel that for one thing all of us getting together and having the time to go over these and do it right and pick out the most qualified candidate to have someone professional do this would be a great asset. They would be giving us more or less a score card on each one of them. These people are professionals at doing this. I feel personally this would be a great asset to me. I don't think we are going to spend the entire \$1400.00.

Council Member Eddings stated my personal opinion is I've already spent at least 15 hours just getting the, 15 hours of my personal time just this project, getting to this point. I'll take some help anytime someone is willing to give it.

Council Member Truman stated yes, I've been lobbying for this job for four years now and all I need is a phone call and I'll provide what ever help I can.

Vote- 2-3, with Council Members Broady and Eddings in favor of and Council Members Truman, Alexander and Clerk Treasurer Schafer voting against. President Tucker abstained.

Ms. Schafer stated I feel the burden will fall on the council any way so nay.

Council Member Alexander Addresses Council/Trash Service Comparison

Council Member Alexander stated trash 101. I gave you all a copy of the trash service comparison. It is as follows:

TRASH SERVICE COMPARISON

Information

TOTAL NUMBER OF STOPS= 2,600
 PER MONTH/PER STOP = PM/PS
 RATE CHARGED X 2600 X 12= TOTAL BILLED

Contracting Out Service

APPROXIMATE COST= \$7-10 PM/PS (source Rumpke)
 LAND FILL PRICE= negotiated yearly (source RFI)
 WOULD CONTRACTORS PICK UP PARTIAL ROUTE? Yes
 COST PER YEAR \$218,400 to \$260,000

TOWN'S SERVICE

(Current budget for 1995)

SALARIES	\$59,380.00	
BENEFITS	\$18,000.00	
FUEL, OIL, TIRES,	\$9,600.00	
OTHER	\$2,600.00	
PROFESSIONAL SERV	\$1,300.00	
MAINTENANCE	\$13,000.00	
LANDFILL CONTRACT	\$56,000.00	
TRUCK INSURANCE		
1982 packer	\$778.00	
1988 packer	\$1,453.00	
1995 packer	\$2,000.00	
1 year packer payme	\$29,000.00	(3 year pay-off)
TOTAL BUDGET	\$193,161.00	
193,161.00 ÷ 2600 stops ÷ 12 months = \$6.19 pm/ps		

RECAP

CONTRACTING OUT	\$218,400.00 to \$260,000.00
TOWN SERVICE	\$193,161.00

QUESTION: What happens when the town exceeds the number of stops that our department can handle?

ANSWER: The town would have to duplicate a portion of its service

2 employees	SALARIES	\$25,690.00
	BENEFITS	\$9,000.00
	PACKER INS	\$2,000.00
	PACKER PAYM	\$29,000.00
300 stops	LANDFILL CO	\$6,300.00
Proposed budget		\$75,990.00

\$75,990.00 ÷ 300 stops ÷ 12 months = \$21.10 pm/ps
 contracting out = \$10.00 pm/ps

CONCLUSION

The town's service is very efficient until it reaches it's capacity. At this time, it would be more efficient to contract out the extra stops until the town reaches another 2300 stops. We would then be at \$7.00 pm/ps.

KEN

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Council Member Alexander Addresses Council/Trash Service Comparison Cont.

Council Member Alexander stated the guys and way we operate, alot of people look at the town's services and see three guys on a truck, then they see the neighborhood Rumpke guy driving around and there's only one and I investigated that and basically we don't have the administration cost that the outside services have so because they have administration cost they can't afford to have three guys on a truck. It makes us more efficient with just one guy it would slow the service down so there's still questions whether we can cut it to two or three. It's efficient, it works for us. They are comfortable with it. I felt sorry for them last week zero degrees out riding on the back of that thing. I think they do a good job and until we hit our maximum. I say we stay in service. Any questions.

President Tucker stated I want to thank you for doing a really nice job. It's very clear and understandable at least for me all of the way through. It's also good to me, I think, to know that our town is doing it efficiently because I know there's been alot of question about if we're doing it efficient or not. I'm glad that you have the numbers to prove it.

Council Member Eddings stated very good.

Council Member Truman stated that was basically the kind of information that I was looking for when I was talking about RFP's so I appreciate the time and effort that Ken put into looking at that. I think that really answered my questions. At what point do you think we will reach our capacity.

Council Member Alexander stated we're close basically I'm not able to, if I was Rumpke, I would be riding around with our guys seeing how may hours you're doing it per day and I could give you the information that you're seeking. I'm not Rumpke, and I'm not riding around once a week to see what the hours are. Mark's been very cooperative, due to the weather, due to the breakdowns, you know there's alot of factors that influence how may hours a day you're out picking up trash and I feel like that we're going to work it out we are redoing the maps to see which dates we can pick up but you've got holidays, we don't work holidays, you do a double pick up and there's just alot of variables that need to be pinned down as far as you know when we're at the maximum. Right now we're fine, give me some more customers and that will be another thing.

President Tucker stated well I appreciate you taking a hold of this street and sanitation department and looking in to it.

Council Member Truman asked what was your conclusion as far as purchasing a packer, do we need to do that now.

Council Member Alexander stated I would, I would go ahead and purchase the packer. You've got a 1982 and a 1988 okay the 1982 you probably couldn't get anything out of. The one thing that I did learn with packers is you have to use them, if you don't use them the seal will go bad and they become useless. With the 1988 packer it's not getting any service. See the 1988 has a high compaction which the high compaction just let's them pick up more with out making so many trips out to the landfill.

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Council Member Alexander Addresses Council/Trash Service Comparison Cont.

Council Member Alexander stated the old packer doesn't have that. The 1988 packer to my knowledge isn't being serviced, basically they use it Monday through Friday. You're going to cut years off of it by not having it serviced. We could basically take the 1988 packer and start using it on a half basis with the new packer because we're still, February 17, I believe is the, when we will find out whether or not we're going to be in the yard waste business or at least where we're going to take it and my views on the yard waste is I want it curb side okay, in order to do that I'm going to need two trucks.

Council Member Truman stated so your talking about having a new one and having the 1988 one and getting rid of the old one.

Council Member Alexander stated using it for whatever. I mean I don't know if there's going to be any kind of problem we need to see what it's worth, but yes, I would definately have two. This issue shouldn't have to come up again for another ten years with proper maintenance. If you look at it on the monthly scale, the packer is only coming up at right about 96¢ per stop per month.

Council Member Alexander Addresses Council/Bids on Packers

Council Member Alexander stated I did receive bids. Allstate Ford came in at \$96,624.36, it was a lease payment and comes out to \$32,208.12. We also had Peterbilt, they came in at \$103,197.00. I would like to entertain a motion today just because of not having information as far as the warranty on one of the bidders to wait until the next meeting.

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

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

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

Vote 4-0

Clerk Treasurer Schafer Presents Claim From Blankenbaker & Son

Ms. Schafer presented a claim from Blankenbaker & Son in the amount of \$200.00 for review of documents and court appearance on the annexation of Silver Creek Township.

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

Vote 4-0

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President Tucker Presents Claim From C. T. Services

President Tucker presented a claim from C. T. Services in the amount of \$400.00 for first anniversary inspection 500,000 gallon pedesphere and requested a motion to approve the claim as presented.

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

Vote 4-0

President Tucker Presented Claims From Jacobi, Toombs & Lanz, Inc.

President Tucker presented the following claims from Jacobi, Toombs & Lanz, Inc. as follows:

Job #8823-C Sanitary Sewers	\$480.00
Job #8823-B1 Sellersburg Property Surv.	\$1,768.00
Job #8823-C5 Sellersburg Sanitary Sewers	\$400.00
Job #9222 Sburg Storm Drainage Imp.	
IDOC CF-94-257 Project	\$3,051.00
Job #8823 General	\$82.50

President Tucker asked the about Job #8823-B1 in the amount oo \$1,768.00.

Mr. Toombs stated thats a survey that you all and Perry ordered.

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

Council Member Alexander stated I just have a comment, is there any way there's alot of these, they are coming from sewer and water and else places. The only time I ever see them is when I get here. Is there anyway we could set up some kind of system. I don't mind going up and reading the data if I know it was there.

President Tucker stated well to be perfectly honest I dcn't know when they came in. If you go up there everyday there will probably be some new ones in there.

Council Member Alexander stated isn't there any we can say hey, we've got them in so they don't pop up like this.

President Tucker stated yes, I can either ask John to bill all at one time or I can ask Linda to accumulate them in your box. It doesn't make any difference.

Ms. Schafer stated I can leave them on my desk.

Council Member Alexander stated I'd like to look them over.

President Tucker stated you get a little use to this.

Vote 4-0

Council Member Truman Addresses Council

Council Member Truman stated before we adjourn I think we need to go ahead and schedule another Executive Session to discuss the town managers position.

Council Member Eddings stated I don't know what to do at this point. I'll get all of the resume's back, I'll have them back tomorrow.

Council Member Truman stated why don't we go ahead and schedule another Executive Session to set up interviews.

Council Member Eddings stated go ahead and set one up and I'll be there.

Council Member Truman stated the mornings have seemed to work out for everybody, Thursday morning 7:30- 7:00.

Ms. Schafer asked what time.

Council Member Truman stated 7:30 a.m., what's best.

Council Member Eddings stated 7:30 a.m.

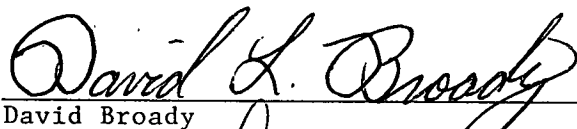
Ms. Schafer stated the 16th at 7:30 a.m. to discuss the hiring of the town manager.

Adjournment

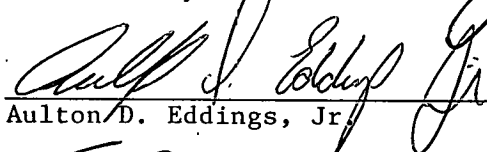
Motion made by Council Member Eddings to adjourn this meeting and seconded by Council Member Broady.

Vote 4-0

With no further business this meeting was adjourned by President Tucker at 7:22 p.m.



David Broady



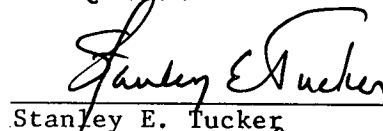
Aulton D. Eddings, Jr.



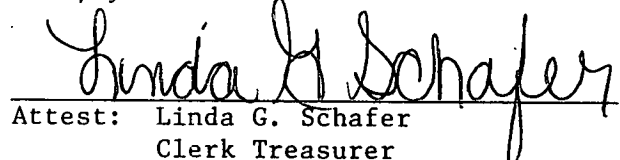
Ken Alexander



Karl Truman



Stanley E. Tucker



Attest: Linda G. Schafer
Clerk Treasurer

SPECIAL EXECUTIVE SESSION

February 16, 1995

SPECIAL EXECUTIVE SESSION/HIRING OF TOWN MANAGER

A special executive session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:30 a.m. to discuss the procedure of hiring of a town manager. Those present were: Aulton D. Eddings Jr, Council Vice President; David Broady, Council Member; Ken Alexander, Council Member; and Linda Schafer, Clerk Treasurer. With Karl Truman, Stan Tucker, and Attorney Perry McCall being absent.

Called To Order

Due to Karl Truman being absent the special executive session was not officially called to order.

TOPICS OF DISCUSSION

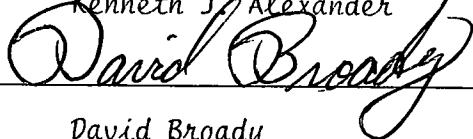
The procedure of hiring a town manager

ADJOURNMENT

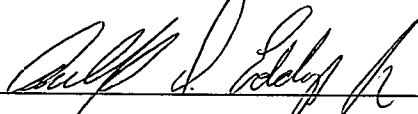
With no further business and no motion made to adjourn the executive session was unofficially adjourned at 7:41 a.m.



Kenneth J. Alexander



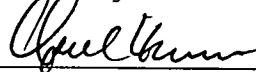
David Broady



Aulton D. Eddings Jr.

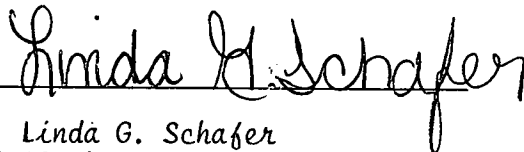
absent

Stanley E. Tucker



Karl Truman

ATTEST:



Linda G. Schafer
Clerk Treasurer

SPECIAL EXECUTIVE SESSION

February 27, 1995

SPECIAL EXECUTIVE SESSION/HIRING OF TOWN MANAGER

A special executive session of the Sellersburg Town Council was held at the Sellersburg Library at 5:30 p.m. to discuss the procedure of hiring of a town manager. Those present were: Aulton D. Eddings, Jr., Council Vice-President; Kenneth Alexander, Council Member; Karl Truman, Council Member; David Broady, Council Member; and Linda G. Schafer, Clerk Treasurer, with Stanley E. Tucker, Council President and Attorney Perry McCall being absent.

Called To Order


Vice-President Eddings called the special executive session to order at 5:34 p.m.

Topic Of Discussion

The procedure of hiring a town manager.

Adjournment

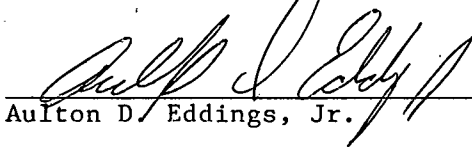
With no further business the special executive sessions was adjourned at 6:12 p.m. by Vice President Eddings.



Kenneth J. Alexander



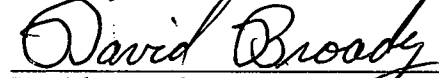
Karl Truman




Aulton D. Eddings, Jr.

Absent

Stanley E. Tucker



David Broady



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

February 27, 1995

Regular Meeting

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

Called To Order

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

Prayer

President Tucker dispensed with the prayer for this meeting.

Pledge

The pledge of allegiance to the flag was recited.

Minutes of the Special Executive Session

President Tucker requested a motion to approve the minutes from the February 16th special executive session.

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

Vote 4-0

Minutes of the Last Meeting

President Tucker presented the minutes from the February 13th, regular meeting and requested a motion to approve them as presented.

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

Vote 4-0

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Sellersburg Housing Authority Addresses Council

Mary Jo Trester stated we represent the Sellersburg Housing Authority. I'm Mary Jo Trester, President. What we are here for is we had sent a letter some time ago to let Sellersburg know that we are going to move out of a place, currently we are upstairs at NBD, the bank in Hamburg, free of charge. We can't afford to pay rent. That will be gone April 1st, so we were hoping that the town would have some place for us to operate in order to continue our Housing Authority. Now if you all need more information on the Housing Authority and what we do, Henrietta can do that. Had you thought about the issue where we would be.

President Tucker stated yes ma'am, I took that upon myself to address that issue. We are not in the position at the town hall to provide any space, that's why we are in the process of expanding the town hall, fortunately I was able to talk with Duke Wolf, who is the manager of PNC Bank on the corner and after some conversation, I talked to him this morning and he does have space available for you all to move into. What he has suggested is you contact him and just sit down and talk to him and space allotted, you might have to make your own telephone but I think it will be rent free. There is a way to access this particular area without having to go through the rest of the bank. There was a security concern that they had.

Mr. Trester stated right, I had talked to Duke, I had worked with him for years. We thought that would be a perfect place, at that time they were doing some remodeling.

President Tucker stated well coincidentally I talked to him today and he talked to the gentleman that is the President of PCN Bank Indiana and they now have a way to work this out so if you'll get a chance to talk to Duke I think it will be worked out.

Mr. Bobby Adkins stated Stan before we get away from this subject. If the Housing Board, it's federal funds that's used to help unmarried mothers and people of that nature, low income that don't have money to pay their rent and it even subsidizes some of the utilities, when hardship is severe. Now as long as this money is available there is no reason that the residents of Sellersburg should not have access to these monies. It's fine that the bank is going to let us have some space for awhile that is free but the time is going to come that it's not going to be free. The board, we have about \$200,000.00 a year to use in this community and subsidize rent, now if those federal funds are not taken away through budget reductions, that money is going to be available. If we don't have a permanent office to house this which is not a great expense to this community in order to bring in \$200,000.00, that money is going to go some where else and there's going to be alot of landlords and so forth that's going to be unhappy, they are paying taxes in this community when they lose these renters. It's fine to move us into the bank as a temporary basis because frankly I understand you don't have any space. I've been there, I've seen it but the space should be made available in this new construction to house this housing department because it is good for Sellersburg for greater than the little amount of expense than an office would be and I'd think that in your construction you should make plans for an office for the housing.

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Sellersburg Housing Authority Addresses Council Cont.

Ms. Trester stated I think you have been made aware of how much space we need, it's not very much. We are just worried about the term. We should have a place in the town hall or a place that the town should provide.

President Tucker stated I think Perry at one time and I know he just walked in the door, was going to look into the towns responsibility of the housing of the Housing Authority and whether he has been able to do that I don't know.

Attorney McCall stated I had a chance to look at it. Mr. Garr was so kind to sent a number of documents quite awhile back. I had the opportunity to look at that information. The section of the Housing Authority has been changed substantially since it was first adopted and the Sellersburg Housing Authority was established and there is a resolution found in this material that he provided which said that until otherwise provided by resolution the office of the Housing Authority of the Town of Sellersburg shall be at the town hall in Sellersburg, Indiana. That was in January, 1980. I haven't seen or found or heard of any other resolutions that changes this in anyway. If you look at the new code that just came out concerning the Housing Authority it appears that the Housing Authority has more of a individual entity contract with public agencies, other individual and private contractors and it is basically up to the town since this is a creature created by the town council to determine if they do want to provide that housing or they don't. If they do decide to do that then they can make it available to them at no cost, at a small cost, there's nothing that prohibits that, so it's up to the town council but there is a resolution currently in place which I believe hasn't been superceded that would basically allow the town council to provide them space at the town hall. At some point that has changed though because they have a different location. Something has happened and I don't know if it was superceded by a resolution by an individual act or whatever, it happened some way, so that's where it stands right now.

Mr. Adkins stated well let me make one other thing known. There is about eight acres that's being used right now free by the little league at the new park. If this housing board would be dissolved that land has to be paid for and there's \$142,000.00 that would be due for that. The best thing for us to do is to leave the Housing alone even for that but the other side is it brings money into this community and we can pay our own office expenses in terms of paying for the telephone and that type of thing.

President Tucker stated well we will look to accomodate.

Council Member Truman asked how much space do you all need.

Ms. Trester stated at least 10 X 10 or 9 X 12.

Council Member Truman stated like a one 10 X 10 room.

Ms. Trester stated that's the minimum that would be enough space for a couple of desks. It would be nice to have a small area when someone came in for privacy.

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Sellersburg Housing Authority Addresses Council Cont.

Council Member Truman stated I'm certainly in favor myself as far as when we get our new townhall trying to find an office for you, as far as the bank, if that's upstairs, I don't think that's ADA acceptable.

President Tucker stated it's not upstairs, it's say the west side of the building and since the new town hall will not be prepared before April 1 and we did get with Duke to find the opportunity to help you all out, if we can take step one, then we will look at step two to provide some sort of space for you in the future.

Ms. Trester stated if you have any questions about our operation, now or in the future, Ms. Bolly can provide minutes from our meetings and tell you what we do. Thank you very much.

M & R Properties Address Council

Mr. Doug Rawlings with M & R Properties introduced his step brother John Mongold.

Mr. Mongold stated what we've got proposed in the Hamburg area is an 80 unit apartment complex and what we are trying to find out is if we have adequate water and sewer service for that area.

President Tucker stated can you be a little more specific than say the Hamburg area.

Mr. Mongold stated it's on old Highway 60, are you familiar with where Sellersburg Lumber is, their storage building. It's past Ky. Fried Chicken, I believe Sellersburg Lumber has storage there, right next to that, the long property. The YMCA is on one side and Sellersburg Lumber on the other side.

President Tucker stated that is not in the Town of Sellersburg, yet we've went through an annexation hearing and we are waiting to hear from the Judge and to my knowledge we haven't heard from the Judge.

Attorney McCall stated no ruling yet.

Mr. Mongold stated we are going through the county right now as far as the zoning.

President Tucker stated as far as the sewer and water, don't we have ample in that area, according to our engineer, we don't have a problem with water and sewer.

Mr. Mongold stated can we get any help on tap in fees.

President Tucker stated since it's not in the Town of Sellersburg, I don't know how we could do that.

Mr. Mongold stated who decided the tap in fee.

President Tucker stated you'd still have to pay the tap in fee.

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M & R Properties Address Council Cont.

Attorney McCall stated sewer is available, you'd have to pay the tap in fee, that's by ordinance of the town council.

Mr. Mongold stated we are not trying to get out of paying them, we just were trying to get a little help on them.

President Tucker stated at this point in time, I'm not trying to put words in any ones mouth but I don't think we can waive the tap in fees and I don't sense that's something we want to start.

Mr. Mongold stated is that Silver Creek Water.

President Tucker stated no it's Sellersburg water, it gets confusing, you've got Clarksville one place, Sellersburg one place and the county and it all intertwines, you'd have to meet up with John or one of the water or sewer people to explain where these things are.

Mr. Mongold stated okay that's all we needed. Thanks.

Sanders/Booher Tires Address Council

Joe Booher stated I just wanted to address the board, the BZA gave me 90 days to build a fence around my property and I'm requesting 180 days. I was told I needed to build a fence between residential and commercial property. If given 180 days I could build the entire fence.

President Tucker stated Steve I wasn't at the last BZA meeting, my understanding is you've made contact with Joe before and the first time that he met with the BZA was last Tuesday, two weeks ago and they suggested 90 days and if I'm understanding the cost roughly \$6,000.

Mr. Prather stated he was given 90 days to either remove all of the tires on the exterior portion of the building or to have a fence erected that would totally enclose the area that he wished to use to store those tires and the fence must be six feet high and it did have to be a solid fence. I did not mean a wood privacy type. It could be plastic slats and he was given 90 days from Tuesday of last week I believe.

President Tucker stated does anybody have a feeling or comment. What I think Joe is saying, is it's easier for or financially possible for him to come up with \$1,000.00 a month to pay for a fence than \$2,000.00 a month for three months. I guess what he is asking for is a little extension.

Mr. Prather stated the decision that the BZA voted on or had a ruling on was the zoning ordinance for the Town of Sellersburg. This is the requirement for the fence. Your own ordinance stated that if someone has a problem with the BZA's decision, that the only authority to over turn that decision is to take them to court.

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Sanders/Booher Tires Address Council Cont.

President Tucker stated I guess the answer Joe is that we don't know what we can do at this point.

Attorney McCall stated I wasn't there at the meeting, I don't know what the BZA decided.

Mr. Prather stated the BZA gave him 90 days to put up a fence or to remove the tires from the exterior of the building. He stated at that time that he had another trailer that he was being able to use and also there was another building across the street that could house the bulk of what he had and he'd be moving them out basically last week.

Attorney McCall stated if 90 days comes and goes and the fence isn't up, what's next, is it a nuisance.

Mr. Prather stated we would go ahead with the fine procedure.

Attorney McCall stated is that the BZA or is that you.

Mr. Prather stated it is similar to the Ivy Tech situation that was also a building ordinance violation.

Attorney McCall stated what was the reason it was decided 90 days vs. 180 days. Is 180 days an issue.

Mr. Prather stated he requested 180, the board members, President Rod Pate, Kenny Hecker and Francis Conroy and they went with the amount of time that he had already been on the property which was approximately seven months and they basically felt I don't want to talk for the board, but I guess they felt that he hadn't done it in seven months they basically gave him 90 days.

Attorney McCall stated at that point did you cite him.

Mr. Prather stated no sir, there has been no written citation.

After much discussion, Council Member Alexander stated the only thing that concerns me is basically when you talked with him way back when, I don't understand why any written notice... I'm setting here looking at you and I'm looking at him.

Council Member Truman stated written notice is in the ordinance, that's your written notice.

Council Member Alexander stated his argument is going to be anyone I think it's a B3 area, you've looked at everyone in a B3 area and you've made sure everyone else has complied.

Mr. Prather stated the ones I can yes. The ones I have complaints on, obviously take priority. The ones that we've had complaints on have either complied or are doing so per your ordinance.

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Sanders/Booher Tires Address Council Cont.

President Tucker stated let me offer a suggestion. I don't think we are here on the authority of if we have it or do not have it or if the BZA has it or where the next step for Joe to go, he needs to take the next step.

Attorney McCall stated give me a chance to look at it. I don't think any board member wants to spend a lot of time in court.

President Tucker stated we will let our attorney look it over and if you'll come to the next meeting we may have some direction for you to go.

Jesse Ballew Addresses Council/Revitalization Area

President Tucker stated John did you get the description back and where are we on that.

John Toombs stated the description is correct.

Attorney McCall stated there are several things that have to happen to get this on tract. There has to be a publication, there is also a remonstrance period and also the residents have a chance to remonstrate. You can't pass that resolution, there are certain languages that didn't appear in that resolution. I have a memo here that I'd like to pass out. There are certain things that have to appear in the resolution.

President Tucker stated I think it was a general consent of the board last meeting that we had no problem with this being a revitalization area.

Attorney McCall stated that's fine.

President Tucker stated is there a way that we can pass that on the condition that if we get the opportunity to look at the t's and i's being crossed and based on your information what is your recommendation.

Attorney McCall stated the resolution that I saw was basically plain. It came with no specifics in it. I guess you could always go back and amend it. There is a statute that governs the number of years.

After much discussion, President Tucker stated what is your recommendation as far as a resolution to be signed at the next meeting.

Attorney McCall stated what kind of time line are you talking. Is there any emergency.

Mr. Ballew stated we've been working with a lot of people.

Attorney McCall stated I think you could go ahead and pass it, that's what we've done in the past.

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Resolution 1995-28/Revitalization Area off of Highway 31

President Tucker requested a motion to approve resolution 1995-28, the revitalization area off of Highway 31 allowing a 10 year abatement on the real property and 5 year abatement on equipment.

Motion made by Council Member Truman and seconded by Council Member Broady.

Vote 4-0

Building Commissioner, Stephen D. Prather Presents Claims

Building Commissioner, Stephen D. Prather presented his claim for the period of February 14th through February 27th in the amount of \$1,490.18.

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

Vote 4-0

Mr. Prather stated he has checked on the tap fees for water and sewer and I checked the building ordinances and basically there is a clause in the building ordinance that states if you're a utility providing sewer, water, electric, telephone, cable TV, alright, that you are exempt from having to pay any type of tap fee or permit fees to put those types of lines in such as sewer department wanting to run sewer lines, they don't have to go out and seek permits and fees. In your case, I think the question was taps for the sewer and water for the town hall. You own that company and you are relocating not adding. I believe the same holds true with the water, you are not adding you are basically re-locating. What I have found out is you do not pay because you are not tapping you are relocating. Linda had spoke with the State Board of Accounts regarding the park, that was a new tap and in this case it is just a relocation.

Council Member Alexander Addresses Council/Purchase of New Packer

Council Member Alexander stated we need to get moving on the packer. We are starting to have maintenance problems with the packer we have. I hope it holds together until we can get it maintained or the new packer comes. Looking over the two bids, I'd like to make the recommendation on the Allstate Ford Truck. Mr. Edinger is here if you have any questions. Basically we didn't have the actual warranty. This is the lesser of the two.

Motion made by Council Member Alexander to approve the purchase of the Allstate Ford Packer and seconded by Council Member Truman.

Vote 4-0

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Council Member Alexander Addresses Council/Yard Waste

Council Member Alexander stated I said I would have something on yard waste tonight and we still have problems on yard waste. It's almost done. We need to start communicating alot on this issued, it's coming soon. It is a general concensus that it will be a bi-monthly service along with your recycle containers, twice a month, every two weeks, also we are looking at a place for when we are not picking it up that you will be able to drop off. We are looking at the Waste Water Treatment Plant, we are going to use the old Heil that we've got as a storage unit out there and I'm proposing and I'm hoping it works out that curb side has no cost but the Waste Water Treatment Plant will have a cost and we've ran into some problems with collecting money at the sewer plant so we are in the process of working that out and the reason behind all of this is like I said before make it user friendly, and we don't have any idea what we're going to pick up. What it is going to cost us, we have no idea, so we want to go into it gradual and grow from that.

Council Member Truman stated what about the tag system Jeffersonville has.

Council Member Alexander stated we've already got a \$3.00 charge, throwing the tag system onto that basically if it runs into where it is costing us it would be easier to up your user fee than it would be to create this fantastic wonderful tag system. We don't really have any cost figures.

Council Member Truman stated the tag system puts more of a burden on those who have more yard waste.

Council Member Alexander stated right, but we are putting the same burden on them by saying you get three twice a month free to encourage you to get it down to three bags. I'm not making it easy on myself. I've got eight tenths of an acre with 23 trees and I've never collected leaves before. I'm not making it easy on myself. I need to learn how to compost and get mine down the best I can and if we see there's a need because it's basically going to hit the older neighborhood where the trees are more mature and dropping more leaves and we are going to have to start out minimal. I can't create a \$9.00 a month service and make everybody happy. The solid waste contract did go through so we are hauling it to Mr. Nickles place, limbs, we will not be able to pick up on curbside, you will be hauling them to the disposal site. The 1988 unit is what we will be using for yard waste and the Heil, the 82.

Council Member Truman stated on limbs in Jeffersonville they have to be a certain length and they have to be bundled.

Council Member Alexander stated right but I mean until the education process is over.

Council Member Truman stated they would be educated real quick when it's not picked up.

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Council Member Alexander Addresses Council/Yard Waste Cont.

Council Member Alexander stated there's a lot of different things we can do. I don't want to create a second garbage pick up. I mean if you create a second garbage pick up you're going to have a user fee and a tag fee and you're going to have everything else. I mean keep it simple, keep it the best we can do and the best service we can provide and if we think we can get limbs in there hey, I'm all for it. I'm still going to get the compaction rate and get the efficiency out of the truck.

Council Member Broady asked in a nutshell is all we are going to be picking up is leaves.

Council Member Alexander stated well at the start of the season you'll have some left over leaves and you'll have grass and I guess limbs. We're not ready for the service yet. These are ideas that we have to push around. If people have a problem with it they need to come and address it. This is their time to speak on how we should do it because basically this is something that we are providing a service, it's something different, we've got a lot of factors that we have to control but yet we've also got to provide a good service and a good job, make everybody happy. That's the basics, we will work on it.

Clerk Treasurer Schafer Addresses Council/Annual Registration for Animals

Ms. Schafer stated I'd like to remind the public that the animal tags are in, it is a red rosette. They will go on sale March 1st through the last day of March.

Clerk Treasurer Presents Claims for Civil, Water and Sewer Departments

Ms. Schafer presented the claims for this meeting in the civil, sewer and water departments for the last two week period.

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

Vote 4-0

Adjournment

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

Vote 4-0

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Adjournment Cont.

With no further business this meeting was adjourned by President Tucker at 7:20 p.m.

David Broady

David Broady

Aulton D. Eddings, Jr.

Aulton D. Eddings, Jr.

Kenneth Alexander

Kenneth Alexander

Karl Truman

Karl Truman

Stanley E. Tucker

Stanley E. Tucker

Linda G. Schafer

Attest: Linda G. Schafer
Clerk Treasurer

SPECIAL EXECUTIVE SESSION

March 10, 1995

SPECIAL EXECUTIVE SESSION/INTERVIEWS TOWN MANAGER

A special executive session of the Sellersburg Town Council was held at the Sellersburg Library at 5:30 p.m. on March 10, 1995 to interview potential town managers. Those present were: Aulton D. Eddings Jr, Council Vice President; David Broady, Council Member; Ken Alexander, Council Member; with Karl Truman, Council Member arriving at 6:17 p.m. and Stan Tucker, Council President and Perry McCall, attorney being absent. Linda Schafer, Clerk Treasurer attended.

CALLED TO ORDER

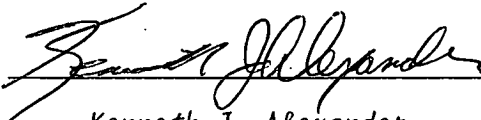
The special executive session was called to order by Vice President Eddings at 6:00 p.m.

TOPICS OF DISCUSSION


Interviews of potential town managers


ADJOURNMENT

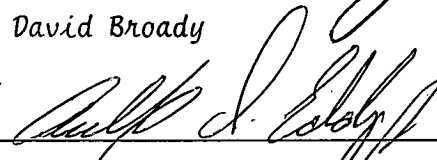
With no further business the meeting was adjourned by Vice President Eddings at 7:15 p.m.

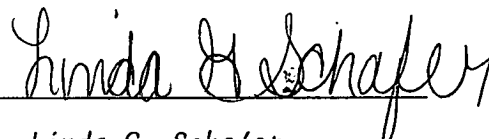

Kenneth J. Alexander

Absent
Stanley E. Tucker


David Broady


Karl Truman


Aulton D. Eddings Jr.

ATTEST: 
Linda G. Schafer
Clerk Treasurer

SPECIAL EXECUTIVE SESSION

March 11, 1995

SPECIAL EXECUTIVE SESSION/INTERVIEWS TOWN MANAGER

A special executive session of the Sellersburg Town Council was held at the Sellersburg Library at 9:00 a.m. on March 11, 1995 to interview potential town managers. Those present were: Aulton D. Eddings Jr, Council Vice President; David Broady, Council Member; Ken Alexander, Council Member; Karl Truman, Council Member and Linda Schafer, Clerk Treasurer; with Stanley Tucker, Council President, and Attorney McCall being Absent.

CALLED TO ORDER

The special executive session was called to order by Vice President Eddings at 9:00 p.m.

TOPICS OF DISCUSSION

Interview of potential town managers

ADJOURNMENT

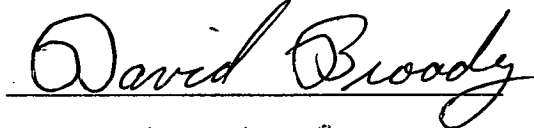
With no further business the meeting was adjourned by Vice President Eddings at 10:45 A.m.



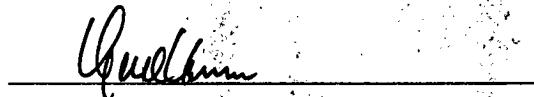
Kenneth J. Alexander

Absent

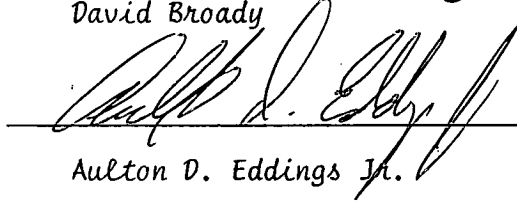
Stanley E. Tucker



David Broady

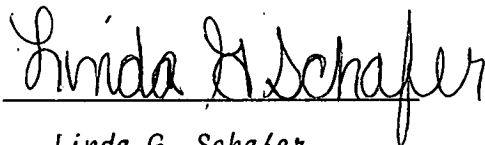


Karl Truman



Aulton D. Eddings Jr.

ATTEST:



Linda G. Schafer
Clerk Treasurer