

Minutes of Greenville Town Council Meeting October 13th, 2008

President Talbotte Richardson called the regular monthly meeting to order. Councilpersons present were Bob Wright, Patti Hayes, Hanzel Barclay and Randal Johnes, along with Clerk Jack Travillian. Also attending the meeting was Water Utility Superintendent Gary Getrost, Town Attorney Rick Fox, and other concerned citizens.

Vice President Johnes opened the meeting with a prayer. The minutes for September meeting were approved as amended Motion was made by P. Hayes and seconded by B. Wright (passed 5-0).

Water Business:

Superintendent Getrost submitted monthly adjustments to the council. The adjustments were accepted without comment.

Contract for GPS: The completion of the contract for mapping of the water lines should be done by next month's meeting.

Pumping station in Galena: Attorney Rick Fox presented the council with the signed easement Floyd County. Appreciation for this easement should be expressed to the Floyd County Commissioners. The pumping station is still in need of one easement on an unbuildable lot. Getrost is in negotiation with the property owner on Evert Avenue.

Financial:

Review/Approval Checks and Expenditures: Clerk Travillian presented the manual forms for checks written from the utility and the town.

Councilman Johnes requested update on the scanner purchase that had been requested last month. Clerk Travillian will continue search for acceptable model.

Councilman Wright requested that Clerk Travillian check with Indiana Department of Traffic in Seymour about placing the new signs on US Highway 150.

Clerk Travillian presented the council with an additional invoice that was received from the Parkland Heights Widening Project. Councilman Barclay will research the matter.

Old Business:

HERITAGE SPRINGS-DON THIENEMAN:

Annexation of Heritage Springs Greg Fifer the attorney for D. Thieneman appeared before the council as requested. Fifer gave the council a timetable for the annexation for the Heritage Springs subdivision with annexation being completed on 1/5/2010. The property is already 42 % continuous with the Town of Greenville. Thieneman stated that

he was present to assure the council that his company is solvent and he is working every day. The council asked about the sewage plant operation. Presently 13 homes are occupied and the plant will not operate properly without at least 15 homes are connected. Therefore, the system is using the pump and hauls stage. The wastes are being hauled twice weekly. Thieneman stated that he will advise the council about the startup but presently it is scheduled for May 1, 2009. Councilman Johnes stated that the Town of Greenville had entered into an agreement with Thieneman last fall to sell and reserve water tap-ins prior to tap-in increases for request from Thieneman to annex Heritage Springs. Councilman Johnes asked Don Thieneman if the town could consider the timetable for annexation as a contract between Thieneman and the town of Greenville for annexation. Don Thieneman replied yes. Councilman Johnes then asked the other board members if they would accept Don Thieneman's response to continue the agreement to hold the funds pre-paid for the tap-ins at the old rate by Thieneman. The council agreed. Councilman Johnes then made the statement to Don Thieneman; if this time schedule contract agreement is not met the town will return your reserve funds to you and all agreements made by this board will be null and void. Councilman Johnes made the motion to accept the Thieneman time schedule as the contract agreement for annexation and continue the agreement made with Thieneman for the tap-in rates. T. Richardson seconded to accept the timetable. Motion passed 5-0. Written timetable was given to Clerk Travillian to be entered into town records.

INTER-LOCAL AGREEMENT-DON LOPP:

Inter-local Agreement: Don Lopp presented the council with a timeline for the comprehensive plan along with a questionnaire that would be presented to the town citizens. The proposed date for the short presentation for all concerned citizens is November 22.

New Business:

ORDINANCES:

Ordinance 2007-T-079A Ordinance Providing for the Wages for Employees of the Town of Greenville. The ordinance establishing higher wages for the deputy town marshal was read and discussion was held. After first reading motion was made by R. Johnes and seconded by B. Wright to accept the ordinance as written. The council unanimously voted to consider the ordinance (5-0). Motion was made by R. Johnes and second B. Wright. Motion passed 5-0. Second reading, R. Johnes made motion to accept the ordinance and T. Richardson seconded. Motion passed 5-0. Third reading was completed motion was made by R. Johnes, seconded by H. Barclay. Motion passed 5-0. Motion was effective September 1, 2008.

STEVE HARDIN:

Steve Hardin advised the council about plans to use an existing facility on his property on Greenville Georgetown Road to fabricate cabinet tops and possibly a new showroom. The building has 4,000 square feet. The building has all the necessary facilities in place to support his business. Councilman Johnes stated that he had already spoken to Mr. Hardin and did not see any ordinance problems with his plans. Councilman Johnes asked Mr. Hardin to speak to the entire board as a matter of courtesy. The board agreed that there would not be any problem with Mr. Hardin's plans as long as he was in compliance with town ordinances. Mr. Hardin expressed concerns about neighbor complaints. Councilman Johnes stated; you will always have someone who will complain, but as long as you are in compliance with town ordinances this board will not take any action against you. Mr. Hardin requested a copy of ordinances that would apply to him. Clerk Travillian is to provide those copies to Mr. Hardin.

BOB VOLL:

Widening of US 150: Bob Voll, a resident who lives at Highway 150 and Schuler Road, presented the council with a letter he sent to Governor Daniels regarding reasons for the US 150 widening project. The letter listed goals for the State of Indiana and compared those with the goals for Greenville citizens as Mr. Voll perceives it. The letter also contains a drawing of "Navigating a single-lane roundabout" that is very popular in Europe and similar to Paoli and Salem downtown areas. Mr. Voll explained the reason for the roundabout was because of the easy access from 150 to Schuler Road. He stated people will speed down Schuler Road to get in front of traffic on 150. Councilman Johnes explained to Mr. Voll that he is working with Floyd and Harrison Counties for an alternative plan for Greenville and the county to be presented to INDOT. Councilman Johnes thanked Mr. Voll for all the time he has spent on the project and would review his suggestion for possible inclusion into the presentation to the state. Councilman Johnes congratulated him on getting involved and that is what we want the citizens to do are write and contact INDOT and the Governor's Office.

MIKE McKOWN:

Mike McKown addressed the council about concerns over the annexation of Heritage Springs. He had not become aware until recently that the town planned on annexing Heritage Spring. He stated that several of his questions had been answered through Mr. Fifer's presentation. He asked why a public hearing had not been held on the annexation.

President Richardson explained that we are not at the point to hold public hearings. President Richardson continued to explain that public hearings would be held in accordance with the schedule Mr. Fifer has submitted to the council during this meeting.

Mr. McKown wanted to know what happens to the sewage plant in Heritage Springs if it is annexed into the town.

President Richardson stated the ownership and responsibility would remain with Thieneman.

Councilwoman Hays stated, "We will not own the plant, but the property will be a part of the town of Greenville."

McKown asked, "But who is going to have responsibility for that sewer plant?"

Clerk Travillian stated, "Thieneman will. He is the developer. Thieneman is the one that the ICDM signed off on."

Councilwoman Hays stated, "That it is his plant, someone would have to purchase that plant from him."

Mr. McKown asked, "What would be the board's position on assuming operation of that plant at some point?"

President Richardson stated, "Looking down the road the town. See here is the thing we have to do. We have to have a plan in place when the state comes down and says we are going to force you onto sewers. We have to have to a plan in place, or we will have to take the plan just like the highway out here. We take what they want to make us take. If we have a plan in place we can say, no, look, we have a plan; here is what we propose. If we don't, they can come in here and say to us you do this and this. We won't have any choice. Our plan is that plant is down there; and it can be operated; and we can purchase it for a fraction of the cost to us to build one. Then we will probably try to buy it from him."

McKown stated, "I have a question about that. How can the state come in and say that they are going to force us to go on sewers?"

Clerk Travillian stated, "if your residences have 50 per cent that have failed, your there."

Mr. McKown stated, "Who has failed."

Councilwoman Hays stated, "A lot of people right here."

Mr. McKown stated, "Now wait a minute. I don't want to argue this. I just want to talk about it. There are certain neighborhoods in Greenville right now that have good working septic systems. Parkland Heights for the most part, if not all, they all work. Wind Dance Farms they all work. I will agree that in the old town of Greenville, the original plat, where you have 40 and 50 foot lots, there are probably several of those places that have a problem. Those places did not have a problem when they had out houses. I have lived here long enough and so have you Talbotte to remember when a lot of houses in downtown of Greenville had out houses including mine. So when they got into trouble is when they put the septic systems on a small lot that wasn't big enough. I would suggest, rather than create some emergency to put in sewers to people who have 40 foot lots and

houses that are not very substantial in value that can't afford sewers, that maybe we ought to think about that problem might take care of itself. That those houses sooner or later will be vacated and the Health Department will not allow you to put or allow anyone to move into that place.

Vice President Johnes stated, "I think that is a very pious {my note: acting God like} position. I live in that part of town and others in this room do also."

Mr. McKown stated, "I did not ask for your opinion. I am trying to make a point here."

Vice President Johnes stated, "I am a member of this board and you are making a statement about a part of town I live in." {my note: Talbotte grabbed my arm at that moment and I took it as a request not to say anymore. I had a lot more to say to McKown}.

Mr. McKown stated, "Well I did to for many years. Okay, many years. What I am saying to you, is if you have one area of Greenville which basically goes from the hilltop up by Pierces down to Voyles Road, not even that far, Yeah down to Voyles Road that is the area that would most likely need sewers if those houses remain as they are. You get on the other side of Voyles Road, and you get down over the hill from Buttontown Road down you don't need sewers. So what good would this sewage treatment plant in Heritage Springs do for the majority of the people that some day might be hooked onto it?

President Richardson asked Bob Voll if he agreed with that statement.

Mr. Voll stated, "Partially, there are some folks who live back the other way who would benefit from being able to hook on to a sewer. I don't think they said one way or the other who was going to hook onto it or who isn't. Suppose, you have a small lot down here, you might want to hook onto that."

Councilwoman Hays stated, "You might have to."

Mr. Voll stated, "Yes, that is right."

Clerk Travillian stated, "Another issue the Health Department has. I work for the Health Department so I can tell you these things. We don't normally go after systems that are working to begin with. It is the ones that fail. That is when we say you have to come up with..."

Mr. McKown interrupted and said, "But, look at this. The ones that are most likely to fail or will be failing are in the geographic areas that I described. What good is it? But wait a minute, a lot of these people and I won't mention any addresses will not be able to afford the tap-in fee to start with."

Clerk Travillian stated, "We will be able to get government funding, which we will be able to get."

Mr. McKown interrupted, "Oh! I'm for lower taxes all around, whether it is federal, state or local."

Councilwoman Hays stated, "There are grants that will help people."

Mr. McKown interrupted again, "but look does it really make sense to you to take sewage from Downtown Greenville and pump it up hill and down into that sewage plant?"

President Richardson stated, "Who said we were going to do that."

Mr. McKown stated, "Well, what are you going to do, have two sewage treatment plants or what?"

President Richardson stated, "Yes, one can go in here on the other end of town. It would have nothing to do with what you have up there. There could be another one put in this valley down here."

Clerk Travillian stated, "They just had 207 acres that were sold just across the street there from 335."

President Richardson stated, "Here is your problem, you're thinking way back, old time, what's best for me is best for me and the heck with the rest of them."

Mr. McKown interrupted and said, "That's not true, but go ahead."

President Richardson continued, "Anyway, this old part of town is Greenville, and most of us live in this old part of town. I'm not willing to give up my property and lose the value of my property. No more than you would want to give up yours and lose yours. Neither would Hanzel, Patti or anyone else in this town would. Those people on each end of this town are not worth anymore than those people in the rest of this town. For us to set here and say we are just going to let your property go down. We are not going to allow you. We are not going to do anything to upgrade your property, so you can go ahead and live in your house and get your value out of your property. First place, no body has said we are going to make anybody; we are just going to come up with a plan. The whole thing is, when it is all said and done, we will have a plan. So when and if the time comes, we can say we have our own plan. They won't be able to come in here and make people tap on that can't hook on. We will have a plan for that. People who can't afford it and want to hook on we will have a plan for that. Like you say, these old houses down here, maybe these people can't afford to hook on, we will say don't worry about it. You hook on and when you pass away, the property is sold. The hook up fee will come out of that. We do not want to hurt a person that is not what we are trying to do."

Mr. McKown stated, "Who is going to pay for that sewage treatment bill that they run up? The ones that are paying for it. That is, the ones who are going to pay for the ones who don't pay."

President Richardson stated, "No, they will all pay eventually. If you can't afford to hook on and we hook you on, and you pass away your property will be sold. What it costs to hook you on will come out of that."

Clerk Travillian stated, "Hold on a minute, this isn't just one way."

Councilwoman Hays stated, "We can put a lien on the property, we can get the money eventually."

President Richardson stated, "We can get it somewhere down the road. We don't have to have it immediately."

Rick Fox stated, "We are way beyond where we are right now."

Mr. McKown stated, "Here is the thing and the reason I am here because there is no information being out. Even though I know it is moving."

President Richardson stated, "The annexation is moving, but the sewer isn't and that is why there isn't information out there."

Mr. McKown stated, "The other thing I am very concerned about as living in this end of the county my entire life. Just like some of the rest of you, I am very much against condensed population. Forty-foot lots, where a house is setting on it is not my idea of country living."

President Richardson stated, "This is a town. It is not the country."

Mr. McKown stated, "That is the nature of my concerns, Talbotte. I just wanted to get a feel for what was going on. But I did hear with Thieneman and this fellow, who was he with, the planning commission?"

Council stated, "Yes."

Mr. McKown stated, "I don't even know what he said awhile ago. Except, I think part of what he said, part had to do with sewers, isn't it?"

The council stated, "No."

Mr. McKown stated, "Wasn't that part of that plan?"

Councilwoman Hays stated, "That was planning and zoning. May I say something just real quick. As far as these 40 foot lots here. If you are worried about more people putting

more houses on 40-foot lots, the Health Department won't let you. You can't build a house on that size lot. They won't let you do it now."

Mr. McKown interrupted and stated, "You are exactly right."

Councilwoman Hays continued, "It is what it is. You know if you have less than a one-acre lot and you have a septic system on that lot, maybe that person doesn't have a whole lot of money. They can't fix their septic system and the Health Department won't allow them to expand it because they don't have enough property. I would rather those people have an option of than loose their home. Do you see what I am saying?"

Mr. McKown stated, "I understand what you are saying. But the problem is here, Patti. There are not enough of those people to pay for it and support a sewage treatment plant. That is the problem."

Councilwoman Hays stated, "But there are plans that would allow them to tap in and they all ready have a finished sewage treatment plant there. Just say somebody needed it right now. Don Thieneman owns that plant. Those people over there are getting charged by Don Thieneman and his plant operator. So if this person over here on this 40 foot lot has a failed system and the Heath Department says you have to get out; you can't fixed your system; you don't have enough land; you are going to have to sell your lot. You are going to have to do whatever. I would rather they be able to go to Don Thieneman and say I need to hook on, some how or another to that system, lord help me, government help me so I don't loose my property."

Mr. Fox stated, "But the only thing we are working on now is planning and zoning through the county. Sewage treatment is not an issue."

Mr. McKown stated, "It is not an issue. Except my two topics I wanted to talk about tonight were annexation and sewage treatment plants. I think at one point in time weren't you working on some kind of an overall overview or something."

Councilwoman Hays stated, "A sewage study had been done. About 18 years ago."

Mr. McKown stated, "I thought you were working on one currently."

Mr. Fox stated, "No, we are not working on one."

Mr. McKown interrupted saying, "What I wanted to bring up on sewage treatment is getting an update of what I thought she was working on. But I guess she wasn't."

Councilwoman Hays stated, "We were just looking at what had been studied previously. As a matter of fact, the study that I got from the county is no good. Because even the engineering firm that provided that study, doesn't have the necessary exhibits to show us what it is all about."

Clerk Travillian stated, "It is because they only keep records ten years."

Councilwoman Hays stated, "So say if in 4, 5, 6 or 10 years they come in to condemn these properties, we have nothing to show them."

Mr. McKown stated, "I was not suggesting that anyway, maybe you got that impression."

President Richardson stated, "Believe me that is what several people setting on this board thought you meant condemn those properties and go on. You came off arrogant, believe me that is exactly what some of us thought you meant."

Mr. McKown stated, "No, that is not what I meant. I used a poor choice of words."

President Richardson stated, "That is exactly the way some of us took what you said."

Councilwoman Hays stated, "That is exactly why I had to speak up. I would hate to see anyone loose their property because they have a failed system."

Mr. McKown stated, "I don't think that would happen anyway."

Clerk Travillian stated, "Oh yes, there is one over in Galena right now."

Mr. McKown stated, "Well, that is all I have except one other thing. Would it be possible to leave a copy of the minutes where they can be picked up after the meeting?"

Clerk Travillian stated, "If you want a copy of the minutes you can come and ask Amy. There is a folder right there. After the minutes are approved she will give you a copy anytime you request it. But you will have to pay for the copies. They are a public record and anytime you want a copy you have to pay for the copies."

Mr. McKown stated, "Then the Heritage Springs annexation can happen after 2010."

President Richardson stated, "Public hearings will be held at that time."

Mr. McKown stated, "One more question. I think he said so many percent of the property owners had to agree."

President Richardson stated, "But he owns all the property."

Mr. McKown stated, "Doesn't it have to be the inhabited properties?"

Clerk Travillian stated, "There has to be three people living there."

Mr. McKown stated, "So it is not a percent of, it is just the property owners. Are you looking to annex all of them?"

Clerk Travillian stated, "It is all of them, all 107 lots. It has to be 51 percent of a 107 lots."

Mr. McKown stated, "So what is 107? Is that where he has the street?"

Clerk Travillian stated, "That is how many lots he has."

President Richardson stated, "I am sure Mr. Fifer has done a bunch of them. However it will have to be done, it will be done."

Mr. McKown stated, "Is that where he doesn't have roads, all the way over to Arthur Coffman Road?"

{Other comments continued about the area would include by Councilman Barclay and Clerk Travillian}.

Mr. Fox stated, "The petition hasn't even been filed yet. Let us wait until the petition is filed to discuss this."

Councilwoman Hays stated, "He was here to discuss his agreement on the water meters."

Mr. Fox stated, "We have an agreement to allow a voluntary annexation, if the board wanted to annex some or all the property in return for the taps he had purchased. So there hasn't even been a petition filed yet. We haven't conceptualized what property it is that we think is going to be annexed. There is a whole process you go through once you get your petition filed. In terms of notice, public hearings that type of things. We bring the community into the fold as to what is going on."

Councilwoman Hays stated, "We know that he will not fight us on it. He is okay with it. Right?"

Mr. Fox stated, "Yes, again the board is going to have to put together a financial plan on how they are going to service the area and that sort of thing. So all of that has to be worked out."

Mr. McKown stated, "Okay guys, I got my questions answered. Thank you."

Committee Reports

Emergency Services:

Councilman Wright stated that Marshal Burkhart was still in need of additional deputies. The reason being, the marshal can only work 40 hours a week and that isn't enough. We need more coverage in the town. Our Deputy Marshal Tony, he is still not qualified 100 percent. He needs eight hours of tactical training and he can't get it.

Councilwoman Hays stated, "I thought Chris was going to go to school?"

Councilman Wright stated, "He can't go until January or February."

Councilwoman Hays asked, "When is Tony's time up?"

Marshal Burkhart stated, "Tony's time would be up in January as a paid deputy. He can still be a reserve officer."

Councilman Wright stated, "He would have to go to a reserve status."

Councilwoman Hays stated, "But he has until February. Now when is Chris going to go?"

Marshal Burkhart stated, "Probably January of next year."

Councilwoman Hays asked, "How many weeks is it?"

Marshal Burkhart stated, "Eight weeks."

Councilwoman Hays stated, "We might have a gap of about a month without a deputy."

Councilman Wright stated, "We have a gap right now. We have a terrible situation right now. We have a deputy now that cannot ride by himself. He can't get in the police car, pull somebody over and give somebody a ticket. The only one who is qualified to do that is Marshal Burkhart because he has been in training. So in order to remedy that situation we need somebody else that has the academy experience. There are very few people who want to do this that have the academy experience. David Moore is our ex-marshal. He is qualified. He has all the experience. And to be honest with you, we should have put him on as a Deputy Marshal whenever Marshal Burkhart took office. We thought we could get all these courses taken and get a Deputy Marshal with no problem. It is not that easy."

President Richardson stated, "Let me say something here. I wish we hadn't passed on this now. Bob Tilley, Butch Richardson, Terry Bowes, Chris Baden were all wanting to complain about the graffiti, the kids and the lack of a marshal on the streets. They actually wanted Marshal Burkhart to set down here day in and day out at one house, just to watch that house. I told them, we can't do that. That is not realistic, we can't do that. Marshal Burkhart can only work forty hours a week. Over that we have to pay him overtime and we don't have the funds to do that. He could work eighty hours in one week, but then he would be off the next week and we wouldn't have anyone on the streets. My main concern is the mere fact, and so are all these people here, that we have nobody to cover the other two shifts. We have sixteen hours out there that there is nobody out there at all. Marshal Burkhart could work two here and two here and two here, but if he gets into an accident, he is going to put ten hours into an accident or an arrest and his time is already up. We have ourselves a dilemma. The state has not made it easy for us. The state, I read the state thing and they keep passing on and they just don't make it easy for towns to have law enforcement."

Councilwoman Hays stated, "The deputy we have - why are we paying him if he can't do anything but sit by the Marshal?"

President Richardson stated, "You have to have a deputy, he has to be paid because he can not make an arrest."

Councilwoman Hays stated, "But you are telling me he can not make an arrest."

Councilman Wright stated, "That is because in a year he has to go to the academy. Now he can't make an arrest until February if he gets the eight hours of tactical training. But right now until he gets that eight hours of tactical training, he has no arrest powers."

Councilwoman Hays stated, "Shouldn't we require them to do that before we hire them?"

Marshal Burkhardt stated, "That is kind of backwards way to do it."

President Richardson stated, "We have been trying. We have gone to Washington County."

Marshal Burkhardt stated, "We have contacted Harrison, Clark, Washington and Floyd Counties. They usually do their physical tactics in February. He just was hired in on the wrong timetable. If you remember when I was hired in it was the first of February that is why I was able to hit the road at once. As soon as..."

Councilwoman Hays stated, "So what powers does our deputy have right now? What can our deputy do?"

Councilman Wright stated, "Right now he can support the marshal. Marshal Burkhardt stated; he can assist me to make arrest and patrol."

Councilwoman Hays stated; if he is not with you he can't do anything.

Marshal Burkhardt stated; no, except to direct traffic.

Councilman Wright stated; but he is doing well. I don't want the marshal or the deputy out there by himself; you need two people in the car. Tony is assisting the Marshal and he is doing well. They can only work forty hours; they can only work so long. Tony can't work that long, he can only work part time. So what I am proposing is to put Dave Moore back on. He has all the qualifications needed and a reserve can ride with him and he can ride by himself. He doesn't need anybody.

Councilwoman Hays stated, "You know my concerns about that."

Councilman Wright stated, "We have that covered."

Councilwoman Hays stated, "How is that covered?"

Councilman Wright stated, "You are talking about the insurance."

Councilwoman Hays stated, "No, I am talking about liability. The town's liability. If something was to happen, I mean no disrespect, none whatsoever. Councilman Wright stated, "What would happen? Councilwoman Hays continued, but I am worried about, look can you pass the physical?"

Mr. Moore stated, "Sure I just had one."

Councilwoman Hays stated, "I mean a police physical? My dad was a cop for twenty-five years."

Mr. Moore stated, "I passed the physical the last time I was the marshal. Since then I still have my arrest powers. So, yes, I am still physically fit. I am a former marine. I run everyday."

Councilwoman Hays stated, "Do you have any health problems?"

Mr. Moore stated, "Of course I do."

Councilwoman Hays stated, "That is what I am talking about."

Mr. Moore stated, "Let me explain something to you. I don't want this to turn into a debate, just some information. If you look, you will find out that over 87 percent of the marshals in the State of Indiana are older gentlemen, who all had jobs where they made good money. They do the marshal thing as an extra or they are retired. When you go to the academy they give you a physical, a physical agility test. You have to pass it; and then once you pass it, you pass the academy. You become certified; you're certified. It is up to you, then, to keep yourself healthy. I go to all the tactical schools, all the weapons schools, so I fire and I qualify. I have arrested people here in Greenville. I have had to struggle with drunks. Cuff them and everything else by myself. This age thing bothers me because I don't care how old I am. I am not too old."

Councilwoman Hays stated, "Like I said, I don't mean to be offensive or be rude, but I come from a law enforcement family. My dad was a cop for twenty-five years. My sister is on the Louisville Metro Police Department. Her husband was a detective for twenty-five years and the list goes on. So I'm..."

Mr. Moore stated, "Do you know how many years I have been in law enforcement? How many people I have struggled with? Fought with, arrested, put them away and I am still as healthy as can be."

Councilwoman Hays stated, "My dad was younger than you when he retired. He was a small, very strong, very maculant, and healthy, otherwise physical man. The reason he retired was because..."

Councilman Wright stated, "The only way you are going to get any coverage for this town Patti. We are not going to get a young person. It is hard to get a young person." Councilwoman Hays stated, "I am not saying a young person. I know how stringent this physical test for law enforcement and even fire department are."

Councilman Wright stated, "The marshal academy is a little different, you don't have to do anything physical."

Councilwoman Hays stated, "No push-ups? No running. That is what I am concerned about. If you all can't run, if you all can't do push-ups, who is protecting me?"

Mr. Moore stated, "In other words, because I am 62 years old, you don't think I am fit to be a police officer?"

Councilwoman Hays stated, "No. No."

Mr. Moore stated, "With all the year I have been."

Councilwoman Hays stated, "I know people who are in their fifties that are police officers."

Mr. Moore stated, "We are talking about Greenville. We are not talking about Cleveland."

Councilwoman Hays stated, "I know we are not talking about Cleveland, Chicago or anyplace like that."

Mr. Moore stated, "The only thing I am trying to do here is help Greenville."

Mr. Fox stated, "Let me explain what the laws in the state of Indiana are about bringing Dave on board. My understanding under the Workman Compensation Acts is that as a municipality we could exempt him out of the Workman Comp. Act if he is also involved in the police pension fund. But you're not when you are in the Town of Greenville. So therefore we are required to cover our employees through the workman compensation program. That is the extent of the liability that you are going to have. Under workman compensation an individual can go out within the course and scope of their employment and draw temporary total disability. That is based on two-thirds of their average weekly wage. There is a minimum. They draw medical benefits and they draw any type of permanent impairment they may receive as a result of their injury. If they are totally permanently disabled because of the result of the injury, then they can draw up to five hundred weeks of compensation, which is nine and one-half years. Then opt into the second injury fund in Indianapolis. But the bottom line is that workman compensation pays all that. The town's responsibility would be the premium for the workman compensation. We would need to call and find out what it would take to cover, now when you get workman's compensation insurance that does not cover pre-existing conditions. It

does cover aggravation of pre-existing conditions. So let's say hypothetically, and I don't have a clue about what your medical history is. But let's just hypothetically say that Dave has diabetes and he ends up dying from diabetes. That is a pre-existing condition and nothing to do with his work and there would be no compensation paid. If Dave had a heart attack and that heart attack was not work related. I have had only one work comp. case where I had a cardiologist to say that the stress caused by this event, aggravated this individual's pre-existing condition. This made it a work related injury. Other than that, heart attack cases, very, very difficult. Most of the cases you run into are regular run of the mill on workman compensation, like individuals with back injuries, those type of injuries that are related to lifting; people who have their fingers cut off. In terms of police officers, those are typically back injuries or soft tissue injuries. Those are things that are covered. You are not buying an insurance policy where you are evaluating somebody based upon their health. If you have to buy that type policy, that is where your expense comes in. Your cost of workman compensation is somewhat minimal compared to actually putting somebody on an insurance program. If you want to bring Dave on board, it is just a matter of making a phone call to see how much the workman comp. insurance is going to cost. Other than that it has to be this board's decision.

Councilman Johnes stated, "The main thing is the medical insurance. He has agreed to sign a waiver for the medical insurance. From my understanding, when this came up before, had to do with what the cost was to provide him with medical insurance. That is the reason we had to let him go. That is my understanding."

Councilman Barelay stated, "Is not the marshal covered under the town's medical insurance?"

Clerk Travillian stated, "No, he declined. He is under a plan of his own."

Mr. Fox stated, "That is no problem to get Dave to sign a waiver."

Councilman Johnes stated, "Yes I would want him to sign a waiver on the medical insurance. As far as the workman's comp., yes, he is 62 years old. Surely there are other 62-year-old police officers out there. Now I imagine the workman comp. may be higher for somebody who is a police officer than somebody out here digging a ditch at 62 years old, or maybe it is the same."

Councilwoman Hays stated, "No, it is probably the same."

Clerk Travillian stated, "No, it is higher. It is three times higher for any police officer, in our workman comp."

Councilman Johnes stated, "You said any police officer?"

Clerk Travillian stated, "Any police officer."

Councilman Johnes stated, "What about his age?"

Clerk Travillian stated, "It doesn't matter about his age."

Councilman Johnes stated, "Then it would be the same for Dave as it is for Billy?"

Clerk Travillian stated, "That is correct."

Councilman Johnes stated, "It is not costing this town anymore by hiring Dave?"

Clerk Travillian stated, "Yes, it is by adding another deputy marshal."

Councilman Johnes stated, "I understand that. But it is not costing us anymore by hiring Dave than it would someone else."

Clerk Travillian stated, "That is correct."

Councilman Wright stated, "The only thing I am trying to do is get coverage for this town. The marshal needs help; he needs help bad."

Councilwoman Hays stated, "The other concern I have too, is that I have had unfavorable feedback from people in this town when Dave was marshal. I did not know him personally. I never had any dealing with him. I have never had to have the assistance of the marshal. But what I have heard is other citizens have complained. They had a complaint."

Councilman Wright stated, "What was that? That he didn't do his job?"

Councilman Johnes stated, "Patti, myself. I had a complaint and a problem with Dave. When he was marshal, there was a disagreement between him and I. But that does not make me feel like he is not capable of being a Deputy Marshal. If I felt that way about everyone I had a disagreement with, there would be very few people I would get along with. I thought he used poor judgment in this particular incident, but that doesn't mean his judgment is wrong all the time."

Councilman Wright stated, "Let's say he gives somebody tickets instead of a warning. They are not going to have a favorable opinion of him."

Councilman Johnes stated, "The day he pulled me over for passing on the right out here at Cross Street and 150, I was very unhappy with him that day. But he told me something I didn't know. Those hatched yellow lines mean no passing on the right."

Councilman Wright stated, "What is police work? 90 percent paper work and 10 percent physical work."

Councilman Johnes stated, "I agree with Bob. I think we need another Deputy Marshal and we need him now."

President Richardson stated, "I wish Bob Tilley and those guys had been here tonight. When Terry Bowes, who has lived here all his life, wants to leave the town, wants to move away because of what is going on across the street from him. The marshal can't be there 24/7 and the kids gang up over there. They pee in the street; and they cuss; and they yell. If we have to wait on the county to come out, if we can get them out here, and nobody can do anything. The marshal can't go up there constantly every time somebody calls. People are really concerned and I am concerned. I told those people. I wasn't aware this was going on. I wasn't aware you were having this problem with these kids and the graffiti that is going on in the town. I am just telling you, the marshal can't do it all."

Councilman Wright stated, "I want to hire some more reserves. We need two or three more reserves. It is hard to get reserves you don't pay them anything. They risk their lives for nothing."

Councilwoman Hays stated, "We need to advertise."

Councilman Wright stated, "We have advertised and we haven't received any responses."

(The conversation continued for the next few minutes with everyone speaking at the same time.)

Councilman Johnes stated, "Jack, have we not funded for two deputy officers this year?"

Clerk Travillian stated, "Yes."

Councilman Johnes stated, "Then we should have the funds available. I have listened to all the comments. I know Talbotte talked about the call he received. I received a call from another citizen about the same thing in this town. Concerned about this town, the graffiti, the kids in this town and we need to do something about the speeding in this town. We need to do something and we need to do something now. I am making a motion to hire David Moore as a Deputy Marshal. I have thought about it and thought about it."

Councilwoman Hays stated, "Don't we have any other resumes?"

Councilman Wright stated, "No."

Councilwoman Hays stated, "Can't we wait till February? I believe we need more discussions on this."

Councilman Johnes stated, "Patti, this was brought up in the last meeting and we have just held a discussion."

Councilwoman Hays stated, "No, it wasn't and I feel like I am being ambushed."

Councilman Johnes stated, "I have made the motion to hire David Moore."

Councilman Wright stated, "I second that motion."

President Richardson stated, "A motion has been made and seconded to hire David Moore as a Deputy Marshal. Before we have this vote let me say this. I have to do what I know is best for this town. I know doing nothing is not the best thing for this town. Since I don't have a whole lot of people setting in front of me that want to take this job at this time, I do not have any choice. I am going to call for a vote."

Councilwoman Hays stated, "I don't want you to call for a vote, we have until February."

Councilman Wright stated, "The people out there won't wait. These people are scared out there."

President Richardson stated, "The reason Butch cancelled tonight was because he thought something was going to be done tonight."

Councilwoman Hays stated, "We need to have more discussion on this, you all."

Councilman Barclay stated, "We have someone coming in to take care of this. They will be here in a week."

President Richardson asked, "Who?"

Councilman Barclay stated, "I can't tell you that."

(The conversation continued for several minutes with several council members speaking at the same time.)

President Richardson stated, "Somebody has to tell me what is going to happen. I have to make a decision."

(The conversation continued for several more minutes amongst the board members and citizens making statements from the floor.)

Councilman Johnes stated, "We have a problem in this town, Graffiti is one problem, the kids are one problem, the speeding is a problem. I have been told that the people in this town are scared and some are considering moving from town because of these problems. I do believe we need a deputy marshal and we need him now. David Moore has the experience to be that deputy marshal. The marshal can only work forty hours a week and we need more law enforcement. Councilman Johnes reminded the board president that he had made a motion to hire David Moore as Deputy Marshal and Councilman Wright had seconded that motion.

Councilwoman Hays continued to voice her opinion and objections. The conversation continued for several and several and several more minutes amongst the board members.

President Richardson stated, "I want the Marshal to read his report before we take this vote." President Richardson stated to David Moore some more of the concerns that some people have. President Richardson stated, "We have a motion on the floor that has been seconded to hire David Moore as a Deputy Marshal. All those in favor of hiring David Moore as a part time Deputy Marshal signify by saying I. Opposed?"

Motion passed 3-2.

President Richardson stated, "We don't always have a perfect situation. But when I am sitting here and I know I have to do what is the best I can for this very moment. That is what I did."

Councilman Wright requests someone to check on local training for police officers.

Property Cleanup:

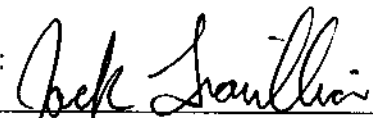
Cross Street: P. Sappenfield will be given written request for update on progress to her property cleanup to be presented at the next meeting.

Marshal's Report:

Marshal Burkhardt complimented the town council for the quick response to the emergency during and after the recent storm. Burkhardt also would like to note that every citizen pitch in to help. The Greenville Township Fire Department was a major asset with their personnel being very prepared. Burkhardt gave his monthly report about arrest, stops, tickets and warnings.

No further business coming before the Council the meeting was adjourned.


Presiding Officer

ATTEST: 
Clerk of the Council

25 August 2008

Mr. Jones:

Thank you for clearing out the ditch along my property on Cross Street. I am sure it will drain up it should after your and your son's work. (I assume he was the man with you.)

Truly, I regret that you have such a negative view of me, and I want you to know that I am grateful for your help in the past - and thought that I had said so.

One thing I want to share is that, to date, I have spent \$650 to have trash removed and the trees, bushes, hedges, etc. cut and trimmed and the refuse hauled off.

It was informative to read about the accomplishments of the present Town Board, as well as future plans and the background for all of you members.

Never was it my intent to accuse anyone of anything; nor to question any member's qualifications. I only asked questions to have some items clarified. I regret that you or anyone else were offended.

Do you think that it is possible for us to communicate in a better and more constructive way? Sincerely,
Pat Sargent Hill

TARGET SCHEDULE FOR IMPLEMENTING THE VOLUNTARY ANNEXATION OF HERITAGE SPRINGS SUBDIVISION BY THE TOWN OF GREENVILLE, INDIANA

<i>Target Date</i>	<i>Proposed Action</i>
Monday, March 2, 2009	Petition for voluntary annexation filed by more than 51% of the owners or 75% of the assessed value of Heritage Springs Subdivision pursuant to IC 36-4-3-5 (42% contiguous)
Monday, April 6, 2009	(1) Pass Resolution adopting Fiscal Plan at Town Council meeting, and (2) introduce Annexation Ordinance (pass on first reading)
Sunday, April 19, 2009	Complete mailing of notices to all owners in the annexed area by certified mail and publish notice of public hearing in <i>The Tribune</i>
Monday, July 6, 2009	Council conducts public hearing on proposed annexation ordinance (78 th day since last date of notice and publication)
Monday, August 17, 2009	Adopt Annexation Ordinance (42 nd day since public hearing; last day to legally adopt [Day 60 since hearing] Friday, September 6, 2009)
Tuesday, August 18, 2009	Send written notice to fire district of adoption of ordinance (no effect on fire service)
Tuesday, August 18, 2009	Deliver notice of adoption of Annexation Ordinance to <i>The Tribune</i>
Sunday, August 23, 2009	Annexation ordinance published and posted (starts 90-day remonstrance period)
Thursday, October 22, 2009	60 th day since publication – Contiguity appeal period expires
Monday, November 23, 2009	92 nd day since publication – Remonstrance period expires
Tuesday, December 1, 2009	Certified copy of Ordinance recorded in Floyd County Recorder office
Tuesday, December 1, 2009	Certified copy of Ordinance filed with Secretary of State, Circuit Court Clerk, County Board of Voter Registration, County Auditor, Office of Census Data
Tuesday, December 1, 2009	Secretary of State notified of effective date of annexation
Tuesday, January 5, 2010	Annexation effective date (per IC 36-4-3-12(b))
Wednesday, January 5, 2011	Last day to begin providing non-capital services
Saturday, January 5, 2013	Last day to begin providing capital services