

MINUTES OF GREENVILLE TOWN COUNCIL MEETING, August 12, 1997.

The regular monthly meeting of the Greenville Town Council was called to order by Council President Janet Riggs at 7:30 p.m. with Councilmembers Mike Recevuer, Ray Gibson and Gerry Burkhart in attendance. Also attending was Clerk Treasurer Jack Sprigler. Councilmember Ted Miller was absent.

Minutes of the July meeting was approved as written after review by the Council and on motion to dispense with the reading (4-0). Copies of the Minutes were made available to the public.

Town Attorney Jeff Fifer advised the Council he had not received any response from SEICO regarding unpaid invoices. He stated it is his contention SEICO will not do so until a later date. He suggested the Council recap events of the contractual obligations with SEICO, documenting just what happened during the utility project in order for the Greenville Town Council have access to such information in the future, when and if SEICO submits claims for their services.

Mr. Fifer also advised the Town Council that securing a road maintenance agreement with Wind Dance Subdivision developers now prior to assuming the maintenance of the streets would not be necessary since it has been over two (2) years since annexation and such agreements normally apply to the first year or two after a subdivision is developed. He suggested the Council inspect the streets before assuming maintenance.

Fred Owens questioned the Council on the status of a survey being done inditifying alleys leading to his property. Council President Riggs stated that Ted Miller is handling the survey and since he is absent she could not answer for him. Councilmember Burkhart advised Mr. Owens that he would look into the matter and advise him further.

Mr. Ollie Thomas advised the Council he had purchased about 1 (+-) acre of lot along US 150 and wants to set up a trailer and eventually a auto body shop on the lot. Council advised him that Greenville does not have zoning therefore could not prevent him from doing so as long as he adheres to the present Ordinances pertaining to building within the Town. Also he would need approval from the Floyd County Health Department for a septic system. Mr. Thomas presented the Council with such copy.

Marshal David Moore apprised the Council of the changes in speed limits along US 150 and other Marshal activities.

Utility Superintendent Gary Getrost told the Council he received a request from D. Cristiani for water service for a 25 lot subdivision he is planning to develop along US 150 (Danny's Farm). Council approved the request with the stipulation that three (3) fire hydrants be installed with sufficient line size.

Gary also apprised the Council of the water purchase contracts with our suppliers. He stated there is no contract with Floyds Knobs Water Co. but believed there should be a contract. Council authorized Gary to notify Floyds Knobs of Greenville's interest in obtaining a contract with a minimum/maximum agreement.

Councilmember Mike Recevuer motioned the Town (Utility) secure the services of Attorney Virgil Bolly for a general water rate increase since Mr. Bolly has handled such rate increases in the past. Councilmember Gerry Burkhart seconded the motion. Council voted 3-0 to approve the motion and to secure the services of Mr. Bolly subject to his acceptance.

MINUTES OF GREENVILLE TOWN COUNCIL MEETING, August 12, 1997 (Cont'd).

Council, by a vote of 3-0 approved the use of a TelCard for the Council Presidents' use.

Council approved the claims for the Town/Utility.

The Clerk Treasurer's report indicate bank balances appear to be correct.

No further business coming before the Council the Council adjourned a 10:30 p.m.

  
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Janet Riggs, Council President

ATTEST:

  
\_\_\_\_\_  
Jack Sprigler  
Clerk Treasurer .

*Daniel E. Moore*

ATTORNEY AT LAW

P.O. BOX 925

411 WATT STREET

*Jeffersonville, Indiana 47131*

(812) 288-4472

FAX (812) 288-4451

August 29, 1997

Mr. James E. Fifer  
Attorney for the Town of Greenville  
Fifer Law Office  
220 E. Main St.  
New Albany, IN 47150

Dear Mr. Fifer:

Be advised that I have been retained to represent the legal interests of the Greenville Township Volunteer Fire Board in what appears to be a continuing dispute with the Greenville Town Board. Recent action has been taken wherein an annual appropriation was not, as in the past, paid to the Fire Board. Instead, it was paid directly to the Greenville Township Volunteer Fire Department. When a member of the Town Board was asked for an explanation of this action, my clients were told "our town attorney told us to do that." Thus, I am directing this letter to your attention.

It seems to me that the action taken, in addition to being a break with past practices, creates more legal problems than it resolves. The Fire Board owns all of the fire equipment to service the Greenville area, pays the expense for gas and has a significant interest in the real estate and building housing the fire equipment. Additionally, the Fire Board has been responsible, in the past, for providing life, health and automobile insurance and for paying the expenses for maintaining the fire-fighting equipment.

A more serious issue seems to exist concerning the fact that Jerry Burkhart is a Greenville Town Board member and is also a member of the Volunteer Fire Department. While it may be laudable that the officially-signed contract, on April 8, 1997, does not have a signature of Mr. Burkhart and he may claim that he "abstained" from the vote, the signed minutes of that meeting indicate otherwise. No notice of abstention is included in the minutes and it appears the vote to approve the contract with the recently-incorporated Volunteer Fire Company was "by unanimous decision." These actions raise several issues and problems for the Town Board, as well as for Mr. Burkhart personally, including, but not limited to, the sanctions provided under IC 35-44-1-2, IC 35-44-1-3 and possible exposure under IC 35-44-1-7.

This letter is not intended to pose any threats to you and your clients. However, it appears that what occurred at the Town Board meeting on April 8, 1997 is significantly tainted

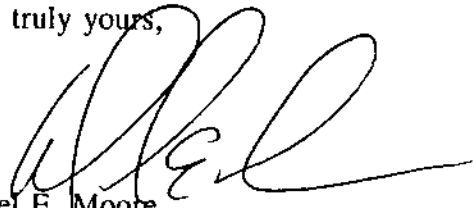
Mr. James E. Fifer  
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with illegality. Aside from that, there are several practical issues involved concerning the unique position taken by the Town Board this year to bypass the Fire Board, with whom it had worked for many years in the past, and deal directly with the fire department wherein Mr. Burkhart is a member.

Would you please let me know, after talking with your clients, whether or not the Town Board will agree to rescind the contract with the Fire Department and properly enter a contract with the Fire Board consistent with past practices? Additionally, please let me know whether or not your clients would be interested in sitting down with my clients and myself to discuss the rather significant practical problems of equipment involved.

I look forward to hearing from you soon.

Very truly yours,

  
Daniel E. Moore

DEM:lsb

cc: Janet Riggs, Pres., Greenville Town Board  
Mike Receveur, Greenville Town Board  
Ray Gibson, Greenville Town Board  
Ted Miller, Greenville Town Board  
Jerry Burkhart, Greenville Town Board