

Minutes of Greenville Town Council Meeting
March 14, 2005

President Dave Matthews called the regular monthly meeting to order. Other Councilpersons present were Janet Wright, Hanzel Barclay, and Joey Receveur, along with Clerk Jack Travillian. Also attending the meeting were Greenville Water Utility Superintendent Gary Getrost, town attorney Rick Fox and other concerned citizens. Minutes were read and approved; J. Wright made the motion and H. Barclay seconded. (Motion passed 3-0)

Old Business:

2004 Citizen of the Year: President Matthews awarded Citizen of the Year for 2004 to Ted Miller because of his contributions to community, Town and County Councils through many years of service. Miller was presented with a certificate of recognition, his name was added to the Town Citizen of the Year plaque and he was awarded a gift certificate for dinner at Tumbleweed restaurant.

Annexation of Faith Harvest Assembly Church, 6310 Buttontown Road: Pastor Mark Avery was present and provided the Town Council with a signed document requesting annexation into town limits. Annexation was discussed and the board moved to accept the request. The motion was made by H. Barclay and seconded by J. Wright.

Water Utility contract with Indiana American Water Company: Superintendent Getrost is still awaiting revised contract from Indiana American. President Matthews advised members of a recent email he received from them stating their hope to have a completed contract to the council very soon.

Greenville Township Volunteer Fire Department: President Matthews responded to a letter written to the Banner Gazette and New Albany Tribune by Chief Herb Harvey. He coordinated with each board member before sending the response. The board considered the response letter as appropriate. Water usage turned in by the department for non-emergency use was zero for the past month.

Greenville Christian Church decided against their request to close East Second Street. Jack Pope, Board Member of Greenville Christian Church was present at the meeting and stated that the church has a new plan to control water runoff from their modified, proposed parking lot. The church engineer, James Fisher was present and gave the council a copy of plans calling for paving of the gravel parking lot and building a swale to catch runoff water diverting it to the middle of the alley going west to east between East Second Street and the creek that flows south under highway 150. The board noted that the alley in question does not go all the way to the creek, so they could not give initial approval for diverting water across private property. The property owner (Jamie McKown) requested that the church run the water out to the highway and then down to the creek as to not effect his property adversely. The engineer will look into the feasibility of the request. McKown requested that he be kept abreast of any facts that the council considers as he feels it will affect his property value.

Water line location: Mr. and Mrs. Scannell of 7175 John Pectol Road mailed a request to the board asking for information about the water line across their property. President Matthews and Superintendent Getrost will be handling that request and have already answered half of their inquiries.

New Business: Letter requesting an adjustment: The board received a request for an adjustment from a resident on John Pectol Road Account number 24285. Superintendent Getrost recommended that the customer be granted the same one-month adjustment that was given previously to other hardship cases. J. Wright motioned and H. Barclay seconded. Motion passed 3-0.

Richard Fox was introduced as the new town attorney. Mr. Fox has 20 years experience as an attorney and was the New Albany City Attorney in 2003. He presently is the attorney for New Albany/Floyd County Parks and Recreation and other local government agencies. The negotiated rate of charge for his services is \$85 per hour.

Mr. Fox gave a presentation on the Open Door/Open Records laws. He noted that these were some areas that he felt could be overlooked without staying up-to-date. The presentation covered what was a public meeting and what were exceptions. Some exceptions include on-site training, social functions where no business was discussed or decisions made, political Caucuses. Open meetings must include a majority of the board (3 members) and public notice must be given 48 hours prior to meetings. Executive meetings can be exempted for discussing personnel problems, legal matters, etc....

Committee Reports:

Zoning: The committee is reviewing zoning classifications for each property within the town limits and continuing to revise and update the zoning ordinance. The next meeting will be tomorrow (March 15) at 7 PM.

Streets and Roads: President Matthews stated that he was trying to arrange a meeting with INDOT (Indiana Department of Transportation) about the current plans for highway 150 uses and expansion. Also there were some questions about drainage along the highway.

Public Relations: Councilwoman Wright asked who would be responsible for posting a sign advising motorists of a hidden entrance on Buttontown Road before the Faith Harvest Church. Clerk Travillian suggested contacting the county highway department in Georgetown. This is located on a county road and falls under their jurisdiction.

Water Utility:

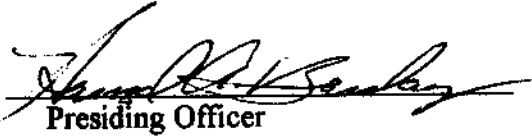
Superintendent Getrost gave a report about the consumption of water by the Greenville Fire Department and how they can fill their tanks in their new building so the water can be tracked. The intention of the board to have the fire department pay for non-emergency use was to make them more accountable. The policy remains to charge the department for

water they report as non-emergency usage. However, the board will rely on their honesty to make true reports and will assume that water registered on their meter readings is used in preparation for emergencies and not water that should otherwise be reported.

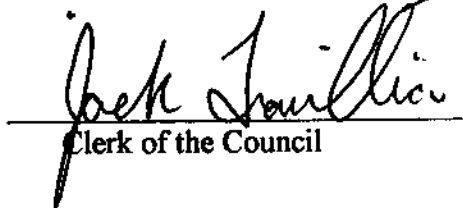
The board discussed its concerns about its missing member, Mark Trail, and his absence from most of the monthly Town Council meetings. President Matthews has tried to contact Mark several times by phone, emails and visits to his house to no avail. At this point, the board agreed that a letter addressing their concerns should be sent to him via mail. President Matthews will send the letter.

The board also decided to have the Clerk/Treasurer print the paychecks for Town Council members normally in the future and have them available at the front desk for pickup at the beginning of the month. This will avoid the postage expense to mail them to each council member and save money in the budget. If the checks are not picked up prior to the following meeting, they will be delivered to the member at that meeting.

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


Presiding Officer

ATTEST:


Clerk of the Council

Transaction History by Type
Adjustments

XZLEDG16 Page: 1
Date: 03/14/2005 Time: 13:50:23

Acct #	Desc	Amount	Balance
Desc: DIDNT RECIEVE FROM BANK			
25480	Water Adjusted	\$-1.14	
	Water Tax Adjusted	\$0.00	
	Water Penalty Adjusted	\$0.00	
		.00	\$-1.14
Total			\$-1.14
Desc: PENALTY			
25482	Water Adjusted	\$-1.21	
	Water Tax Adjusted	\$0.00	
	Water Penalty Adjusted	\$0.00	
		.00	\$-1.21
Total			\$-1.21
Desc: METER READ WRONG			
27868	Water Adjusted	\$-18.91	
	Water Tax Adjusted	\$-1.14	
	Water Penalty Adjusted	\$0.00	
		.00	\$-20.05
Total			\$-20.05
Desc: METER READ WRONG			
27868	Water Adjusted	\$-18.91	
	Water Tax Adjusted	\$-1.14	
	Water Penalty Adjusted	\$0.00	
		.00	\$-20.05
Total			\$-20.05
Desc: REFUNDED OVERPAYMENT			
55490	Water Adjusted	\$8.60	
	Water Tax Adjusted	\$-2.41	
	Water Penalty Adjusted	\$0.00	
		.00	\$6.18
Total			\$6.18
Desc: METER READ WRONG			
426401	Water Adjusted	\$-39.97	
	Water Tax Adjusted	\$-2.40	
	Water Penalty Adjusted	\$0.00	
		.00	\$-42.37
Total			\$-42.37

SUMMARY

Water Adjusted	\$-52.63
Water Tax Adjusted	\$-5.95
Water Penalty Adjusted	\$0.00
Total	\$-58.58


David L. Miller
Jack J. Sullivan

Town of Greenville
P.O. Box 188, Greenville, Indiana 47124
Tel: (812) 923-9821 • Fax: (812) 923-1099

February 17, 2005

Memo for Record

This date, in a telephone conversation with Rick Fox, Law Offices of Richard R. Fox, LLC, we confirmed the Town Council's selection of his services to provide legal representation and advice to the Council for the future. We agreed upon an hourly rate for his services of \$85 per hour. The first Town Council meeting in which he will represent our interests will be March 14, 2005. I will notify Fifer Law Office of our change from their services to his and Rick will coordinate all transfer of pertinent legal information from their office to his. I will also provide Rick with copies of any paperwork we think he might need to better represent our current legal interests.



David L. Matthews
President, Greenville Town Council

Town of Greenville
P.O. Box 188, Greenville, Indiana 47124
Tel: (812) 923-9821 • Fax: (812) 923-1099

February 18, 2005

Fifer Law Office
220 E. Main St.
New Albany, IN 47150

Dear Jef,

At the Greenville Town Council meeting February 14th, the council voted to enlist the services of the Law Offices of Richard R. Fox, LLC for its legal representation for 2005. We appreciate your services to the council through the years and certainly wish you the best in your practice. Mr. Fox will contact you soon to discuss transfer of all legal documents and information pertinent to town matters and legal cases. If you have any questions, please contact us any time. Thanks again for your assistance.

Sincerely yours,



David L. Matthews, President
Greenville Town Council

cc: Law Offices of Richard R. Fox, LLC

Town of Greenville
P.O. Box 188, Greenville, Indiana 47124
Tel: (812) 923-9821 • Fax: (812) 923-1099

February 18, 2005

GREENVILLE VOLUNTEER FIRE DEPARTMENT
P.O. Box 121
Greenville, IN 47124

Mr. Herb Harvey, Greenville Volunteer Fire Department Chief,

This letter is to notify you and the Fire Department of a change in our policy in the Greenville Water Company. For many years now, the Water Company has provided all water used by the Fire Department for training and emergencies free of charge. Because of rising costs and budgetary needs, we cannot continue this policy. The Indiana State Board of Accounts advises us that completely accurate accounting of water usage requires us to account for all water usage and to make provisions for equal payment by all customers. Considering this situation please be advised of the following changes to our policy concerning selling of water to the Fire Department.

Water used by the Fire Department for emergency responses will not be charged to the Fire Department at this time but must be accounted for after the emergency. Please advise us within 10 days of any emergency usage and the estimated amount of gallons of water used. Usage of water for training purposes or public events must be coordinated before the event. We require notification of the number of gallons to be used, the event's purpose and its date at least 10 days before usage. After usage, please report the amount of gallons used by the Department. The Fire Department will be charged the normal amount for per gallon usage in accordance with current rate tariffs and Ordinance 2004-W-33.

It is not the intention of the Water Company to in any way penalize the Fire Department for its water usage. However, we have always had insufficient documentation of water usage by the Department, which puts the Water Company in an awkward position with the State Board of Accounts and its customers. Additionally, with the rising costs of providing water for all of the customers in the Greenville Water system, we consider it reasonable for the Fire Department to be expected to carry its share of the financial burden for its own water usage. As previously mentioned, we will continue to carry the financial cost for emergency water usage. We certainly hope you understand our need to be accountable to our State supervision and our other water customers. Thank you for your help with this situation. We hope to continue to work positively with the Fire Department well into the future.

Sincerely yours,

Greenville Town Council
Greenville Water Company

February 18, 2005

From: David L. Matthews, President, Greenville Town Council

Subject: Fire Safety Concerns

**To: All Residents in Wind Dance Farm Estates
All Concerned Citizens of Greenville**

In a recent meeting I had with the Chief of the Greenville Volunteer Fire Department and the Chairman of the Greenville Township Fire Board, I was advised of a situation that I considered to be a serious risk to those of us living in Wind Dance Farm. Although I'm sure the Chief meant his remarks to carry the greatest emotional impact possible, I still considered them important enough to feel the need to advise you.

Chief Harvey advised me in this meeting that should a fire occur in the larger homes that are built in our estate, his crews and equipment would not have the equipment necessary to rescue individuals trapped in the upper floors. He told me that ladder equipment would have to be called in from as far away as Georgetown. He also said that in the amount of time it took for that equipment to arrive, any child trapped upstairs would most likely be asphyxiated before such equipment would arrive. To my shock, Mr. Harvey told me that he would not enter such a burning building nor order his men to enter one to save someone trapped upstairs but would wait for the ladder truck from Georgetown to arrive.

My immediate concern is for our children should such a fire occur in one of our homes. I know that fire escape equipment is available on the market and would advise all of you as my neighbors to give it careful consideration. Make sure that your family has a logical plan in case a fire occurs and perhaps even practice it. Make sure your children know all possible exits in an emergency and know how to escape a burning building, even if that is through a window and down from the roof.

Please be assured that Greenville will do everything necessary to provide the best fire protection that is available to us, whatever the cost. However, we each need to realize the limitations that come with living in a rural environment with only volunteers close by to give immediate fire support. That places a large responsibility on us as homeowners to do everything we can to ensure that a tragedy will not catch us unprepared. It is not my intention to alarm....but to provide us with an opportunity to think about what we would do to make sure that we're prepared to handle any emergency as well as we can. Please feel free to call me if you have questions about any concerns you have in this area.

Sincerely yours,



David L. Matthews
President, Greenville Town Council
10003 Wind Hill Dr 923-8951

To All Concerned Citizens of Greenville, Indiana,

After reading the letter published in the February 23, 2005 Banner Gazette, written by Greenville Township Fire Department Chief Herb Harvey, I find it absolutely necessary to respond in kind so that you can know all the truth behind the accusations made by the chief. It was the intention of your town council to handle this issue internally and not draw attention to a Fire Department already troubled by its public image. However, by addressing the issue in this public forum and not telling you all the truth, Chief Harvey intends to damage the image of your town council while trying to improve his own.

The first fact that Chief Harvey failed to tell you and the citizens of the Township is that the Township is, in fact, taxed twice for fire protection. Through information provided by the Floyd County Auditor, one can observe that two nearly equal amounts of all Greenville Township citizens' county taxes go to the Fire Department. One tax, designated for FIREFIGHTING, receives just over 2% of each \$100 worth of taxable real and personal property each Township taxpayer reports. The second tax that Chief Harvey failed to mention is the tax titled CUMULATIVE FUND. Again, nearly 2% of each \$100 worth of taxable real and personal property of each township taxpayer goes exclusively to finance the Fire Department's capital expenditures through this fund. This explains how the Fire Department is able to have the equipment and facilities that they currently enjoy.

Now, let me make one thing perfectly clear to all the citizens of Greenville and Greenville Township. I believe we have one of the best, if not THE best Volunteer Fire Departments in the County. I agree with Chief Harvey. Our Volunteer Firefighters are proud, willing and courageous. They respond to emergencies rapidly and professionally. We should be proud of their service and accomplishments. The argument, however, does not center around their abilities nor their equipment. It revolves around what should be charged to our municipality for their services.

The Town of Greenville citizens do not pay these taxes.....yet. Instead, as a municipality, Greenville citizens are taxed a separate rate known as a Corporation Tax. This tax is also charged citizens in the other two municipalities of the County, New Albany and Georgetown. The Corporation Tax must provide all the services the Town will require.....like legal expenses, street and road repairs and maintenance, snow removal, equipment repairs, insurance, payroll and yes, fire protection.

Because we live in rural Indiana, most small towns like Greenville and Georgetown, cannot afford to fund their own Fire Departments. The State of Indiana established Townships to serve larger areas than the small towns....to provide services that Towns might not be able to afford to provide themselves. In Greenville Township that means fire protection. However, since Greenville is an incorporated town, it must provide these services by contracting with the Township. Here is where the problem begins.

It is true that last year we met with the Township Trustee and she encouraged us to increase our contract amount with the Fire Department. She showed us the two taxes that Township citizens had to pay and insisted that Greenville Town residents should pay the same amount. Your town council agreed to increase its 2004 budget to pay a higher rate to the fire department with the promise that we would continue to look at increasing that amount annually. However, when we discovered that what the Fire Department was asking us to do was tax the Town Citizens the same double-tax that Township citizens had to pay, we decided to learn more. First, it would be entirely inappropriate for the Township to demand a tax structure from our

Town citizens that was not their right to demand. Second, when we examined the actual CERTIFIED rates that the Floyd County assessor had set for the entire county, our \$8,000 budget for 2004 was very close to those rates they were demanding already. And third, there is the question of whether or not establishing two taxes for fire support is reasonable anyway.

After increasing our contract rate with the Fire Department in 2004, they provided us with their annual budget...approximately \$55,000 a year. The contract rate we pay as citizens of the Town of Greenville goes directly into this budget. Greenville's population is 591 people, 10.3% of the Township. The town represents 224 households, just 11.3% of the Township's households. However, in 2003, Greenville paid 13.6% of the Fire Department's budget and increased that amount to 14.5% with the \$8,000 budget in 2004. Additionally, upon checking the certified rates with the County Auditor, I discovered that the Town will actually receive less in Corporation Taxes this year and probably the following years. It was with these concerns that I asked Chief Harvey and the Township Fire Board President to meet with me in November.

Our first disagreement came over how much the Town should have to pay for Fire Protection next year and which rates we should use in the calculations comparing ourselves to what Township residents have to pay. Chief Harvey insisted on using future tax rates that had not yet been certified by the Auditor and insisted on including property values for exempt properties.....the school, our churches and their own fire station in Greenville. Granted, they have to provide fire protection for these facilities as well. However, even the Township does not have to pay a tax rate based on exempt properties.....but Chief Harvey insisted that you as Greenville citizens did! I attempted to explain to Chief Harvey the situation of the Town, our increasing costs and decreasing tax base and how an increased contract rate with them would impact our attempt to maintain a balanced budget. Chief Harvey's only response to me was that "if we did not increase last year's contract by 5%, he would not provide fire protection for the Town of Greenville." He threatened to advise property owners' insurance companies of their refusal to provide fire protection. (By the way, the Volunteer Fire Department charges any property owner's insurance company \$250 every time they make an emergency run...another fact he failed to include in his letter to our citizens.)

The final statement Chief Harvey made directly to me, as a citizen living in Wind Dance Farm, was that if any fire occurred in any of those "hotels they have built in Wind Dance" and any children are trapped in the upstairs areas of the house, the Greenville Fire Department would not be able to rescue those children until the ladder truck from Georgetown arrived on the scene. He advised me that any children trapped that way would most likely asphyxiate before the Georgetown truck arrived and that he would not enter the house nor allow his firemen to enter that house until the equipment arrived. He also advised me that if we did not want to contract with the Greenville Fire Department for their services, we could contract with Palmyra instead. I was shocked at his statement, primarily because I knew it did not represent the sentiments of his fellow firefighters. I also knew that the Greenville Firefighters, many whom I know personally, exercise the same dedication and commitment we praised of the firefighters of 911 in New York City. Despite our concerns and at the advice of our attorneys, the Town Council voted to increase the 2005 contract rate to the Fire Department to \$8,400 (15.3% of their budget).

Now, regarding the town's decision to charge the Fire Department for water usage for training and other activities. First, the town must contract with the Fire Department for fire protection...why should they not also be required to contract with who they get water from. Edwardsville, Ramsey, Borden and Floyds Knobs also supply water....perhaps they might contract for water with them. It had not been our policy to charge for water usage....but abuses

of this privilege have existed for years. Chief Harvey does not mention the "community events" you will lose out on that most concern us as a water company...like hosing down the liquor store parking lot, filling swimming pools and dumping hundreds of gallons on the Greenville Elementary School parking lot for training. We repeatedly told Chief Harvey that we would support their activities with water for free if he would report the uses. He refused to do so. The Greenville Water Company is responsible to the Indiana State Board of Accounts (and you as paying water customers) to account for where the water goes. But the Fire Department has continually refused to account for their usage. At one point, we were told that if we secured our water hydrants and an emergency occurred, the fire department would break open the hydrant and secure water by any means possible. Absolutely no one in the Water Company would in any way prevent emergency personnel from using whatever water is available to fight a fire, especially in our own community. However, abuses and failure to account for water usage now forces the water company to change this policy and charge the Fire Department for non-emergency uses...if for no other reason than to be fair to customers who do have to pay for water. Chief Harvey himself says in his letter addressing concerns over their budget, "we must pay our utilities, electric and miscellaneous bills like everyone else has to pay." Well, water is one of those utilities that we all have to pay...why shouldn't the Fire Department?

The final item I want to mention in response to Chief Harvey's letter to the editor concerns our own community. I have been informed by citizens who have been in Greenville far longer than I have been that the Town Council was the body that established the Greenville Volunteer Fire Department in the first place...."by those men and women who lived in the Town of Greenville," as accurately stated by Chief Harvey. As I understand it, before the firefighters actually owned the Fire Hall in Greenville, it was donated to the Fire Department by the Town. I am concerned because the overly-aggressive, confrontational approach currently being taken by a small few who, with good intentions, have as their goal receiving more money for the Fire Department no matter what the methods, threaten the good will that has existed in our community between its citizens and its firefighters. I have absolutely no doubts that, should a fire occur at any time of the day, the professional men who represent the Greenville Volunteer Fire Department will respond rapidly, professionally and without any of the malice represented by the most recent discussion of our issues by others. What concerns me most is how this effects our Fire Department itself.

Most people do not comprehend the current debate over what the future of fire protection in the county involves. If current pressures continue in the wrong direction, the County may exercise its option to provide fire protection for the county itself rather than allow the VFDs to accomplish it. The reason VFDs work so well is because they are less expensive, keep the tax base down and utilize the patriotism and pride of local men and women who have a vested interest in their communities. Full time firefighters DO provide better fire protection...they can be ready to respond instantly 24 hours a day. But the cost for full time fire protection will be greatly increased county taxes on us all. VFDs work well...but they can never provide what full-time firefighters provide. Nor will they cost as much. I commend Chief Harvey for fighting for more money for his fire department. It was my intention in meeting with him and the Township Fire Board President in November to try to "mend some fences" and help them understand our Town's future financial constraints in light of their needs. Instead, what I got was, "if you don't give us more money, we won't give you any fire protection" and "if you don't want to pay us, you can contract with Palmyra."

Chief Harvey called upon our citizens of Greenville to help him. I do not consider \$8,400 in 2005 to be an insignificant amount of your help, especially considering how small a percentage of the Township we actually represent. In turn, I would call upon Chief Harvey's fellow-firefighters to insist that he re-examine his motives for what he is trying to achieve for the Fire Department and examine how his pleas are affecting the public image of his department. One thing Chief Harvey and I agree on....we both want to see a better equipped, more efficient and responsive Fire Department. I think we could accomplish that if we could work together instead of battle from our respective interests. After all, your Department has my town's name on it and many of our town's citizens in it....it is our Fire Department too!

Sincerely,
David L. Matthews
President, Greenville Town Council

From: Mr. and Mrs. Jason R. Elkin
7077 Old Vincennes Rd.
Floyds Knobs, IN 47119

February 17, 2005

To: Greenville Water Company
P.O. Box 188
Greenville, IN 47124

Subject: Request for Exceptional Adjustment on Water Bills from Greenville Town Council

Sirs,

My husband and I request an exceptional adjustment on our water bills spanning the usage months of November and December, 2004 and January, 2005 due to an outside water line leak. The "Standard Operating Procedure - Greenville Municipal Water Utility" dated 5/03/01 and signed and dated effective the 12th day of May, 2003 by Mr. Gary Getrost, Utility Superintendent states that "A customer is allowed one (1) leak adjustment per a twelve (12) month period." The S.O.P. does not specify a "one (1) month's bill adjustment"; it states "one (1) leak adjustment".

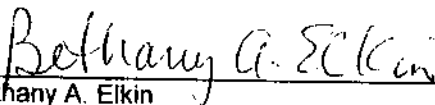
The outside water line leak was suspected when we received our bill with "billing date" 12/1/04 in the amount of \$81.41. This amount is double what our "normal" water bill is, and it prompted me to call the Greenville Water Company office to inquire about a possible transposition of numbers when our meter was read and/or recorded. Until my call to the water company office, we had no prior contact with the Greenville Water Company regarding the possibility of a leak. After my call to the Greenville Water Company office, we were told that "we may have something going on", which I supposed meant "the possibility of a water leak". So, we began digging up a substantial amount of our approximately 1000' water line to locate the leak in the line. Then, before we could locate the leak, the weather turned bitterly cold and made it impossible to continue digging. Then it rained for two weeks, and then the big snow came to Floyds Knobs. We were covered with about 25" of snow, which again made it impossible to dig and locate the water leak. When the weather finally agreed, my step-father continued to dig the water line and did find and fix the leak within one day.

We were committed to and concerned with finding and fixing the water line leak, but not to the detriment of anyone's health due to the inclement weather in which they would have had to be working outdoors. Also, we were not and are not in the financial situation to pay a special crew with special equipment to locate and fix the leak.

The three water bills in question, referenced above, total \$678.99, of which we have already paid \$388.68 and received a minimal "standard" adjustment to of \$86.66. In order to pay these exhorbitant utility bills we have had to ask family for financial assistance and let other bills go unpaid so that the Greenville Water Company does not threaten, again, to disconnect our water.

We do understand that our personal financial situation is our business and none of your concern, but we do not feel that we can afford to pay off the balance of these bills without doing further damage to our finances and that of our family's. We are doing well to pay our "normal" utility bills, our mortgage and buy groceries. We would very much appreciate any leniency that you could show us in this situation.

Sincerely yours,


Bethany A. Elkin


Jason R. Elkin