

Newburgh Town Council Meeting  
Date: Tuesday, November 22, 2011

The Newburgh Town Council met in Executive Session on Tuesday, November 22, 2011, at 4:30 p.m. Those present at the meeting were Council President/Council-at-Large Leanna K. Hughes, District I William F. Kavanaugh, District II Tonya R. McGuire, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Clerk-Treasurer Becky Gentry, Town Manager Cynthia E. Burger and Town Attorney R. Thomas Bodkin. The purpose of the meeting was discussion of contract negotiations.

5:30 p.m. Committee and Regular Session, Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana.

CALL TO ORDER

President Hughes called the Regular Session to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council.

ROLL CALL

Those present at the meeting were as follows:

Council President, Council-at-Large - Leanna K. Hughes

District I - William F. Kavanaugh

District II - Tonya R. McGuire

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Clerk-Treasurer - Rebecca J. Gentry

Town Manager - Cynthia E. Burger

Town Attorney - R. Thomas Bodkin

APPROVAL OF MINUTES

MOTION by Mrs. McGuire to approve the November 9, 2011 minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

None present.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

FIRE - Mr. Moore

Chief Paul Campbell stated a concern about using the home behind the Newburgh Fire Department as storage as there might be issues with mold and mice. Mrs. Hughes stated that several museum board members have visited the house and realize some issues will need to be addressed with an emphasis on security. If the issues are resolved, the space will be used for storage by the fire and police departments, museum and Clerk-Treasurer's office.

Mr. Kavanaugh thanked the chief for the invitation to the department Christmas party on December 14, 2011.

**HISTORIC PRESERVATION - Mrs. McGuire**

The last meeting was held on November 10, 2011.

**PARK - Mrs. McGuire**

No report.

**PLAN – Ms. Aurand**

No report.

**POLICE – Mr. Kavanaugh**

Police Chief Brett Sprinkle reported that the department is working on CPR recertification. The Red Cross has a two (2) year certification program costing \$95.00 per person.

**MOTION** by Mr. Kavanaugh to allow Police Chief Sprinkle to explore other options to attain CPR certification.

**SECOND** by Mr. Moore.

**DISCUSSION:** Suggestions were made to contact the American Heart Association, health and fire departments and Shirley Moore. Fire Chief Campbell stated he has three (3) men on the department that are NVFA firefighters that can teach CPR. Based on this information, Chief Sprinkle will meet with Chief Campbell to make appropriate arrangements.

**MOTION** carried: ayes 5, nays 0.

**STORM WATER – Mr. Kavanaugh**

The committee met on November 21, 2011. Mr. Kavanaugh stated the Town will receive a decision on December 9, 2011 regarding the OCRA grant infrastructure application.

Dana Grace, current president, has agreed to serve an additional term.

Mr. Hynes reported on the issue of ponding water at the intersection of Hwy 662 and Outer Gray. The Drainage Board approved the plans to install a drainage inlet on the northeast corner of the intersection and to grade the spoil alleviating the ponding in the roadway. The engineer's cost estimate is \$16,300.00. This project will be shared equally with the Drainage Board and Street Department. The board did recommend that a property owner be contacted regarding some shared costs due to a wall placed in the right-of-way.

**MOTION** by Mr. Kavanaugh to obtain quotes for the proposed plan to install a drainage inlet on the northeast corner of the intersection of Hwy 662 and Outer Gray and to grade the spoil.

**SECOND** by Mr. Moore.

**DISCUSSION:** Ms. Aurand stated she felt the responsibility of the ponding water fell on the property owners as they filled in the ditch and erected the stone wall. Mr. Kavanaugh stated the property owner's actions took place over 3 years ago and the Town had no jurisdiction of the area at that time. Ms. Burger stated that the Drainage Board's motion included verbiage stating the property owners be responsible, at a cost not to exceed \$2,500.00, for the removal of the wall that will be affected by the drain installation. Mr. Bodkin stated the property owner will be contacted regarding the project and the area will be surveyed to stake the right-of-way. Mr. Kavanaugh stated the Town does need to move forward to rectify the situation.

**MOTION** carried: ayes 5, nays 0.

Mr. Hynes reported that the plan and the environmental review by FEMA has been completed for the Lock and Dam area restoration and is now ready to move to the final design.

MOTION by Mr. Kavanaugh to allow the Lock and Dam area restoration project to move to final design.

SECOND by Mr. Moore.

DISCUSSION: This project is the FEMA portion.

MOTION carried: ayes 5, nays 0.

STREETS – Mr. Moore

Mr. Moore reported on the Street Department's recent projects: roses have been planted in front of Town Hall and along River Walk Trail; a brick walkway was placed in front of Town Hall between the roses; the boat dock was removed from the river for the season; the alley at 211 W. Jennings was graded and gravel added; new banners were hung in the downtown area; and, streets throughout town have been crack sealed.

Greg Roth notified Mr. Kavanaugh and Mr. Moore of a sink hole needing repair on Phelps Drive. Unable to locate the area, Mr. Kavanaugh requested that Ms. Burger contact Mr. Roth to obtain more information.

UTILITY – Mrs. Hughes

Mrs. Hughes reported on the motions from the November 22, 2011 Utility Meeting.

MOTION by Mrs. Hughes to advise Mr. Seybold that he will not be allowed a pool fill credit on his September 2011 sewer bill according to the Town of Newburgh Ordinance 1986-8 – An Ordinance Establishing Summer Sewer Rates and Establishing Procedures for Adjustments to Sewer Bills.

SECOND by Mr. Kavanaugh.

DISCUSSION: The motion was passed unanimously by the Utility Committee.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes, upon full recommendation of the Utility Committee, to extend the contract for recoument for Linwood Estates Section II for two (2) years until December 2020.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes, upon full recommendation of the Utility Committee, to approve the sewer billing adjustment for Mike Bonnell at 9988 Kimberly Lane for a water line leak at the meter barrel in the amount of \$121.41.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes, upon full recommendation of the Utility Committee, to approve the sewer billing adjustment for Woodlands Convalescent Center at 4088 Frame Road for a water leak that occurred underneath the slab in the amount of \$1,518.93.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

STANDING COMMITTEES:

FINANCE – Mrs. Hughes  
No report.

PERSONNEL – Mrs. McGuire

MOTION by Mrs. McGuire to approve the educational reimbursement for Heath Dill consisting of online course work of five (5) credit hours for the pursuit of an environmental science degree in the amount of \$435.00 according to the Town of Newburgh's Personnel Policy.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SPECIAL BOARDS/COMMITTEE REPORTS

Alternate Routes into Newburgh – Ms. Aurand  
No report.

Museum – Mrs. Hughes

A draft of an agreement to operate the museum on the main level of Preservation Hall was presented to council. Mrs. Hughes hoped the council could vote on the agreement at the December 14, 2011 meeting. Ms. Burger stated a couple issues need to be addressed in the agreement: how Preservation Hall rentals would impact the museum, and securing the hall when not rented. Mr. Bodkin stated Preservation Hall contains two (2) different physical facilities that should operate simultaneously. The next meeting of the Museum Committee is December 6, 2011.

REVITALIZATION - Mrs. McGuire

Mrs. McGuire reported that both she and Ms. Burger will meet with Dawn Kroh from Green 3 for an idea exchange followed by a meeting with the entire committee. A report will be given at the next council meeting.

RIVERTOWN TRAIL – Mr. Kavanaugh

French Island Trail is now open to traffic. Ms. Burger stated the following items need to be completed: asphalt placement on the trail, place the pavement markings, place and compact the shoulder aggregate, place the handrail and paint the handrail anchor bolts.

The RFP scores for Phase 3A design were received. The Town has yet to receive the current score and tally sheet from INDOT. Upon receipt, the trail committee will score them and Ms. Burger will tally them and send them on according to the INDOT process.

SIDEWALK – Mr. Kavanaugh

Mr. Hynes reported that progress has been made on the Jefferson Street sidewalk project and utility poles have been moved. The next meeting with the contractor will be on Wednesday, November 23, 2011 at 9:30 a.m. The project should be completed by the end of December.

Ms. Burger reported that the Categorical Exclusion document for the Safe Routes to School project has been approved by INDOT. The project is on schedule for an April or May bid letting.

ZONING ADMINISTRATOR – David Zendell

No report.

CLERK-TREASURER – Mrs. Gentry

No report.

TOWN ATTORNEY – Mr. Bodkin

Mr. Bodkin reported that the town is engaged with a developer regarding sewer notification which is an ordinance violation. Today, the Supreme Court of Indiana issued an opinion involving the town of Avon, Indiana versus some other government units. This opinion may prove to be helpful with the Town's power of ordinance enforcement.

TOWN ENGINEER – David Hynes

No report.

TOWN ADMINISTRATIVE MANAGER – Ms. Burger

Ms. Burger stated the request for additional work at the Lock and Dam regarding the pilings has moved forward with the NRCS to the national level. Support has been requested from the offices of Senators Lugar and Coats for funding.

#### UNFINISHED BUSINESS

Ordinance 2011-05 – Surface of Parking Areas...tabled September 14, 2011

Continue to table.

#### NEW BUSINESS

1. Dental Health Options by Health Resources – Employee Dental Insurance Renewal

MOTION by Mrs. McGuire to approve the Dental Health Options Plan renewal with Health Resources for Town of Newburgh employees in the amount of: employee only, \$23.50; employee plus one, \$48.10; and, employee plus family, \$82.30 which represents a three (3) percent increase, with the Town paying for the employee only.

SECOND by Mrs. Hughes.

DISCUSSION: The amounts are per month.

MOTION carried: ayes 5, nays 0.

2. INDOT – Emergency Relief Funding Contract

MOTION by Mrs. Hughes to approve the INDOT LPA project coordination contract for the emergency relief work along the Rivertown Trail, Phase IIA.

SECOND by Mrs. McGuire.

DISCUSSION: Ms. Burger stated "this is a not to exceed for the total project". They will pay 80% of the actual repair cost and the Town will be responsible for 20%.

MOTION carried: ayes 5, nays 0.

#### MISCELLANEOUS BUSINESS

Mr. Kavanaugh reminded everyone that the Thanksgiving luncheon at the Senior Citizen Center on Wednesday.

Mr. Kavanaugh stated that Jack Chaddock, past council president, suffered a heart related episode resulting in a quadruple bypass. He is doing well and recuperating in Florida.

Mrs. McGuire reminded the council that as Twilight on the Trail silent auction item, they were to cook dinner for the highest bidder. Carol Schaefer with HNI bought the item and has requested, in lieu of

cooking, the council provide all liquid refreshments and servitude at the HNI annual Christmas party which will be held on December 21, 2011. The party is for all HNI board members and volunteers.

Mrs. Hughes reported that council members should have received an e-mail regarding an offer to purchase Mr. Bus. Mr. Bodkin stated to sell the bus, it must be declared as surplus or at no value. The value of the bus will be researched and a determination made at a future meeting.

Mrs. Hughes reminded council members that all board vacancies should be submitted to Ms. Burger by December 14, 2011 along with names of those interested in serving. Appointments of new members are typically made at the first meeting in January.

Mrs. Hughes stated she believes many of the committee and commission meetings were not being held on a regular basis. These meetings are conducted to serve our citizens and should take place as scheduled. Ms. Aurand stated that those serving on the boards are citizen volunteers and felt it not fair to ask these members to attend when there is no business on the agenda. A monthly meeting agenda is published and if a meeting is cancelled the announcement is made public. Should questions arise between meetings, staff members are in place to keep the public informed. Mrs. Hughes stated she felt that when a member volunteers to serve on a committee, they are making a commitment and should plan to attend regularly scheduled meetings. Ms. Aurand agreed that when there is business to conduct, board members need to be in attendance. Mrs. McGuire suggested reviewing the meeting schedule to determine if there is a need for each committee to meet monthly.

#### APPROVAL OF CLAIMS

MOTION by Mr. Moore that all claims be paid in the following amounts:

Civil Town: \$191,265.54

Sewer Operations: \$421,613.60

Plant Expansion: \$25,298.48

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

#### ADJOURNMENT

MOTION by Mrs. McGuire to adjourn the meeting.

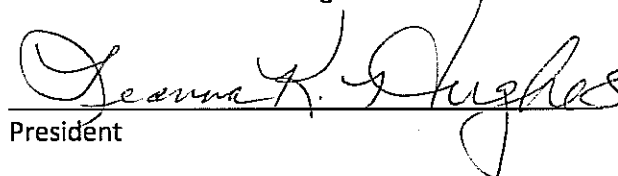
SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

APPROVED this 14<sup>th</sup> day of December, 2011

Newburgh Town Council

  
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President

ATTEST:

Rebecca Gentry  
Clerk-Treasurer