

Newburgh Town Council Meeting  
Date: Wednesday, January 25, 2012

The Newburgh Town Council met in Executive Session on Wednesday, January 25, 2012, 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, Town Attorney R. Thomas Bodkin and Utility Office Manager Susan Helms. 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.

A moment of silence was observed for the following:

James Allen, Jr.  
Alpha Owens, Jr.  
Fonda Vincent  
Garland Brizius  
Jane Heck

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 - Chris Wischer

APPROVAL OF MINUTES

MOTION by Mrs. McGuire to approve the December 28, 2011 minutes.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5; nays 0.

January 11, 2012 – Executive & Regular Session

MOTION by Mr. Kavanaugh to table the January 11, 2012 minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

## SCHEDULED REQUESTS & APPEARANCES

### 1. Jeff Hoffman – Regarding Street Cut at 516 Hillcrest

Jeff Hoffman with Hoffman Plumbing requested a street closing for a sewer tap at 516 Hillcrest.

MOTION by Mr. Kavanaugh to approve the street closing for a sewer tap at 516 Hillcrest on January 27, 2012.

SECOND by Mr. Moore.

DISCUSSION: Mr. Kavanaugh stated Police Chief Brett Sprinkle had been advised of the request and met with his approval. The road closing will take place on Friday, January 27, 2012 between the hours of 8:00 a.m. and 3:00 p.m.

MOTION carried: ayes 5, nays 0.

## PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Yvonne Wasson, 1755 Brenda Drive, Kathy Bugg, 1034 Jefferson Park Drive, and Carol Schaefer, Executive Director of Historic Newburgh, Inc. (HNI) requested the closure of French Island Trail for set-up on May 16 and 17, and for the duration of the Newburgh Wine & Jazz Festival on May 18 and 19, 2012.

MOTION by Mr. Kavanaugh to allow council to take under advisement the request to close French Island Trail for an extended period associated with the Newburgh Wine & Jazz Festival May 18 and 19, 2012.

SECOND by Mr. Moore.

DISCUSSION: The council expressed reservation having the thoroughfare closed for an extended period and will seek counsel with Police Chief Sprinkle. This item will appear on the agenda at the next meeting. Ms. Aurand suggested a map showing the closure would be helpful along with the dates and times. Ms. Schaefer stated the tent would be arriving on the morning of May 16. The goal is to move the event to the street since the ground has been extremely wet in the past.

MOTION carried: ayes 5, nays 0.

Carol Schaefer introduced Melissa Scheller, a new intern with HNI and a current student at USI. She also stated the annual meeting of HNI will be Feb 15 at 6:30 p.m. The Celebrate Preservation Party is scheduled on May 10 at the home of Philip Field.

## COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

FIRE - Mr. Moore

Chad Bennett, representing the Newburgh Volunteer Fire Department, stated the invoice for three (3) pagers in the amount of \$1,662.00, approved by council in November 2011, did not arrive until 2012. As a result, \$7,158.16 remained in the 2011 budget and was carried forward into the 2012 General Fund.

MOTION by Mr. Moore to allow the invoice for three (3) pagers in the amount of \$1,662.00 to be paid from the General Fund.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Moore to allow the purchase of three (3) additional pagers in the amount of \$1,662.00 to be paid from the 2012 General Fund.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Moore to allow the purchase of a new set of turn-out gear at a cost of \$1,700.00 to be paid from the 2012 Fire Department's fiscal budget.

SECOND by Mr. Kavanaugh.

DISCUSSION: David Shepherd, who is 6'10", has joined the department and needs gear that fits proportionately.

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Moore to allow the purchase and installation of a new generator at a cost not to exceed \$4,200.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: Repairs to the current twelve (12) year old generator would cost \$2,650.00.

MOTION carried: ayes 5, nays 0.

Mr. Bennett stated the Newburgh Fire Department received a \$10,000.00 grant from the Knight Fire Department Association. The department placed a grant request, which was approved, for twenty (20) radios as nearly one-third of the members do not have one.

HISTORIC PRESERVATION - Mrs. McGuire

Mrs. McGuire stated the commission met on January 12, 2012. The code of ethics was adopted unanimously. Elected officers were: Steve Shoemaker, President; Sherri Green, Vice-chair. Mrs. McGuire requested council members put the Celebrate Preservation Party on their calendars for May 10.

PARK - Mrs. McGuire

Mrs. McGuire stated their next meeting will be held on February 2, 2012 at 6:00 p.m.

PLAN - Ms. Aurand

Ms. Aurand stated the Board of Zoning Appeals (BZA) will meet on January 30, 2012 at 6:00 p.m. for 2012 elections. The Plan Commission will meet on February 6, 2012 at 5:30 p.m.

POLICE - Mr. Kavanaugh

No report.

STORM WATER - Mr. Kavanaugh

Mr. Kavanaugh stated a meeting was held on January 23, 2012 with the OCRA grant discussed. The grant award ceremony will be held at the Indiana State House in Indianapolis on February 10, 2012 at 2:00 p.m. Ms. Burger stated that bids on this project should go out in April or May. Bids for the drainage work at the Lock and Dam will go out in February. The Jefferson Street outfall project will not go out for bids until July. The permitting process is a six (6) month period so the permits will not be received until May, followed by final design. The project must be completed by December 31, 2012 to qualify for FEMA funds. In other business, an election of officers was held retaining the 2011 officers: Dana Grace, President and Greg Riley, Vice-president. The final design contract with Commonwealth was approved.

STREETS - Mr. Moore

Mr. Moore reported that the department continues to work along Maple Lane to improve drainage. The Trolley is being refinished.

UTILITY – Mrs. Hughes

Mrs. Hughes reported on the motions from the January 12, 2012 Utility Meeting.

MOTION by Mrs. Hughes to approve, upon unanimous vote of the Utility Committee, the purchase of a new pump for the Darby Hills Lift Station in an amount not to exceed \$3,700.00 plus freight from KM Specialty Pump, Inc.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve, upon unanimous vote of the Utility Committee, the purchase of parts for Lift Station #3 in an amount not to exceed \$15,500.00 plus freight from BBC Pump and Equipment Co., Inc.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow the property at 7700 Vann Road to connect by private easement through Lot #4 in Old Hickory Subdivision to the Newburgh sanitary sewer.

SECOND by Mr. Kavanaugh.

DISCUSSION: Mr. Lant must obtain the easement and present the recorded copy to the Utility Office.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve, upon unanimous vote of the Utility Committee, a sewer billing adjustment for a water leak in the crawl space at 10688 Williamsburg Drive for Derek Thompson in the amount of \$96.14.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve, upon unanimous vote of the Utility Committee, a sewer billing adjustment for a water heater leak at 6622 Red Horse Pike for Jodele Bender in the amount of \$126.67.

SECOND by Mr. Kavanaugh.

DISCUSSION: Water did not go down the drain due to no drains accessible in the area of the water heater according to a customer signed affidavit.

MOTION carried: ayes 5, nays 0.

STANDING COMMITTEES:

FINANCE – Mrs. Hughes

Mrs. Hughes stated that an e-mail was sent to council regarding the various projects that are currently underway. These projects along with the funding necessary to complete these projects will be reviewed during the meeting scheduled next week.

PERSONNEL – Mrs. McGuire

Mrs. McGuire stated a meeting is scheduled on Monday, January 30, 2012 to review and discuss an issue with the personnel policy. The findings will be presented at the next council meeting.

SPECIAL BOARDS/COMMITTEE REPORTS

Alternate Routes into Newburgh – Ms. Aurand

Mrs. Hughes stated the committee has targeted a potential route. Financial constraints have deterred the project at this time but will be included with council goals at an upcoming meeting.

Museum – Mrs. Hughes

Mrs. Hughes stated an executive board meeting will be held next week; the regular museum board meeting will be held on Tuesday, February 7, 2012. Council approval is necessary regarding the museum's inventory, whether it will be owned by the Town or by the museum.

REVITALIZATION - Mrs. McGuire

No report.

RIVERTOWN TRAIL – Mr. Kavanaugh

No report.

SIDEWALK – Mr. Kavanaugh

Ms. Burger reported the Preliminary Field Check / Utility Coordination meeting for Safe Routes to School will be held on January 26, 2012 in Town Hall.

Mr. Hynes reported work is continuing on the Jefferson Street Sidewalk project. A modular retaining wall is being constructed beginning with the Mercer wall. Following completion of the modular wall, the contractor will begin on the sidewalks.

ZONING ADMINISTRATOR – David Zendell

No report.

CLERK-TREASURER – Mrs. Gentry

No report.

TOWN ATTORNEY – Mr. Bodkin

No report.

TOWN ENGINEER – David Hynes

Mr. Hynes requested the council members look at the Lock & Dam hillside as it appears to have slid quite a bit more in the past month. The sanitary sewer design has been presented to the Geotech. Mr. Hynes hopes to update the council on their discussion at the next meeting. Ms. Burger stated the NRCS engineer reviewed the site and expressed concerns regarding the further movement. As a result, he is researching emergency funding at the national level. Mr. Hynes stated the slide has not affected any of the residents in this area.

TOWN ADMINISTRATIVE MANAGER – Ms. Burger

Ms. Burger stated that she will be meeting with a representative from the USDA Rural Development on February 3, 2012 regarding the possibility of SRF loan funding for downtown businesses for façade work.

The common construction wage committee meeting will be held on February 15, 2012 for the Lock and Dam project and any other project that is in excess of \$250,000.00 during the next three (3) months.

MOTION by Mrs. McGuire to approve the 2012 Town department goals and objectives as presented by Ms. Burger.

SECOND by Mr. Moore.

Discussion: None

MOTION carried: ayes 5, nays 0.

The river is rising with an expected crest of 43.5' by next Thursday. The water is over the boat ramp and is expected to be over the historic bridge by Friday.

#### UNFINISHED BUSINESS

1. Employee Recording Policy...tabled December 14, 2011

MOTION by Mrs. McGuire to remove from table and agenda Employee Recording Policy.

SECOND by Mr. Moore.

DISCUSSION: Mrs. McGuire stated the Employee Recording Policy will be included as an update to the Personnel Policy to include the change in CDL law and requested this item be removed from the agenda.

MOTION carried: ayes 5, nays 0.

2. Accept for Sewer Maintenance – Eli Place...tabled January 11, 2012

MOTION by Mr. Kavanaugh to remove from table Accept for Sewer Maintenance – Eli Place.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh on the engineer's recommendation to Accept for Sewer Maintenance – Eli Place in the amount of \$84,265.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

#### NEW BUSINESS

1. Contract – Commonwealth Engineers, Inc. – Task Order 2012-01 – Annual CMOM Audit

MOTION by Mrs. Hughes to approve the Commonwealth Engineers, Inc. proposal for preparation of the annual CMOM Audit Report, Progress Report and Sanitary Sewer Overflow (SSO) Report as required by the Consent Decree in an amount not to exceed \$9,000.00 according to standard hourly rates.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

2. Contract – Commonwealth Engineers, Inc. – Task Order 2011-07 – Wellness Trail Sanitary Sewer

MOTION by Mrs. Hughes to approve the contract with Commonwealth Engineers, Inc. for engineering services for the Town of Newburgh Wellness Trail Sanitary Sewer in an amount not to exceed \$104,000.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: The cost breakdown is as follows: design services, \$37,050.00; bidding, \$8,550.00; construction phase, \$9,700.00; resident project representative (RPR), \$42,550.00; and, additional services, \$5,300.00.

MOTION carried: ayes 5, nays 0.

3. Contract – Commonwealth Engineers, Inc. – WWTP Expansion Project – Amendment #3  
MOTION by Mrs. Hughes to approve the amended contract (Amendment 2012-01) with Commonwealth Engineers, Inc. for Amendment 2009-02 for additional services in closing the WWTP Expansion project due to compliance with American Recovery and Reinvestment Act (AARA) of 2009 in an amount not to exceed \$15,000.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: Mr. Hynes stated there was a contract amount to cover ARRA paperwork, however, due to the state requiring additional work, the initial funds did not cover the costs.

MOTION carried: ayes 5, nays 0.

4. Contract – Commonwealth Engineers, Inc. – Final Design of Westside Drainage Project  
MOTION by Mr. Kavanaugh to approve the contract with Commonwealth Engineers, Inc. for Final Design of Westside Drainage Project to include bidding, construction engineering, RPR services and project close-out in an amount not to exceed \$61,200.00.

SECOND by Mrs. McGuire.

DISCUSSION: The cost breakdown, all figures represent not to exceed amounts, is as follows: final design, \$14,400.00; bidding and negotiation, \$6,200.00; construction engineering and commissioning, \$12,400.00; RPR, \$16,600.00; and, additional services including geotechnical, erosion control plan and required permits, \$11,600.00.

MOTION carried: ayes 5, nays 0.

5. Contract – Green 3 – Town Signage

MOTION by Mrs. McGuire to approve the contract with Green 3 for the design and layout for Revitalization to include the entry signs, kiosk, redistrict signs and logos in the amount of \$7,100.00 expenses inclusive.

SECOND by Ms. Aurand.

DISCUSSION: The expense breakdown is as follows: town entry sign design, \$900.00; redistrict sign designs and logos, \$3,400.00; one way-finding kiosk design, \$2,800.00, all paid from the CCDF. Mrs. Hughes expressed concerns regarding design revisions. Mrs. McGuire assured her the committee and council will have final say of approval.

MOTION carried: ayes 5, nays 0.

6. Purchase of Kyocera Color Copier

MOTION by Mr. Kavanaugh to purchase a Kyocera Color Copier from Hoosier Business Machines in an amount of \$8,950.00 with funding from CCIF in the amount of \$4,475.00 and from the Sewer Department in the amount of \$4,475.00.

SECOND by Ms. Aurand.

DISCUSSION: Ms. Burger stated three (3) bids were received with Hoosier Business Machines submitting the low bid. This copier has scanning and faxing capabilities and will replace the copier in the Town Hall workroom; the present workroom copier and fax machine will be moved to the Police Department.

MOTION carried: ayes 5, nays 0.

7. Ordinance 2012-01 – Establishing Fees

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2012-01 – Establishing Fees.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Wischer read Ordinance 2012-01 – Establishing Certain Fees in the Town of Newburgh.

MOTION by Mr. Kavanaugh to accept the first reading of Ordinance 2012-01 – Establishing Fees.  
SECOND by Ms. Aurand.

DISCUSSION: Ms. Aurand stated that this an action the Plan Commission initiated in August 2011 recommending to council that the fee be reduced from \$250.00 to \$25.00 for demolition of structures larger than 200 square feet and \$15.00 for structures that are 200 square feet and smaller.  
MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the second reading of Ordinance 2012-01 – Establishing Fees.  
SECOND by Ms. Aurand.

DISCUSSION: None  
MOTION carried: ayes 5, nays 0.

Mr. Wischer read Ordinance 2012-01 – Establishing Certain Fees in the Town of Newburgh.

MOTION by Mr. Kavanaugh for the adoption of Ordinance 2012-01 – Establishing Fees.  
SECOND by Ms. Aurand.

DISCUSSION: None  
MOTION carried: ayes 5, nays 0.

8. Final Payment Number 9 for Sanitary Relief Force Main for Lift Station #1 to PPMI  
MOTION by Mr. Kavanaugh on the engineer's recommendation to approve Payment Number 9 for Sanitary Relief Force Main for Lift Station #1 to PPMI in the amount of \$1,250.00.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 5, nays 0.

9. Army Corps of Engineers Permit Section 404 for Westside Drainage Project  
MOTION by Mr. Kavanaugh on the engineer's recommendation to approve the Army Corps of Engineers Permit Section 404 for Westside Drainage Project.  
SECOND by Mr. Moore.  
DISCUSSION: Mr. Hynes stated this permit will include Division A which is a 30" pipe that runs between Maple Lane and Windsor Point, and Division B which is the Knob Hill retention area.  
MOTION carried: ayes 5, nays 0.

10. Indiana Department of Environmental Management (IDEM) 401 Water Quality Certification of Westside Drainage Project  
MOTION by Mr. Kavanaugh on the engineer's recommendation to approve IDEM 401 Water Quality Certification of Westside Drainage Project.  
SECOND by Mr. Moore.  
DISCUSSION: Mr. Hynes stated this is for Division A and Division B.  
MOTION carried: ayes 5, nays 0.

#### MISCELLANEOUS BUSINESS

Mr. Kavanaugh stated he thought tomorrow was Mr. Bodkin's 65th birthday. Mr. Wischer stated Mr. Bodkin will be 67. Mrs. McGuire stated it was Police Chief Sprinkle's birthday on Friday. Ms. Aurand stated Mr. Moore would be celebrating a birthday next week and Mrs. McGuire's is on the 28th.

Mrs. Hughes reminded the council that goals are due at the next meeting.

APPROVAL OF CLAIMS

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

Civil Town: \$297,095.00

Sewer Operations: \$491,021.28

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

MOTION by Ms. Aurand to adjourn the meeting.

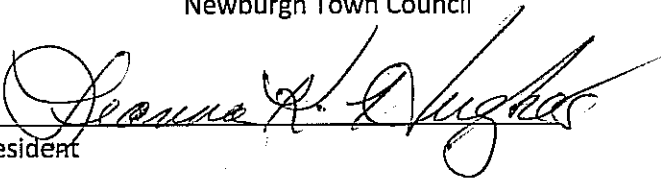
SECOND by Mr. Moore.

DISCUSSION: None

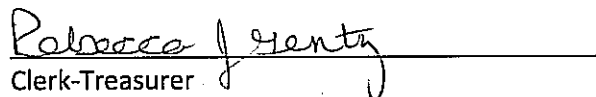
MOTION carried: ayes 5, nays 0.

APPROVED this 8<sup>th</sup> day of February, 2012

Newburgh Town Council

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer