

Newburgh Town Council Meeting
Date: Wednesday, June 11, 2014

The Newburgh Town Council met in Executive Session on Wednesday, June 11, 2014, 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 Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney Christopher C. Wischer. The purpose of the meeting was discussion of personnel matters and pending litigation.

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

CALL TO ORDER

The meeting was called to order at 5:38 p.m. by District I William F. Kavanaugh.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed for George Schneider.

ROLL CALL

Those present at the meeting:

District I - William F. Kavanaugh

District II - Tonya R. McGuire

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Council-at-Large - Leanna K. Hughes

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Christopher C. Wischer

APPROVAL OF MINUTES

MOTION by Mr. Moore to approve the May 28, 2014 Town Council meeting minutes.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

UNFINISHED BUSINESS

1. 2013 Outstanding Citizen Award and Community Service Award

Mr. Kavanaugh recognized the Newburgh United Methodist Church as the recipient of the 2013 Outstanding Citizen Award and Community Service Award for their efforts at the Fortress of Fun, gazebo and log cabin.

SCHEDULED REQUESTS & APPEARANCES

None requested.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Penny Nejad, 17 West Jennings, Newburgh, voiced dissatisfaction on the closing of State Street for the Car Cruise-in scheduled on June 13, 2104. These type events hurt the local restaurant business. Her sentiments were echoed by Ben Nejad and Jacquie Schen. Council members understood their concern.

MOTION by Ms. Aurand to amend the previous motion concerning the Cruise-in for this weekend only to allow parking as it now exists on the first block of State Street and for the street to remain open.

SECOND by Mrs. McGuire.

DISCUSSION: Mrs. Hughes stated letters were placed on the doors of all tenants regarding the event.

MOTION carried: ayes 5, nays 0.

Ms. Aurand stated the majority of her customers visit Newburgh to patronize the establishments and are not in town for an event.

UNFINISHED BUSINESS

2. Ordinance 2014-05, Re-zoning of 5 East Jennings from Commercial 1 to Residential 1 – Second Reading

MOTION by Mrs. McGuire for the second reading of Ordinance 2014-05, Re-zoning of 5 East Jennings from Commercial 1 to Residential 1.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Wischer read Ordinance 2014-05, an ordinance to amend the Newburgh, Indiana Comprehensive Zoning Map by re-zoning certain real estate in Newburgh, Indiana.

MOTION by Mrs. McGuire for the adoption of Ordinance 2014-05, Re-zoning of 5 East Jennings from Commercial 1 to Residential 1.

SECOND by Ms. Aurand.

DISCUSSION: Roll call vote requested. Mrs. Hughes stated she is against the rezoning due to the loss of a commercial space. Mrs. McGuire stated she would like to see something on the lot rather than it being vacant.

ROLL CALL VOTE: Kavanaugh, nay; McGuire, aye; Moore, abstain; Aurand, aye; Hughes, nay.

MOTION failed: ayes 2, nays 2, and abstention 1.

NEW BUSINESS

1. Acceptance for Sanitary Sewer Maintenance – Castle Commons Planned Unit Development (PUD)

Mr. Hynes stated Castle Commons is an apartment complex under construction located near Peoples Bank. A sewer exists in this area but due to building configuration the sewer must be re-laid. Mr. Hynes recommends acceptance of the sewer for maintenance.

MOTION by Mr. Moore to accept the Castle Commons Planned Unit Development for Sanitary Sewer Maintenance.

SECOND by Mrs. Hughes.

DISCUSSION: Cost is \$49,600.00.

MOTION carried: ayes 5, nays 0.

2. Encroachment Agreement – Tierra Holdings LLC, 4950 Imperial Drive

Mr. Wischer stated all the encroachment agreements on today's agenda are standard encroachment agreements for fences that cross the sewer easement.

MOTION by Mrs. Hughes to approve the Encroachment Agreement for Tierra Holdings LLC, 4950 Imperial Drive.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

3. Encroachment Agreement – Robert & Sharon Bastnagel, 3344 Westhampton Drive
MOTION by Mrs. Hughes to approve the Encroachment Agreement for Robert & Sharon Bastnagel, 3344 Westhampton Drive.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

4. Encroachment Agreement – Shane and Amy Davidson, 4671 Marble Court
MOTION by Mrs. Hughes to approve the Encroachment Agreement for Shane and Amy Davidson, 4671 Marble Court.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

COMMISSION REPORTS
AIR AUTHORITY - Ms. Aurand
No report.

BOARD OF ZONING APPEALS – Ms. Aurand
No report.

FIRE - Mr. Moore
Chief Paul Campbell distributed the Fire Department's monthly report for May 2014. Chief stated the new helmets arrived today and requested surplus of the 44 old helmets allowing the volunteers to keep their helmets.
MOTION by Mr. Moore to surplus the 44 old helmets.
SECOND by Mrs. McGuire.
DISCUSSION: Mrs. Hughes requested one for the museum.
MOTION carried: ayes 5, nays 0.

Chief Campbell stated five (5) spec sets have been sent out for the new fire truck and are due on June 25, 2014 for the next council meeting. All volunteers have new turnout gear.

HISTORIC PRESERVATION - Mrs. McGuire
Mrs. McGuire stated the HPC will meet tomorrow at 5:45 p.m. The
MOTION by Mrs. McGuire to appoint Chris Lunn to fill the HPC vacancy.
SECOND by Mr. Moore.
DISCUSSION: Mr. Lunn will fill the unexpired term of Sherri Green which ends December 31, 2016.
MOTION carried: ayes 5, nays 0.

PARK – Mrs. Hughes
Ms. Buehlman stated the sandblasting and repainting along the edge of the pool has eliminated the slick surface. The pool's sound system speakers are in need of updating with product research underway. The river has resided; the dirt at the boat ramp will be moved to fill in the site of the old batting cages.

PLAN – Ms. Aurand
Ms. Aurand stated a quorum was not present for the last meeting. During the month of May, 26 permits were issued totaling \$1,180.00 in fees and 15 projects at a value of \$103,900.00.

POLICE – Mr. Kavanaugh

Chief Sprinkle stated the department paid \$7,600.00 for a boat motor. The department will be responsible for the new vehicle's first installment of \$6,446.87; this vehicle replaced the car that was totaled. Five (5) reserve officers will be added to the department and all will need new 800 megahertz radios.

MOTION by Mrs. McGuire to allow the Newburgh Police Department to purchase five (5) radios at a cost of \$8,295.00.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow the Newburgh Police Department to purchase a Glock back-up weapon for each full-time officer plus four (4) Simunition Glock pistols, two (2) rifles, ammunition and protective gear at a cost of \$6,418.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow the Newburgh Police Department to paint the Humvee in the same color scheme as the police vehicles at a cost not to exceed \$3,000.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow the Newburgh Police Department to proceed with the grant application for computer equipment that allow for the download of cell phones, at a cost of \$5,300.00 with the department responsible for \$1,995.00.

SECOND by Mrs. McGuire.

DISCUSSION: The Chief stated the equipment would be made available for use to county officials.

MOTION carried: ayes 5, nays 0.

Michael Jones will be sworn-in at the July 14, 2014 Police Commission meeting as a regular merit officer. Jason Brown will be sworn-in as a reserve officer. Mr. Brown owns the gun business located adjacent to the Police Department and is currently a reserve deputy for the county. The department plans to add four (4) reserve officers this year and a full-time regular merit officer in December.

The Chief will attend the Wine Fest wrap-up meeting since there were a few problems this year. The Blue Ribbon River Run sponsored by Vantage Oncology & Therapy Associates was held on June 7, 2014. Though representatives were informed golf carts were not allowed, 10 to 15 were brought in and used for transportation. The Chief will discuss this issue further with the run planners. There was also major congestion in the downtown area with the Farmer's Market and River Run occurring at the same time. Council members will consider restricting multiple events occurring at the same time along the Trail and perhaps moving the Farmer's Market to the Lock and Dam.

The Chief stated 46 Citations and 110 warnings were issued in May. Ms. Aurand stated there have been more instances of 'tagging'. The department has received information regarding the subjects involved. The Chief notified the council of a bomb threat made to Café Arazu two weeks ago. Within 15 minutes, police officers identified the suspect and he was jailed within 45 minutes.

STORM WATER – Mr. Kavanaugh and Mr. Moore.

Storm Water did not meet in June; the next meeting will be held on July 16, 2014.

STREETS – Mr. Moore

Mr. Moore stated the Street Crew continued to mow, trim and spray Town properties. A sinkhole was filled and repaired at 217 W. Main and a storm grate on Market Street was repaired. Ditches along Frame Road were dug with the dirt taken to the batting cage area, as well as, dirt from the Lock & Dam ramp. The over-flow drain at Knob Hill was cleaned. The department's 5-ton dump truck received repairs to the hoist pump.

MOTION by Mr. Moore to allow Lori Buehlman to pursue the purchase of a Cat backhoe for the Street Department and Town of Newburgh in an amount not to exceed \$90,000.00.

SECOND by Mrs. McGuire.

DISCUSSION: The current backhoe is 14 years old and needs to be replaced.

MOTION carried: ayes 5, nays 0.

Mr. Moore stated a group of individuals reviewed many of the ditches and drains in the area where drainage issues are located and decided these areas could be cleaned by the Street Department; the new backhoe will be instrumental.

UTILITY – Mrs. Hughes

Mrs. Hughes read the Utility Motions from the June 4, 2014 Utility meeting.

MOTION by Mrs. Hughes to adjust Sam Genson's account for summer averaging by adding three (3) months at 9300 gallons for each month to their actual consumption for three (3) months.

SECOND by Mr. Kavanaugh.

DISCUSSION: This was a new home where the water consumption was based on watering. This is an isolated case.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to request an engineering proposal from Commonwealth Engineering Inc. (CEI) for design and permitting required for the Jeffries Lane sanitary sewer project.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to request a revised engineering proposal from CEI for design and permitting required for the Victoria and Lincolnwood force main project.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to request an engineering task order proposal from CEI concerning an exposed lateral in the PUE and the sanitary sewer main located at 8277 Sycamore Drive.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to request an engineering task order proposal from CEI to generate 20 flyover sanitary sewer rollup maps and 4 single sheet wall maps.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI for engineering assistance to verify that the home at 4671 Marble Court is encroaching on the sewer line and that the sewer line needs to be moved.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to have CEI speak to the County on our behalf regarding the culvert work at the Blue Lake Lift Station.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to recommend to Council to approve the certification bonuses for Logan Warren, Aaron McRoberts, James Musser and Leroy Goldsberry.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to declare the 27-foot box trailer as surplus.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to recommend to Council an agreement between Jagoe Land Corporation, Warrick County, and the Town to subordinate the Town's sewer easement in the right-of-way in Brookstone Subdivision to Warrick County, for five years, during which Jagoe and the Town agree to split the cost of any street repairs that are caused from repairs to the sewer in the right of way in Brookstone Drive and Sandstone Court.

SECOND by Mr. Kavanaugh.

DISCUSSION: Mr. Wischer was not present at the Utility meeting but has completed the agreement.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to recommend to Council an agreement between Maken Corporation, Warrick County, and the Town to subordinate the Town's sewer easement in the right-of-way in Pemberly Place Subdivision to Warrick County, for five years, during which Maken and the Town agree to split the cost of any street repairs that are caused from repairs to the sewer in the right of way in Pemberly Court. This agreement is subject to legal review.

SECOND by Mr. Kavanaugh.

DISCUSSION: Mr. Wischer was not present at the Utility meeting but has completed the agreement.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to recommend to Council that the proposal submitted by Maken Corporation for Lot #1 in the High Pointe Center North III for providing sewer connection by a private force main is acceptable.

SECOND by Mr. Kavanaugh.

DISCUSSION: At the Utility meeting, Leon Key discussed other options that might be available for connection to the Newburgh Sewer for this lot in the near future due to upcoming Newburgh projects.
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to recommend to Council to approve the change order to the Deig Bros. contract in the amount of \$1,300.00 for the manhole replacement at 320 Jennings.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to recommend to Council to approve the emergency street repair on Jefferson Street at the cost of \$5,100.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to recommend to Council to deny the request for a leak adjustment for the Newburgh Country Store.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

Mr. Lybarger stated the audit has been completed with the exit interview scheduled on June 19, 2014.

MOTION by Mrs. Hughes to advertise an Executive Session on June 19, 2014.

SECOND by Mrs. McGuire.

DISCUSSION: Mr. Wischer will review the legal aspect of this meeting.

Motion and second rescinded.

PERSONNEL – Mr. Kavanaugh

No report.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

The next meeting will be held on June 16, 2014 at 10:00 a.m. in council chambers.

SIDEWALK – Mrs. Hughes

Ms. Buehlman stated July 9, 2014 is the letting date. The easements required by INDOT have been attained.

ARTS PAVILION – Mrs. Hughes

Mrs. Hughes stated musicians are being schedule for the Arts Council's Summer Sundays from 2:00 to 4:00 p.m. in June, July and August. The next meeting will be held on July 7, 2014.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Mrs. Hughes requested a Zoning Administrator be hired for a 30-hour week. A job description will be written.

CLERK-TREASURER – Mr. Lybarger
No report.

TOWN ATTORNEY – Mr. Wischer

Mr. Wischer stated a Newburgh contingent met with the University of Evansville (UE) regarding the Town's proposal for the Old Stone House. UE will review the information and respond to Mr. Wischer. The deed to the Water Street lot located between the condos and the Edgewater Grille has been transferred and now belongs to the Town of Newburgh. Organized events are not allowed on the property.

TOWN ENGINEER – Mr. Hynes

The bid opening for the 2014 Street Resurfacing Project will be held at the June 25, 2014 Town Council meeting.

MOTION by Mr. Moore to include Forest Park to the Resurfacing Project.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Hynes stated only one contractor submitted a quote for the Overlook Drive. The quote was higher than expected and will be held until further notice.

Lock and Dam parking lot revision was emailed to the Rivertown Trail Committee members.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

MOTION by Mrs. McGuire to surplus the 2002 Ford F-150 truck and sold at auction.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

The HNI Fourth of July Fireworks Buttons are now on sale.

The Rivertown Trail 5K & 8K Race netted approximately \$4,500.00.

Meade Construction, a subcontractor of Vectren, will begin the work required to upgrade the gas lines on Monday. Chief Sprinkle stated a detour may be needed.

Ms. Buehlman will present a letter of good wishes from the Town while she is in Newburgh, England.

MISCELLANEOUS BUSINESS

Mr. Kavanaugh is willing to volunteer at the Fourth of July Fireworks event.

Mrs. Hughes stated there have been a few noise complaints. The Town does have a nuisance ordinance, passed in 1982, which is enforced. Ms. Aurand stated the Town has an abundance of motorcyclists.

Mrs. McGuire requested that all Town vehicles be marked with the Town logo. Ms. Buehlman will inventory the vehicles.

Ms. Aurand stated there was a May election in Newburgh, England and read the slate of officers.

Ms. Aurand stated the amount of wildlife in her neighborhood continues to increase.

APPROVAL OF CLAIMS

MOTION by Mr. Moore moved that claims be paid in the following amounts including any sewer adjustments:

Civil Town – \$329,504.70

Sewer - \$608,898.17

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

MOTION by Mrs. McGuire to adjourn.

SECOND by Mrs. Hughes.

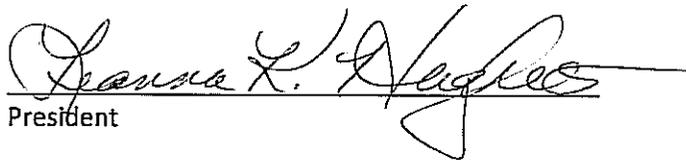
DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mrs. Hughes adjourned the meeting at 8:13 p.m.

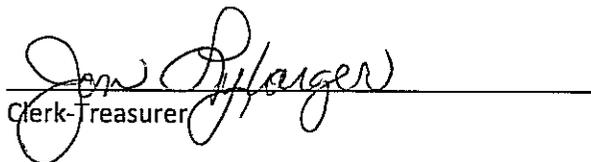
APPROVED this 25 day of June, 2014

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer