

Newburgh Town Council Meeting  
Date: Wednesday, December 26, 2012

The Newburgh Town Council met in Executive Session on Wednesday, December 26, 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, Town Manager Lori Buehlman, and Town Attorney R. Thomas Bodkin. 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

President Hughes called the Regular Session to order at 5:35 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council and Boy Scout Troup 352 members Samuel and Daniel Milam, 5677 Sherwood Ct., Newburgh.

A moment of silence was observed for the following: Betty and Kenneth Kennedy, Harold Kaufmann and Tony Adams.

ROLL CALL

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 - Rebecca J. Gentry  
Town Manager - Lori Buehlman  
Town Attorney - R. Thomas Bodkin

APPROVAL OF MINUTES

MOTION by Mr. Moore to approve the December 12, 2012 minutes.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None present.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Dave Keller stated a fundraising event will be held tomorrow at St. John's Church in Newburgh. The event is sponsored by Sam Featherstone in an effort create awareness and raise funds for pediatric brain cancer.

MOTION by Mr. Kavanaugh to suspend the rules to allow the reading of Proclamation 2012-11.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh to read Proclamation 2012-11.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Proclamation 2012-11, a proclamation designating December 27, 2012, as Pediatric Brain Cancer Awareness Day.

MOTION by Mr. Kavanaugh to so proclaim and adopt Proclamation 2012-11.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

#### COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

FIRE - Mr. Moore

Fire Chief Paul Campbell expressed concerns regarding the needed repairs for Engine 11. In its present condition, the truck is only capable of transporting firefighters. The second Town truck is in need of updated passenger restraints and pump repair.

MOTION by Mr. Kavanaugh to proceed with the repairs to Engine 11 in the amount stated, minus the \$1,400.00 credit, not to exceed \$5,000.00 payable in 2013.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mrs. Hughes requested the Chief make a key to the fire station for Ms. Buehlman.

Mrs. Hughes stated the council has concerns regarding the department. Mr. Kavanaugh thought the council would meet with the department volunteers and alleviate some concerns through conversation and Mr. Moore agreed.

MOTION by Mr. Moore to request Ms. Buehlman prepare a meeting notice with all members of the Newburgh Volunteer Fire Department, the Town Council and attorney.

SECOND by Mr. Kavanaugh.

DISCUSSION: Ms. Aurand felt the group would be too large for this type meeting. There are 40 volunteers. Mrs. McGuire did not think the volunteers would offer their opinion in an open meeting.

MOTION withdrawn by Mr. Moore.

SECOND withdrawn by Mr. Kavanaugh.

MOTION by Mr. Kavanaugh to request Ms. Buehlman schedule a meeting with the Newburgh Volunteer Fire Department Chief, the two (2) assistant chiefs, Fire Commissioner, Fire President and Ms. Buehlman during the first or second week in January.

SECOND by Mr. Moore.

DISCUSSION: Mrs. Hughes did not feel the meeting would be productive since all members will not be in attendance to express their opinions.

MOTION carried: ayes 4, nays 1 (Mrs. Hughes).

HISTORIC PRESERVATION - Mrs. McGuire

No report.

PARK - Mrs. McGuire

No report.

PLAN - Ms. Aurand

Ms. Aurand stated the next meeting will be January 7, 2013.

POLICE - Mr. Kavanaugh

Chief Sprinkle stated winter sport enthusiasts at the Lock and Dam were redirected to sled at the Overlook. Ms. Aurand wondered if certain streets could be closed to allow sledders a safe environment. The chief stated this is possible with proper signs and barricades. The chief applauded the efforts of the Street Department to clear the Newburgh streets.

The testing prerequisites are being fulfilled by Jeremy McCrarey; the psychological evaluation has been returned. The Chief would like the swearing-in ceremony on February 4, 2013 at 4:30 p.m. during the next police commission meeting.

STORM WATER - Mr. Kavanaugh

Mr. Kavanaugh stated the next meeting will be on January 28, 2013 which is one week later than usual due to the Martin Luther King holiday.

STREETS - Mr. Moore

Mr. Moore thanked Police Chief Sprinkle for his kind comment about the Street Department crew and commented that they enjoy their work. Ms. Buehlman stated 20 additional tons of salt were ordered.

UTILITY - Mrs. Hughes

No report.

STANDING COMMITTEES

FINANCE - Mrs. Hughes

The Finance Committee has not met since the last meeting.

PERSONNEL - Mrs. McGuire

No report.

SPECIAL BOARDS/COMMITTEE REPORTS

MUSEUM - Mrs. Hughes

Mrs. Hughes stated the next meeting will be held on January 8, 2013. Ms. Aurand commented on the nice holiday display. The museum will be closed two (2) weeks in January to prepare the next display which will feature the railroad, as well as, Warrick County's 200<sup>th</sup> birthday chaired by Todd Glass.

RIVERTOWN TRAIL - Mr. Kavanaugh

Ms. Buehlman stated a Notice to Proceed was issued to R.W. Armstrong; two (2) meetings were held with INDOT on the Phase IIIA final design project.

SIDEWALK - Mr. Kavanaugh

Ms. Buehlman stated a meeting was held with INDOT regarding the Safe Routes to School Project. They may accept the right-of-way and easements.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand  
No report.

CLERK-TREASURER – Rebecca J. Gentry  
No report.

TOWN ATTORNEY – Mr. Bodkin  
No report.

TOWN ENGINEER – Mr. Hynes

MOTION by Mr. Kavanaugh to approve the consultant consent form to allow Commonwealth to obtain a permit bond in the amount of \$300,000.00 for the Hwy 261 sewer relocation project.

SECOND by Mr. Moore.

DISCUSSION: Mr. Bodkin stated he is meeting with INDOT as he feels this is an inappropriate request because the Town has never had to have a bond in place for such a project.

MOTION carried: ayes 5, nays 0.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman reported on the nice article in the Monday, December 24, 2012, Evansville Courier regarding the Newburgh downtown merchants.

A walk-through was completed on the Westside Drainage and Lock and Dam Projects with NRCS representatives last week. There are a few items remaining on the punch lists but both projects are nearly complete.

The Street Department repaired drainage problems at Main and Cypress Streets and on Tree Lane Road.

Individual meetings with employees took place December 18 and 19, 2012 to discuss the benefit packages. A few suggestions were offered and will be passed on to the council members.

#### UNFINISHED BUSINESS

1. Headworks Piping Project – Pay Estimate # 1 to Reynolds, Inc., Tabled December 12, 2012  
Continue to table.

#### NEW BUSINESS

1. 2013 Contract with Bamberger Forman Oswald & Hahn

MOTION by Mrs. McGuire to approve the 2013 contract with Bamberger Forman Oswald & Hahn.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

2. 2013 Contract – Cleland Environmental Engineering, Inc.

MOTION by Mr. Moore to approve the 2013 contract with Cleland Environmental Engineering, Inc.

SECOND by Mrs. McGuire.

DISCUSSION: Ms. Buehlman stated the contract is the same as the 2012 contract; the contract is a review for any wastewater treatment facility engineering that is completed.

MOTION carried: ayes 5, nays 0.

3. 2013 Contract – Ohio Township Trustee for Fire Protection  
MOTION by Mr. Moore to approve the 2013 contract with Ohio Township Trustee for Fire Protection.  
SECOND by Ms. Aurand.

DISCUSSION: The contract is identical to the 2012 and previous year's contract.  
MOTION carried: ayes 5, nays 0.

4. 2013 Contract – Commonwealth Engineering, Inc. for General Services  
MOTION by Mr. Moore to approve the 2013 Contract with Commonwealth Engineering, Inc. for General Services.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

5. 2013 Contract – Commonwealth Engineering, Inc. for Civil Town Retainer  
MOTION by Mr. Moore to approve the 2013 Contract with Commonwealth Engineering, Inc. for Civil Town Retainer.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

6. 2013 Contract – Commonwealth Engineering, Inc. for Sewer Retainer  
MOTION by Mr. Moore to approve the 2013 Contract with Commonwealth Engineering, Inc. for Sewer Retainer.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

7. 2013 Contract – Commonwealth Engineering, Inc. for Inspections  
MOTION by Mr. Moore to approve the 2013 Contract with Commonwealth Engineering, Inc. for Inspections.

SECOND by Mrs. McGuire.

DISCUSSION: The contract can be canceled at any time. The Town will be billed only when Commonwealth is contacted by Town officials for an inspection.

MOTION carried: ayes 5, nays 0.

8. Resolution 2012-07 – Transfers for 2012

MOTION by Mr. Kavanaugh for the first reading of Resolution 2012-07, Transfers for 2012.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Resolution 2012-07, a resolution of transfers.

MOTION by Mr. Kavanaugh to adopt Ordinance Resolution 2012-07, Transfers for 2012.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

9. Certification of Salary for 2013 – Police 77 Fund

MOTION by Mr. Kavanaugh to approve the Certification of Salary for 2013 for the Police 77 Fund.

SECOND by Mr. Moore.

DISCUSSION: \$40,000.00 will be the base salary for PERF purposes.

MOTION carried: ayes 5, nays 0.

10. Adoption of ADA Draft Plan

Ms. Buehlman stated the Town has a draft plan of the ADA Compliance for sidewalks and pedestrian facilities. The plan meets the INDOT requirement this year. A public hearing will be held in January followed by the plan's adoption.

MOTION by Mrs. McGuire to adopt the ADA Draft Plan.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

11. Ordinance 2012-30 – Madison Street – A One-way Street South Bound

MOTION by Ms. Aurand for the first reading of Ordinance 2012-30, converting Madison Street to a One-way Street south bound.

SECOND by Mr. Moore.

DISCUSSION: Ms. Aurand asked if the neighbors have been notified. Ms. Buehlman stated messages were left for the four (4) residents on the street.

MOTION by Mr. Kavanaugh to table Ordinance 2012-30, converting Madison Street to a One-way Street south bound.

SECOND by Mrs. McGuire.

MOTION carried: ayes 5, nays 0.

MISCELLANEOUS BUSINESS

Mrs. McGuire encouraged everyone to remember their lost loved ones and the children killed in Newtown. Mrs. McGuire is looking forward to a great 2013.

Ms. Aurand requested that Newburgh residents receive a recycling calendar. Mr. Moore will contact the Solid Waste Management District.

Mrs. Hughes suggested a committee be appointed to research the arts as it applies to Newburgh with hopes of building a pavilion or amphitheater in the future. Mrs. McGuire, Mrs. Hughes and Mrs. Wanda Kavanaugh agreed to serve on the committee. Mrs. Hughes requested that this committee be placed on the agenda and the Museum Committee removed.

Ms. Buehlman thanked the Street Department crew for the fine job they did on snow removal.

Mr. Bodkin stated that the end of 2012 marks his 28<sup>th</sup> year as Town Attorney.

APPROVAL OF CLAIMS

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

Civil Town: \$446,776.67

Sewer Operations: \$456,359.56

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

MOTION by Mr. Moore to adjourn the meeting.

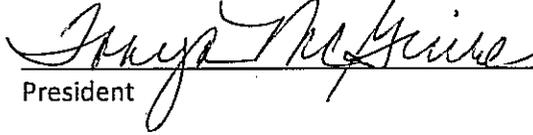
SECOND by Mrs. McGuire.

DISCUSSION: None

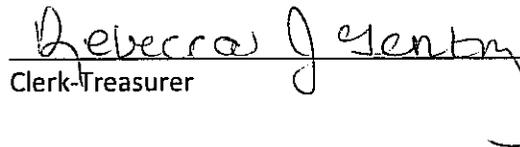
MOTION carried: ayes 5, nays 0.

APPROVED this 9<sup>th</sup> day of January, 2012

Newburgh Town Council

  
\_\_\_\_\_  
President

ATTEST:

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