

Newburgh Town Council Meeting  
Date: Wednesday, January 9, 2013

The Newburgh Town Council met in Executive Session on Wednesday, January 9, 2013, 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 5:42 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: Sam Featherstone, Matt Rohrer, Hilda Higgs, David Payton Goerges and Margaret Jarvis.

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 26, 2012 minutes.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

NOMINATION OF OFFICERS – COUNCIL, COMMISSION & BOARD APPOINTMENTS

MOTION made by Mr. Kavanaugh, nomination chair, to approve the following slate: 2013 Town Council officers: President – Tonya McGuire; First Vice-president – Leanna Hughes; Second Vice-president - Anne Rust Aurand; Commissioners: Air Board - Anne Rust Aurand; Fire - Alonzo Moore and Leanna Hughes; Historic Preservation – Leanna Hughes; Land Use, Plan and BZA - Anne Rust Aurand; Park - Tonya McGuire; Police - Bill Kavanaugh with a three (3) year term to expire December 2014, Tonya McGuire with a three (3) year term to expire December 2015, and Anne Rust Aurand with a three (3) year term to expire December 2013; Storm Water - Bill Kavanaugh with Alonzo Moore as committee member; Street - Alonzo Moore; Utility – Tonya McGuire with Bill Kavanaugh as committee member; Head and Chair for Standing Committees: Finance – Tonya McGuire and Leanna Hughes; Personnel - Tonya McGuire and Bill Kavanaugh; - Chair for Special Boards/Committees: ALCOA Community Advisory

Board - Leanna Hughes; Alternate Entry into Newburgh - Anne Rust Aurand; 2014 Nominating Committee – Anne Rust Aurand; Rivertown Trail - Bill Kavanaugh; Sidewalk – Leanna Hughes with Alonzo Moore as committee member.

SECOND by Mrs. Hughes.

DISCUSSION: It was clarified that the Plan appointment is a voting position; BZA is not a voting position. The motion was for the entire slate and therefore the vote is for the entire slate.

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

MOTION carried: ayes 3, nays 2 (Kavanaugh, Moore).

#### SCHEDULED REQUESTS & APPEARANCES

None present. Ms. Buehlman stated she has received two (2) e-mail statements from residents regarding the making of Madison Street a one-way. The statements have been copied and given to each council member.

#### PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Carol Schaefer, Executive Director of Historic Newburgh requested rental venues and associated fees be waived for several events throughout the year. See attached document. Mrs. Hughes stated she is a proponent of everything HNI does for the promotion of Newburgh. Mrs. McGuire stated the floor was very sticky and dirty on the Ghost Walk Sunday evening and a cleaning fee may be charged in the future. On Saturday evening, a member of HNI cleaned constantly to keep the area presentable.

MOTION by Mrs. Hughes that the dates and events presented for use be accepted and approved with no fees involved. See attached e-mail for dates, events and locations.

SECOND by Mr. Kavanaugh.

DISCUSSION: Mr. Kavanaugh agreed that a service fee may be needed in future. A trolley charge may be needed; a \$2,000.00 trolley repair was recently needed.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow HNI the use of the trolley at no charge on May 18, July 4 and 5, Dec. 7 and 8, 2013.

SECOND by Mr. Kavanaugh.

DISCUSSION: The driver and trolley fuel will be paid by HNI.

MOTION carried: ayes 5, nays 0.

Mrs. Schaefer stated work is in progress for the Warrick County Bicentennial Celebration. A public forum will be held in the near future. HNI will assist with promotions. Ken Knight will produce a documentary and history. A color brochure of the walking tour has been prepared with a grant request submitted to The Women's Club of Newburgh and The Landmark.

A requirement for an Indiana Main Street Organization is to host an Indiana Main Street exchange. Mrs. Schaefer felt that HNI and HPC could team together on this project.

The Historic Newburgh Kiwanis is attempting to provide Warrick County with a Big Brothers Big Sisters program and will hold a chili cook-off and silent auction on January 19<sup>th</sup> at the American Legion from 5:00 to 8:00 p.m. as a fundraiser. Several members of the council will be chili judges.

#### COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

FIRE - Mr. Moore

Fire Chief Paul Campbell reported Engine 11 is back in service. A 2012 end-of-year report will be presented at the next council meeting. A \$100,000.00 federal grant application will be filed next week for equipment, fire prevention, fire investigations and ISO pre-planning audit. There is 5.00% match required. Mrs. Hughes stated she, Mr. Moore, Ms. Buehlman, Chief Campbell, Assistant Chief Matt Timmel and Assistant Chief Chad Bennett had a productive meeting. Recommendations are not ready for presentation.

HISTORIC PRESERVATION - Mrs. McGuire

Mrs. McGuire stated HPC will meet tomorrow night. Mrs. Hughes will attend.

PARK - Mrs. McGuire

The Park Board met last Thursday. Amanda Burkins will serve as chair and Kevin Wells as vice-chair.

PLAN – Ms. Aurand

Ms. Aurand stated the Plan Commission met on Monday night with two (2) agenda items. Permits have not been issued for the condos at 19 E. Water Street. Progress must be made on the Simpson barn, near Titzer Funeral Home, by February 1, 2013. David Rice was re-elected as chair and Jim Moore as vice-chair. Discussion was held regarding horses at Bootz Hill. Mr. Wischer will prepare an ordinance for conditional use.

Twenty-four permits were issued in December totaling \$915.00 and 14 projects with a total valuation of \$173,768.00. In the 2012 calendar year, there were 293 permits issued totaling \$11,970.00 and 187 projects with a valuation of \$2,637,132.56. By comparison, in the 2011 calendar year, there were 202 permits totaling \$8,348.40 and 131 projects with a valuation of \$2,157,718.98.

POLICE – Mr. Kavanaugh

Mr. Kavanaugh stated that the Chief is attending PELA school. The Police Commission has not met since the last meeting and will not meet in January. The next meeting will be held on February 4, 2013 when an election of officers will be held, as well as, the swearing-in of new officer Jeremy McCraey.

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 stated the clutch went out in one the trucks during snow removal. The Street Department installed a curve sign just north of the Jefferson and State Street intersection near the Veterans Monument. Sixteen parking stops were installed at the cottages and cottage areas were cleaned in preparation of the January 16, 2013 celebration. The damaged bollards on the walkway were replaced. A backhoe blade was replaced.

UTILITY – Mrs. Hughes

MOTION by Leanna Hughes, with unanimous recommendation of the Utility Committee, to approve Payment #1 to Ragle Construction for the State Road 261 project.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Leanna Hughes, with unanimous recommendation of the Utility Committee, to approve the consent agenda for January 9, 2013 including sewer adjustments.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Leanna Hughes, with unanimous recommendation of the Utility Committee, to deny the sewer adjustment request by Tracy Stanton.

SECOND by Mr. Kavanaugh.

DISCUSSION: The home is vacant and listed for sale. During a home showing, the toilet was used and continued to run. Though the water was clean, the water did run through the sewer, was treated and does not qualify for an adjustment.

MOTION carried: ayes 5, nays 0.

#### STANDING COMMITTEES

FINANCE – Mrs. Hughes

The Finance Committee has not met since the last meeting.

PERSONNEL – Mrs. McGuire

MOTION by Mrs. McGuire to accept the resignation of Cynthia Burger due to retirement as Town Manager effective January 6, 2013. Ms. Burger is resigning in good standing and is entitled to accrued but unused PTO.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 1 (Kavanaugh).

#### SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

Ms. Buehlman stated a Notice to Proceed was issued to R.W. Armstrong to begin design on the trail; a meeting is scheduled for quarterly report presentations. Doctors David and Jennifer Walley are the owners of the old Kight building. Since the trail runs directly behind the building, Ms. Buehlman will contact them about renovation of the entire structure and present the Green3 plan design.

SIDEWALK – Mr. Kavanaugh

Ms. Buehlman hopes INDOT will accept the right-of-way and easements. A petition remains in circulation regarding Safe Walks to School. This resident is informing individuals that the Town has received funds for the sidewalk project but is using it for other projects. The Town has been granted the money but has not yet received it; it will not be used for any other projects. Ms. Buehlman visited the resident.

ARTS PAVILION – Mrs. Hughes

Mrs. Hughes hopes to have the committee organized and schedule a meeting by the next council meeting.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman stated she found two (2) residents performing work without permits.

CLERK-TREASURER – Rebecca J. Gentry

No report.

TOWN ATTORNEY – Mr. Bodkin

MOTION by Mr. Kavanaugh to authorize Mr. Bodkin to make a counter offer to the Town of Chandler in response to their offer to the Town of Newburgh to settle the lawsuit.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

TOWN ENGINEER – Mr. Hynes

No report.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman stated she was honored to read the Sam Featherstone proclamation at the fundraising event held at St. John's.

An autographed book of The Road to Paradise by Tom Wilder was received and will be kept in the glass bookshelves in the Town Hall lobby.

The Evansville Philharmonic will sponsor a Newburgh Home Tour on April 20, 2013.

MOTION by Mr. Kavanaugh to allow the Evansville Philharmonic sponsored Newburgh Home Tour use of the public restrooms in Town Hall by providing a key to the building.

SECOND by Mrs. Hughes.

DISCUSSION: Mrs. Hughes will advise the Newburgh merchants of this event.

MOTION carried: ayes 5, nays 0.

The BZA meeting will be cancelled in January since there are no agenda items.

A meeting with Bill Schmitt, IACT representative, was held; a good partnership is expected.

Ms. Buehlman attended her first Evansville MPO meeting as a voting member.

MOTION by Mrs. Hughes to apply for a grant through Alcoa for replacement trees at the cottages.

SECOND by Mrs. McGuire.

DISCUSSION: The Park Board approved the grant application. The grant is a \$3,000.00 match; in-kind donations and Town labor to plant the trees are accepted as part of the in-kind match. Mrs. Hughes will e-mail Jim Beck at Alcoa to determine if the Town might qualify for free trees at the cottages.

MOTION withdrawn by Mrs. Hughes.

SECOND withdrawn by Mrs. McGuire.

#### UNFINISHED BUSINESS

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

2. Appointment to Newburgh Building Corporation (NBC), continued from October 20, 2012

Mrs. Hughes stated that Ms. Burger had made multiple attempts to contact Steve Franke to determine his status and it was assumed he is no longer interested and another should be appointed. Mrs. McGuire suggested ideas for a replacement should be ready by the next meeting.

3. Making Madison Street One-way Street South Bound...tabled December 26, 2012 (Ordinance 2012-30)

Continue to table.

NEW BUSINESS

1. Contract – Keith Jarboe

MOTION by Mr. Moore to table the contract with Keith Jarboe.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

2. Park Board Application Approval

MOTION by Mr. Kavanaugh to table the Park Board Application Approval.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MISCELLANEOUS BUSINESS

Mr. Moore stated he is on the Senior Citizens Board and commended John Barrett on his volunteer work for the center and how often he is called upon. He would like Mr. Barrett to have a key to the building. Mr. Bodkin stated the Town has a contract with the Senior Citizens to operate the facility; they may give him a key.

Mr. Moore stated he was asked to serve and did serve on the Solid Waste Management Board of Warrick County in 2012. He was asked by Marlon Weisheit and Don Williams to serve as Board President in 2013. He was notified shortly thereafter that some officials were working to have him removed from the board. He received an e-mail from Don Williams that stated Tonya McGuire contacted him on behalf of the Newburgh Town Board and stated that the board had, by a vote of four (4) to one (1), decided to have their Board President be appointed to the Solid Waste Board. Mr. Moore did not know of the meeting where this vote had been taken, checked past meeting minutes and could not find this vote. Mr. Kavanaugh told Mr. Moore this was not a decision of the Newburgh Town Board. Mr. Moore does not know if the e-mail contained false information but felt an explanation was owed to him. He felt someone had gone behind his back and falsely voted in his place. Mrs. Hughes stated she did not know of any meeting or vote taken regarding the Solid Waste Board. Ms. Aurand stated she had once been asked to serve on the Solid Waste Board and knows this is not the way it operates. She stated you do not get chosen from an entity, you get chosen because you are from a particular area. The Solid Waste Management Board decides who will serve on their board.

Ms. Aurand stated a number of recycle cans were out but for the wrong week. People are not going to look at the website; a calendar is needed and should be included in the next newsletter. Mr. Bodkin thought the 2012 calendar was included in the Warrick Courier edition. Ms. Hughes stated information will be included on the next sewer bill. Mr. Bodkin suggested asking Warrick County Solid Waste Management if they will pay to print the flyer and the council assume the responsibility of distribution

to all Town residents. A newsletter will be produced to include the calendar and will be out within the next two (2) weeks.

MOTION by Mrs. Hughes to allow the museum to use Preservation Hall on Sunday, April 7, 2013 for a speaker event in conjunction with the Warrick Bicentennial and to waive all fees associated with the rental.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to purchase a half page color ad in the annual Warrick County Publishing tabloid produced in cooperation with the Warrick County Chamber of Commerce at a cost of \$495.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mrs. Hughes requested Ms. Buehlman contact the owners of the house located at the corner of Bell Road and State Street (next to the U.S. Post Office) regarding improper signage.

Mrs. Hughes has explored a fitness program she discovered on a billboard. She will present her findings at the next meeting.

Ms. Aurand stated the Souls for Soles Run will not be held in Newburgh this year.

#### APPROVAL OF CLAIMS

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

Civil Town, 2012: \$104,218.87

Civil Town, 2013: \$286,403.24

Sewer Operations: \$203,777.04

Plant Expansion: \$4,217.56

Sewer, Lane: \$20,010.00

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

#### ADJOURNMENT

MOTION by Mr. Moore to adjourn the meeting.

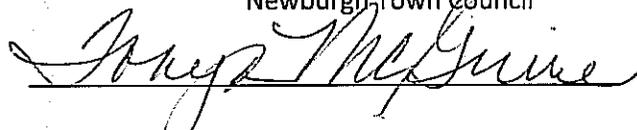
SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

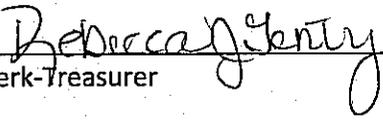
APPROVED this 23<sup>RD</sup> day of January, 2012

Newburgh Town Council



President

ATTEST:

  
Clerk-Treasurer

## Lori Buehlman

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**From:** Carol Schaefer <director@historicnewburgh.org>  
**Sent:** Thursday, January 03, 2013 1:26 PM  
**To:** Lori Buehlman  
**Subject:** RE: Newburgh

Here are our dates and locations I will be requesting.

Historic Preservation Month: Entire month of May

- Historic Newburgh Annual Meeting: February 20<sup>th</sup>, 5:30pm - 8:30pm at *(Preservation Hall)*
- Grapes on the Grass Wine and Food Tasting Soiree: Friday, May 17<sup>th</sup> 7pm-9pm *(Old Lock and Dam Park)*
- Historic Newburgh Wine, Art, and Jazz Festival presented by Evansville Living Magazine: Saturday, May 18<sup>th</sup> noon-9pm *(Old Lock and Dam Park)*
- Historic Newburgh Farmers Market: Saturday, May 25<sup>th</sup> - Saturday, Sept 28 8am-noon, every Saturday morning at the Edgewater Grille Parking Lot *(Use of Town Hall restrooms – a key is provided to open and close)*
- Traditional English Boot Sale: Saturday, September 21<sup>st</sup> *(Town Hall parking lot)*
- Heritage Federal Credit Union Historic Newburgh Celebrates Independence 2013 Fireworks: July 4<sup>th</sup> at 9pm, rain date - July 5<sup>th</sup> at 9pm *(Old Lock and Dam Park)*
- Ghost Walks: Friday, October 18<sup>th</sup> 6:30pm-9pm; Saturday October 19<sup>th</sup> 5pm-9pm; Sunday, October 20<sup>th</sup> 5pm-8:30pm *(Preservation Hall, Town Hall lobby and Council Chambers for Ghost Stories by RiverTown StoryTellers)*
- Historic Newburgh Celebrates Christmas: Saturday, December-7 10am-6pm & Sunday, December 8 noon-5pm *(Preservation Hall and Town Hall lobby) (Town Council Chambers for Sunday the 8<sup>th</sup> Free Lighting Ceremony)*

I will need the trolley for May 18, July 4 and 5<sup>th</sup>, Dec 7 and 8.

I will be coming to Town Council on the 9<sup>th</sup> to request location needs. Can you reserve the locations and the trolley. I will be asking Town Council to waive the fee.

I can never remember....do I need to go before the Parks Board for the Old Lock and Dam park?

Carol Hicks Schaefer  
Executive Director  
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Newburgh, IN 47630  
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**From:** Lori Buehlman [<mailto:LBuehlman@newburgh-in.gov>]  
**Sent:** Thursday, January 03, 2013 10:01 AM  
**To:** Carol Schaefer  
**Subject:** Newburgh