

Newburgh Town Council Meeting

Date: Wednesday, June 12 2013

The Newburgh Town Council met in Executive Session on Wednesday, June 12, 2013, at 4:30 p.m. Those present at the meeting were District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Council-at-Large Leanna K. Hughes, Clerk-Treasurer Deputy Marilyn A. Doyle, Town Manager Lori Buehlman and Town Attorney R. Thomas Bodkin. Absent were Council President/District II Tonya R. McGuire and District I William F. Kavanaugh. 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

Vice-President Leanna Hughes called the Regular Session to order at 5:34 p.m.

PLEDGE OF ALLEGIANCE

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

A moment of silence was observed for Barbara Sprinkle, mother of Police Chief Brett Sprinkle.

ROLL CALL

Those present at the meeting were:

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Council-at-Large - Leanna K. Hughes

Clerk-Treasurer Deputy - Marilyn A. Doyle

Town Manager - Lori Buehlman

Town Attorney - R. Thomas Bodkin

Absent were: Council President, District II - Tonya R. McGuire

District I - William F. Kavanaugh

APPROVAL OF MINUTES

MOTION by Mr. Moore to approve the May 22, 2013 minutes.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None present.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Bill Bartelt, Museum President, presented the Town Council with the museum committee's plan to place translucent vinyl sheets on the offsite museum located at the Aurand Trailhead. The descriptive panels will focus on Newburgh's transportation history. Each panel is made possible by a donation with the donor's name placed on the bottom of the panel. This listing does not violate the Town ordinance as the donors are not running a business and it is the museum that has contracted with the Town. The committee has requested the Town repair the small hole on one of the glass panels prior to installation.

Jim Martin, 6610 Heritage Dr., Newburgh, presented the Council with a property damage list due to a sanitary sewer backup. His claim was presented to Traveler's Insurance, the Town's insurance provider. Ms. Buehlman will contact the company to receive an update on the claim.

Proceeds from the Pub Crawl, in the amount of \$1,500.00, were presented to the Council. These funds are to be used for Trolley repair.

UNFINISHED BUSINESS

1. Other Appointments ~ Boards & Commissions...continued from February 13, 2013
MOTION by Ms. Aurand to appoint Harold "Hap" Hanson, Jr. to the Newburgh Plan Commission.
SECOND by Mr. Moore.
DISCUSSION: The appointment fulfills the state requirement as to correct party affiliation.
MOTION carried: ayes 3, nays 0.

NEW BUSINESS

1. Rezoning of 1001 State Street – Ordinance 2013-04
This item will appear on the June 26, 2013 agenda as only three (3) council members are in attendance.
2. Rezoning of 501 Section
This item will appear on the June 26, 2013 agenda as only three (3) council members are in attendance.
3. Main Street Temporary Closing
Ms. Buehlman will communicate with the residents in the area of 312 W. Main that a moving van will be present when the resident moves out next month and the new owner moves in. Residents will be asked to avoid street parking to allow for sufficient traffic flow during that time.
4. Boyken Sanitary Sewer Extension Project – Blankenberger Brothers, Inc., at a cost of \$40,650.00
MOTION by Ms. Aurand to accept the quote from Blankenberger Brothers, Inc., for the Boyken Sanitary Sewer in the amount of \$40,650.00.
SECOND by Mr. Moore.
DISCUSSION: Mr. Hynes stated this is an informal bid with no documents to sign.
MOTION carried: ayes 3, nays 0.
5. State Road 261 Sanitary Sewer Relocation Change Order #4 to Deig Brothers
MOTION by Mr. Moore to approve, on the engineer recommendation, Change Order # 4 for the State Road 261 Sanitary Sewer Relocation to Deig Brothers in the amount of \$39,993.84 with a new contact amount of \$737,113.28.
SECOND by Ms. Aurand.
DISCUSSION: The utility committee did recommend the change order.
MOTION carried: ayes 3, nays 0.
6. State Road 261 Sanitary Sewer Relocation Change Order #5 to Deig Brothers
MOTION by Mrs. Hughes to approve, on the engineer recommendation, Change Order # 5 for the State Road 261 Sanitary Sewer Relocation to Deig Brothers in the amount of \$2,076.36 with a new contact amount of \$739,189.64.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 3, nays 0.

8. Emergency sewer repair – 327 Cypress Street at a cost of \$6,875.00

MOTION by Mrs. Hughes to approve the emergency sewer repair at 327 Cypress Street at a cost of \$6,875.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

FIRE - Mr. Moore

Mr. Moore stated the assessment and evaluation from Keith Jarboe was delivered. As a result, council members will attempt to attend more meetings. Mr. Moore and Ms. Buehlman will attend this evening's meeting and deliver the report to the fire department.

Matt Timmel stated 40 runs were made in May with eight (8) in the Town and 32 in the Township. Year-to-date, 145 runs have been made. Basic skills training and basic EMS skills were reviewed in May with 73.5 total man hours logged. The roof has not yet been repaired. The Fire Department will be assisting the Boonville Fire Department with the YMCA Xterra race this weekend. The department participated in a 'give back' fundraiser with the Ohio Township Fire Department at the Dairy Queen. The department has received some of the FEMA funding which will be used for fire prevention. All Newburgh Town dive equipment has been certified. Ms. Buehlman stated the equipment has been sent to the insurance company to be included in the plan.

HISTORIC PRESERVATION - Mrs. McGuire

Ms. Buehlman stated the next meeting will be held tomorrow at 5:45 p.m. Two (2) applications are on the agenda, one for a door on State Street and one for an addition on Middle Street.

PARK - Mrs. Hughes

Police Chief Sprinkle stated he met with the Park Board to discuss the problems at Community Park. He suggested moving four (4) Bike Patrol hours from the trail to the park. An arrest was made at the park and several individuals were barred from the park and pool and, as a result, the problems have settled down. Mrs. Hughes stated the park will now close at dark and the sign will reflect the decision provided the hours were not set by an ordinance. Ms. Buehlman stated the property rentals are being utilized. The day-to-day pool operation is going well and the basketball goal has been installed.

PLAN – Ms. Aurand

Ms. Aurand stated the Plan Commission met on June 3, 2013. The rezoning of 1001 State Street was unanimously approved and will be presented to council at the next meeting. The rezoning of 501 Section will also be presented to council at the next meeting with one (1) vote cast for the rezoning and four (4) votes against. During the month of May, 23 project permits were issued totaling \$113,457.00. Three (3) zoning permits were issued for \$500.00 with a May permit total amount of \$1,540.00. The next meeting will be held on July 1, 2013.

POLICE – Mr. Kavanaugh

The Chief stated the department will participate in National Night Out in partnership with the South Broadview Neighbor Association on August 6, 2013 from 5:00 p.m. to 8:00 p.m. at the Old Lock and Dam building. Lindsey Bean will attend DARE School to become an instructor.

STORM WATER – Mr. Kavanaugh

Mr. Moore stated a meeting will be held on June 17, 2013.

STREETS – Mr. Moore

Mr. Moore reported the crew installed a drain in the Knob Hill cul-de-sac and in the Town parking lot. The ditch located at the corner of Yorkshire and 662 has been cleared of debris. The drainage project behind the cottages is in progress and the crew installed the boat dock.

Mr. Bodkin addressed agenda item number four (4) under new business, No parking on Monroe Street Clarification. He reiterated where parking will be prohibited: no parking on the west side of Monroe Street from its intersection with Jennings Street, south a distance of 30 feet, and, no parking from a point located on the west side of Monroe Street 72 feet south of the intersection with Jennings Street then south a distance of 12.5 feet, and no parking on the east side of Monroe Street from its intersection with Jennings Street, south a distance of 30 feet as stated in the ordinance. Ms. Buehlman stated the street crew will be painting the curb in the near future.

Ms. Buehlman commended the crew in their efforts to keep the ditches cleared to prevent overflows during heavy rains.

UTILITY – Mrs. McGuire

Ms. Buehlman read the motions from the Utility Committee on June 12, 2013 meeting.

MOTION by Mrs. Hughes, on the Utility Committee recommendation, to have Commonwealth prepare the appropriate notification to IDEM regarding Indiana's air permitting requirements and federal regulations such as the Reciprocating Internal Combustion Engine (RICE) National Emission Standards Hazardous Air Pollutants (NESHAP) and prepare the paper work to acquire the permit.

SECOND by Mr. Moore.

DISCUSSION: There is a new federal regulation, an unfunded mandate, that requires the Town to calculate reciprocal combustion engines to determine the level of permits needed.

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes, on the Utility Committee recommendation, to have Tom Bodkin and Chris Wisner with Bamberger, Foreman, Oswald and Hahn (BFOH) prepare a letter to the state representatives for signature by the Council concerning fines that could be imposed by IDEM due to the RICE NESHAP requirements.

SECOND by Ms. Aurand.

DISCUSSION: Mr. Bodkin stated a failure to obtain the RICE permits can result in a fine.

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes, on the Utility Committee recommendation, to send a letter to terminate the Praxair Distribution, Inc. contract for liquid oxygen effective March 9, 2020.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes, on the Utility Committee recommendation, to authorize the Wastewater Treatment plant Superintendent to remove the Praxair equipment at the Master Lift Station in an amount not to exceed \$5,000.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes, on the Utility Committee recommendation, to repair Master Lift Station pump number two (2) by KM Specialty Pump in an amount not to exceed \$7,417.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes, on the Utility Committee recommendation, to approve the FOG Discharge Permit for Wal-Mart Supercenter #5728, permit number 052813.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes, on the Utility Committee recommendation, to implement the third fine for Boston's Pizza from the Notice of Violation Ordinance due to FOG Discharge Permit questionnaire still being incomplete.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes, on the Utility Committee recommendation, to approve the bonus for Dana Hillard for obtaining IDEM Wastewater Operator Class A certificate.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

Mrs. Hughes stated the Finance Committee did meet with Becky Gentry prior to her retirement. The committee is assured the office will operate as usual until a new Clerk-Treasurer is appointed. Mr. Moore stated the appointment will be made on June 22, 2013. Mr. Bodkin stated an audit is not required by law.

PERSONNEL – Mrs. McGuire

No report.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

Ms. Buehlman stated R.W. Armstrong has continued early coordination efforts with the utilities located along the corridor and two environmental specialists were also in the area during May to conduct a brief review of existing field conditions along the alignment so that permit efforts (Rule 5 and the USACOE regional permit) could begin.

SIDEWALK – Mrs. Hughes

Ms. Buehlman stated the Town is now using federal money and must adhere to federal standards and post a proposal request, which has been posted, and are due July 3, 2013.

ARTS PAVILION – Mrs. Hughes

Mrs. Hughes stated a meeting was held on June 10, 2013. The group is hoping to create a program on Sunday afternoons featuring artists, musicians, mimes, etc. to perform on the Riverfront Plaza. Artists would not be allowed to collect money or they would be required to purchase a Peddler's Permit.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman stated many permits are being issued. The Board of Zoning Appeals will meet June 24, 2013.

CLERK-TREASURER – Marilyn A. Doyle, Deputy

Mrs. Doyle expressed her thanks for the Council's confidence placed on the office staff during the interim between Clerk-Treasurer's.

TOWN ATTORNEY – Mr. Bodkin

No report.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated the final quantity adjustment has been completed for the Westside Drainage Project. Total overage is 1.5% of which 1% was driven by the Town by adding an item back to the project. The release of retainage of approximately \$41,000.00 which includes unit price adjustments will be presented at the next meeting.

Pay Application No. 4 for the State Road 261 Utility Relocation to Deig Brothers approved at the last meeting was read at \$19,479.27, the amount should have been \$119,479.27 with a net amount due to the contractor of \$113,505.31.

MOTION by Mrs. Hughes to approve, on the engineer recommendation, to approve Pay Application # 4 for the State Road 261 Utility Relocation to Deig Brothers in the amount of \$119,479.27, with 5% or \$5,973.96 held in escrow, leaving a net amount due to the contractor of \$113,505.31.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Roger Johnson with Indiana American Water was introduced to the Council. Mr. Johnson will become the new liaison with the Town since the retiring of Darrel Heisler.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman attended a Department of Natural Resources Flood Plain Management meeting in Evansville on Tuesday, June 11, 2013. The 2013 river sweep will be held on Saturday, June 15. Mr. Bodkin stated the Town is not receiving notice of the event in a timely manner and the Town is not able to organize volunteers to assist in the project. The Town will dispose of all trash collected in Newburgh.

MISCELLANEOUS BUSINESS

Mr. Moore stated the drainage ditch along the west side of First and Sycamore fills with rock during significant rain causing water to enter a neighboring crawl space. The rock is washed from the property

owner's drive into the ditch. Ms. Buehlman will contact the homeowner to request a solution be made in order to keep the rock in the driveway.

Ms. Aurand announced that her neighbor, Tyler Mellinger, a 2012 graduate from Castle High School, graduated from the U.S. Marines. Kris and Leslie Mellinger, Tyler's parents, are former recipients of the Town of Newburgh Good Neighbor Award.

APPROVAL OF CLAIMS

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

Civil Town: \$431,856.46

Sewer Operations: \$585,644.39

SECOND by Ms. Aurand.

DISCUSSION: The claim amounts are included in the latest financial report.

MOTION carried: ayes 3, nays 0.

ADJOURNMENT

MOTION by Mrs. Hughes to adjourn the meeting.

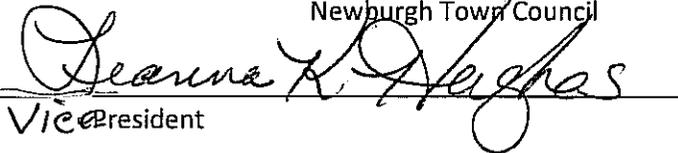
SECOND by Ms. Aurand.

DISCUSSION: None

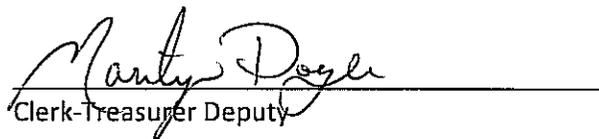
MOTION carried: ayes 3, nays 0.

APPROVED this 26th day of JUNE, 2013

Newburgh Town Council


Vice President

ATTEST:


Clerk-Treasurer Deputy