

Newburgh Town Council Meeting

Date: Wednesday, July 9, 2014

The Newburgh Town Council met in Executive Session on Wednesday, July 9, 2014, at 4:30 p.m. Those present at the meeting were District I William F. Kavanaugh, 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. Absent were Council President/Council-at-Large Leanna K. Hughes and District II Tonya R. McGuire. 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

Council Vice-president District I William F. Kavanaugh called the Regular Session to order at 5:31 p.m.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Those present at the meeting:

District I - William F. Kavanaugh

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Christopher C. Wischer

Absent: District II - Tonya R. McGuire

Council-at-Large - Leanna K. Hughes

APPROVAL OF MINUTES

MOTION by Mr. Moore to approve the June 25, 2014 Town Council meeting minutes.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

SCHEDULED REQUESTS & APPEARANCES

1. Kathy Engel, TOUCH chair, Twilight on the Trail, Trolley Request

Twilight on the Trail will be held on September 6, 2014 from 5:00 p.m. to 10:00 p.m.

MOTION by Ms. Aurand to approve the use the trolley on September 6, 2014 with all fees waived; however, TOUCH will be responsible for the driver's fee and cost of fuel.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

2. Mike Feltz, CHA, Safe Routes to School

Mike Feltz stated the bids for INDOT's letting of Safe Routes to School (SRTS) were above the engineering estimate. There were 60 projects on the letting agenda and 37 were above the estimate.

Mr. Feltz will remain in contact with INDOT.

3. Scott Anslinger, Warrick County Solid Waste Management District/Recycling Resource Management District

Mr. Anslinger stated the Warrick County Solid Waste Management District is involved in a three (3) phase project that will enlarge the recycling drop off center at Chandler which will take the pressure off the Casey Road location; construct a 40,000 square foot processing and sorting storage facility at Pelzer Road; and construct a waste energy facility. As part of a feasibility study, Mr. Anslinger requested a Letter of Support from the Town of Newburgh.

MOTION by Mr. Moore to approve a Letter of Support for the Warrick County Solid Waste Management District in support of the project.

SECOND by Ms. Aurand.

DISCUSSION: Ms. Buehlman will compose the letter. Mr. Wischer represents the company constructing the facilities.

MOTION carried: ayes 3, nays 0.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Carol Schaeffer, Executive Director of Historic Newburgh Inc. (HNI), stated there was a parking problem during the downtown Cruise-In. Mr. Wilsbacher from the Warrick Area Transit System (WATS) is willing to adjust the route to ease traffic and downtown parking during events.

MOTION by Ms. Aurand to revise the WATS bus route to include the Lock and Dam Park on a trial basis.

SECOND by Mr. Moore.

DISCUSSION: The elementary school was suggested but the bus runs during day hours and may pose a problem. A stop at the Secret Garden was also suggested.

MOTION carried: ayes 3, nays 0.

MOTION by Ms. Aurand to allow the use of the Trolley during the downtown Cruise-In for the next three (3) second Fridays and to waive all fees; however, HNI will be responsible for the driver's fee and cost of fuel.

SECOND by Mr. Moore.

DISCUSSION: The Trolley will drive as far as Sheep Skeins and Lock and Dam Park.

MOTION carried: ayes 3, nays 0.

Mrs. Schaeffer stated there has been discussion on whether to allow dogs during the Farmer's Market. Legal findings on this and liability insurance requirements will be presented at the next council meeting.

Byron Sherman, 635 Forest Park Drive, Newburgh, representing the Friends of Newburgh Fiddler Fest presented an assortment of requests.

MOTION by Mr. Moore to allow the use of the Town's equipment and buildings for the Fiddler Fest on August 22, 23 and 24, 2014 to include the fryers, buildings, Trolley (with Friends responsible for the driver's fee and cost of fuel), use of alcohol in the Park, the sewer department trailer, a Veolia dumpster and receive assistance from the Street Department crew on August 21, 22 and 25, 2014 for set-up and tear-down.

SECOND by Ms. Aurand.

DISCUSSION: Mr. Wischer stated he is on the Friends of Newburgh Board.

MOTION carried: ayes 3, nays 0.

UNFINISHED BUSINESS

None presented.

NEW BUSINESS

1. Notice of Award for Newburgh Volunteer Fire Department Pumper Engine Truck

MOTION by Mr. Moore to grant the Notice of Award for the Newburgh Volunteer Fire Department Pumper Engine Truck and to accept the bid from Pierce as presented in the amount of \$600,596.00.

SECOND by Ms. Aurand.

DISCUSSION: There are deductions if paid in full.

MOTION carried: ayes 3, nays 0.

Ms. Buehlman stated a financing option came with the bid and the Town has received an option from German American Bank. The committee, consisting of Ms. Buehlman, Mr. Lybarger and Mr. Wischer, recommended German American Bank's 10-year plan with an interest rate of 3.70%.

MOTION by Mr. Moore to approve the financing of the Pumper Engine Truck through German American Bank's 10-year plan with an interest rate of 3.70%.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

The contract with Pierce will be presented for signatures at the next council meeting and must be signed by July 31, 2014. Mr. Lybarger stated the Town has ten days following the contract signing to provide funding.

2. Notice of Award for 2014 Street Resurfacing Project

Mr. Dick Lautz, Commonwealth Engineering Inc. (CEI) stated three (3) bids were received on June 25, 2014. After review, CEI recommended Metzger Construction.

MOTION by Mr. Moore to accept the bid evaluation and issue the Notice of Award for the 2014 Street Resurfacing Project to Metzger Construction Co., Inc. for \$1,270,825.40.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

3. Brookstone Subdivision-Sanitary Sewer Construction Permit and Sewer Agreement

MOTION by Mr. Moore to approve the Brookstone Subdivision Sanitary Sewer Construction Permit and Sewer Agreement in the amount of \$329,603.00.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

If needed, the board will meet at the end of the month.

FIRE - Mr. Moore

No report.

HISTORIC PRESERVATION - Mrs. McGuire

Ms. Buehlman stated HPC will meet tomorrow evening. There are two (2) applications on the agenda, one for Stained Glass and a sign request for Jim Seibert.

PARK – Mrs. Hughes

Ms. Buehlman stated the Park Board met on Thursday, July 3, 2014. A brief pool report was presented; concession sales are greater than the expenses. The batting cage area has been filled with dirt. The boat dock has been installed at the launch ramp.

PLAN – Ms. Aurand

Ms. Aurand stated Plan met on Monday, July 7, 2014. In May, 15 projects were approved with a value of \$103,900.00, and 26 permits were issued with fees totaling \$1,180.00. In June, 10 projects were approved with a value of 43,456.22 and \$635.00 in permit fees. The next meeting will be held on August 4, 2014.

POLICE – Mr. Kavanaugh

Chief Sprinkle stated new police patrolman Michael Jones will be sworn in and reserve officer Jason Brown, who has been sworn in, will be recognized at the next Police Commission meeting scheduled on July 14, 2014.

STORM WATER – Mr. Kavanaugh and Mr. Moore

The next meeting will be held on July 21, 2014.

STREETS – Mr. Moore

Mr. Moore stated the Street Crew striped the Town Hall parking lot and installed two (2) inscribed plaza pavers on the Rivertown Trail walkway. The boat dock and gangway were installed at the launch ramp. The crew assisted with set-up, tear-down and clean-up for the 4th of July fireworks. Trimming was performed and debris removed from various areas following the July 6, 2014 storm. A sinkhole was repaired at the intersection of Jennings and Monroe Streets. Faded signs in the Town are being refurbished.

UTILITY – Mrs. Hughes

Ms. Buehlman read the Utility Motions from the July 2, 2014 meeting.

Motion by Mr. Kavanaugh to grant a waiver to Bill Brunton, 8288 Oak Drive, to use a SDR-35 glue joint pipe in place of the SDR-26 gasket joint pipe that is required by ordinance, in his sewer line repair.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to have Chris Wischer send a letter to the Warrick County Building Commission, Warrick County Building Department, and Warrick County Plan Commission explaining that any resident within the corporate limits of the Town of Newburgh that is completing any work needs to be directed to the Town of Newburgh for answers to any questions.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to approve the adjustment to Joe Salpietra's sewer bill using summer averaging calculations at 8988 Ruffian Lane.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to fill the open Collections System Operator position at the Wastewater Treatment Facility (WWTF).

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to grant a waiver, as requested, to allow the lateral for lot 1 to cross lot 2 with a private easement, and assuming there is adequate cover, use whatever pipe would normally be used for a lateral; and to allow the lateral that will serve lot 28 to cross lot 27 with a private easement, and ductal iron must be used due to inadequate coverage.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to grant the request to relocate the private sanitary sewer easement to the west side of lot 26 and in the rear (south side) of lots 27 and 28 to service lots 3 and 4 within the Warrick Research and Industrial Center No. 7.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to redraft the agreement to make an offer to the County and the developer to agree to the following: remove the time period; include that the Town can access the lines at any time without permission or permit; include that the County cannot force the Town to relocate the lines out of the right-of-way except at the County's cost; and, include that cost to maintain the lines for the first 5 years will be shared with Jagoe and the Maken Corporation.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to reject the request by Special Waste Services Inc. for a permit to discharge pretreated wastewater to the WWTF.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to obtain quotes to replace the fence at the Powers Place Lift Station and build the fence inside the adjacent property owner's fence.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to engage CEI to design a Nitro-Nox containment system for Powers Place, Paradise Park, and Victoria National Lift Stations, and to survey the property lines.

SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to engage CEI to survey the property lines at 5288 Lake Newburgh Drive from the garage to the street and from the basement to the street in anticipation of possible easement issues.

SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to engage CEI to determine if the sewer line at 4699 Colony Drive is in easement and to develop a quote package to repair the line.

SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to approve the purchase of spare parts for the Lift Station No. 3 pumps from Straeffer Pump & Supply, Inc. at a cost not to exceed \$14,316.00 plus freight.

SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to engage CEI to model the impact of the diversion/removal of the Kingston Lift Station and the upsizing/replacement of the Green Springs Valley Interceptor to the Triple Crown Lift Station.

SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to add the following manholes to the paving project via change order: 09-30, 09-47, 10-63, 10-66, 10-67, and 09-64A at a cost of \$1,100.00 per manhole with a total cost of \$6,600.00 and with a possible additional manhole added at a later date.

SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to engage CEI for recommendations on how to correct the issues in the Jennings and Madison area.

SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to engage CEI for recommendations on how to rehabilitate the Jennings Station area.

SECOND by Mr. Moore.
DISCUSSION: This is to determine the origin and direction of the existing lines.
MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to have Chris Wischer write a letter to Jackie Schen at La Veranda giving her the option to install a 1200 gallon grease interceptor or complete the four changes needed to make her current grease interceptor sufficient.

SECOND by Mr. Moore.

DISCUSSION: This is to solidify the conversations held with Ms. Schen. Though the La Verenda does not prepare food at the establishment, the sinks are used for clean-up necessitating the need to adhere to the Fats, Oil and Grease (FOG) ordinance.

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to have Chris Wischer, with Leon Key's assistance, write a letter to be sent to Café Arazu detailing and outlining what is required by them to be in compliance with the FOG ordinance.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to engage CEI to assist in the Main and Monroe Streets situation.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to advise BMB that they have the option to put up a 5-year bond, repair the issues or reconstruct the entire sewer at the Wellness Trail.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to approve the following emergency repairs at 507 Water Street where work was completed by Hydromax at a cost of \$5,100.00 and at 100 East Jennings Street where work was completed by Stemaly Excavating at a cost of \$8,100.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to hire Kristi Koressel as temporary, part-time for the Utility Office.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

No report.

PERSONNEL – Mr. Kavanaugh

Motion by Mr. Kavanaugh to advertise for the vacant Collections System Operator position at the WWTF.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to hire Kristine Koressel for part-time clerical work for the upcoming SRF and Sewer Bond work at a pay rate of \$17.00 per hour to begin August 18, 2014 pending a negative drug screen; there are no benefits with this position.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Motion by Mr. Kavanaugh to approve an educational reimbursement for James Musser in the amount of \$225.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

The Rivertown Trail Committee will meet on July 14, 2014.

SIDEWALK – Mrs. Hughes

Mike Feltz reported earlier in the meeting that the bids for the Safe Routes to School project were above the engineering estimate. Ms. Buehlman will contact the Evansville Metropolitan Planning Organization (EMPO) for advice.

ARTS PAVILION – Mrs. Hughes

Mrs. Hughes stated the next meeting will be held in August.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

A preliminary job description draft for the part-time Zoning Administrator/Code Enforcement position has been sent to the council members for review and will be discussed at the next meeting. The information will be reviewed by the Personnel Committee as well.

CLERK-TREASURER – Mr. Lybarger

No report.

TOWN ATTORNEY – Mr. Wischer

Mr. Wischer introduced Kristen Head, an associate with Bamberger and assistant to Mr. Wischer.

TOWN ENGINEER – Mr. Hynes

Mr. Lautz stated the public hearing for the Epworth Road Sanitary Sewer Expansion Project will be held July 23, 2014.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman, who was interviewed live during a WEHT news segment on Newburgh's 4th of July Fireworks Celebration, thanked all Town departments who participated.

Motion by Mr. Moore to allow the street closing on Main Street between State Street and the Town public parking lot on Sunday, July 20, 2014 from 3:00 to 8:00 p.m. for the museum's event.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Ms. Buehlman thanked the council for being proactive in their efforts to keep the Town beautiful with the approval and purchase of necessary equipment.

MISCELLANEOUS BUSINESS

Mr. Kavanaugh and Ms. Aurand stated the fireworks event was wonderful and thanked all volunteers for their efforts.

APPROVAL OF CLAIMS

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

Civil Town – \$193,321.15

Sewer - \$985,550.69

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

ADJOURNMENT

MOTION by Mr. Moore to adjourn.

SECOND by Ms. Aurand.

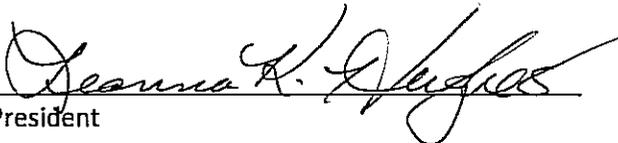
DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Mr. Kavanaugh adjourned the meeting at 6:55 p.m.

APPROVED this 23rd day of July, 2014

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer