

Newburgh Town Council Meeting
Date: Wednesday, September 24, 2014

The Newburgh Town Council met in Executive Session on Wednesday, September 24, 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., Clerk-Treasurer Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney Christopher C. Wischer. Absent was District IV Anne Rust Aurand. 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 President Leanna K. Hughes called the Regular Session to order at 5:36 p.m.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Those present at the meeting:

District I - William F. Kavanaugh

District II - Tonya R. McGuire

District III - Alonzo B. Moore, Jr.

Council-at-Large - Leanna K. Hughes

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Christopher C. Wischer

Absent was District IV - Anne Rust Aurand

APPROVAL OF MINUTES

MOTION by Mr. Kavanaugh to approve the September 10, 2014 Town Council meeting minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0, abstain 1 (McGuire).

SCHEDULED REQUESTS & APPEARANCES

None scheduled.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Carol Schaefer, Executive Director of Historic Newburgh Incorporated (HNI), stated ghosts and guides are needed for the Ghost Walks scheduled on October 17, 18 and 19, 2014. On October 25, 2014, Trick or Treating will be held from 3:30 p.m. to 5:00 p.m. and the Ghostly Stroll Walking Parade begins at 4:00 p.m. Volunteers are needed to stroll in downtown Newburgh donning 1880's period costume during Newburgh Celebrates Christmas on December 6 and 7, 2014.

Kate Fischer, 6597 Heathervale Ct., Newburgh stated HNI will be participating in the Evansville Christmas Parade and requested use of the Trolley.

MOTION by Mr. Kavanaugh to approve the use of the Trolley in the Evansville Christmas Parade on Sunday, November 23, 2014, and waive the rental fee; HNI will be responsible for the driver's fee and fuel.

SECOND by Mrs. McGuire.

DISCUSSION: A banner promoting Newburgh Celebrates Christmas will be placed on the Trolley.

MOTION carried: ayes 4, nays 0.

A search is underway for additional Trolley drivers. Drivers must have a CDL license with passenger endorsement and be approved by the Town's insurance carrier. The trolley driver's fee is negotiated between the party renting the trolley and the driver.

Byron Sherman, 635 Forest Park Dr., Newburgh, stated the Fiddler Fest grossed \$21,000.000, less \$11,000.00 in expenses, and a net profit of \$10,000.00. \$5,000.00 will be needed as seed money for 2015 and \$5,000.00 will be donated. Next year's fest will be held on August 28, 29 and 30, 2015.

1. Historic Newburgh Incorporated (HNI), 2015 Lamppost Flower Project...Tabled August 27, 2014

MOTION by Mr. Kavanaugh to remove from table HNI 2015 Lamppost Flower Project.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Bev Schweiss, 5550 Frame Road, Newburgh, representing HNI, requested a donation in the amount of \$2,000.00 to \$2,500.00.

MOTION by Mr. Kavanaugh to donate \$2,000.00 toward the Lamppost Project in 2015.

SECOND by Mrs. Hughes.

DISCUSSION: The total cost of project for 2015 is \$5,000.00. Mrs. McGuire suggested soliciting donors for each basket at \$200.00 each. Mr. Lybarger stated the county requested the Town cut the 2015 budget by \$215,000.00.

MOTION failed: ayes 1, nays 3 (Kavanaugh, McGuire, Moore).

MOTION by Mr. Kavanaugh to donate \$1,000.00 toward the Lamppost Project in 2015.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mrs. McGuire and Mr. Kavanaugh stated they will each sponsor a basket at \$150.00.

2. Award Bid for Metal Carport, 514 Polk Street, Newburgh

MOTION by Mr. Kavanaugh to award the bid for the metal carport at 514 Polk Street in Newburgh to Josh Crochet in the amount of \$205.00 with the stipulation the carport must be removed within 30 calendar days.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Ms. Buehlman will notify Mr. Crochet.

3. Pest Control for Certain Town Properties, Tabled September 10, 2014

MOTION by Mr. Kavanaugh to remove from table Pest Control for Certain Town Properties.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Council members received cost comparative information from four companies. Ms. Buehlman stated she had a conversation with each vendor to describe the purpose of the buildings and the pest problems. Some businesses treat with glue traps and others spray inside and outside the buildings.

MOTION by Mrs. Hughes to approve the agreement with Orkin for one year in the amount of \$5,300.00.

SECOND by Mrs. McGuire.

DISCUSSION: The agreement is for one year.

MOTION amended by Mrs. Hughes to approve the agreement with Orkin for one year in the amount of \$5,300.00 provided the contract contains a stipulation of cancellation by the Town if the pest problems have not been solved.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

4. Pay Application #1 for 2014 Street Resurfacing to Metzger Construction.

Mr. Hynes stated Pay Application #1 covers the period of August 15 to September 4, 2014; Metzger requested \$85,357.31.

MOTION by Mr. Kavanaugh to approve Pay Application #1 for 2014 Street Resurfacing in the amount of \$85,357.31, holding 5% or \$4,267.87 in retainage, with a net of \$81,089.44 to Metzger Construction.

SECOND by Mr. Moore.

DISCUSSION: Total amount of the contract is \$1,270,825.40.

MOTION carried: ayes 4, nays 0.

NEW BUSINESS

1. Workman's Compensation Insurance

Ms. Buehlman stated the Town's insurance representative recommended the Town switch our Workman's Compensation Insurance carrier from Downey Insurance to BITCO, Bituminous Coal Company, which is administered by Bliss McKnight. The move will result in a small savings and stability with an insurance that is protected by the Department of Insurance.

MOTION by Mrs. McGuire to approve Bliss McKnight with BITCO for the Town's Workman's Compensation Insurance.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

2. Sewer Agreement and Sewer Permit, Willow Estates Subdivision

The Sewer Agreement contract amount is \$118,060.00.

MOTION by Mr. Kavanaugh, on the attorney and engineering recommendation, to approve the sewer agreement and sewer permit for Willow Estates Subdivision.

SECOND by Mrs. McGuire.

DISCUSSION: Mr. Wischer stated the owner developer is Blue Herron Development, LLC.

MOTION carried: ayes 4, nays 0.

A short recess was taken. Mrs. McGuire left the meeting.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

Ms. Buehlman stated the board did not meet in September.

FIRE - Mr. Moore

Mr. Moore stated the August Fire Department report was distributed to council which details the number of runs made to date.

MOTION by Mr. Moore to allow the closing of Third Street on Sunday, October 12, 2014 from 12:00 p.m. to 4:00 p.m. for the department's annual open house.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

HISTORIC PRESERVATION - Mrs. McGuire

Ms. Buehlman stated HPC did not meet in September. The next meeting will be held on October 9, 2014.

PARK – Mrs. Hughes

Mrs. Hughes stated the Hadi Shrine Motorcycle Club will Ride for Toys this Sunday and the Lock and Dam will be a scheduled stop from 11:00 a.m. to 2:00 p.m. The Park Board will donate water.

PLAN – Ms. Aurand

Ms. Buehlman stated the Plan Commission will meet on October 6, 2015 to review a property rezoning application.

POLICE – Mr. Kavanaugh

Chief Sprinkle stated three (3) reserve officers will be sworn in at the October 13, 2014 meeting and awards will be given.

STORM WATER – Mr. Kavanaugh and Mr. Moore

The next meeting will be held on October 20, 2014. The Street Department visited the property on Tree Lane Road and checked the drainage pipe; it was clear of all debris.

Donovan Wilkins, 309 First Street, would like to attend the next storm water meeting to address flooding in his home.

STREETS – Mr. Moore

Mr. Moore stated the Street Department cleared the road sides at the east end of French Island Trail and the Jefferson Street tunnel. The new park along Water Street has been leveled, seeded and fertilized. All sidewalk lights along Water Street have been secured and five (5) trail markers were installed along the trail. A new recycling trash receptacle was placed on Water Street. The crew built a new concrete catch basin for the storm grate near the Newburgh Elementary School. A washout on Outer Gray was repaired. The property at 117 Adams Street, due to ordinance violation, was mowed, trimmed and cleared of debris. The basement of the East cottage was cleaned. Tree limbs were trimmed on Hillcrest. The riverbank was sprayed for the second time this year. The crew continues to mow and trim all Town properties.

Mr. Moore stated Metzger Construction has begun street repaving and has completed First Street, Gray and Hillcrest.

Mrs. Hughes recommended placing a time restriction on parking in front of Town Hall.

MOTION BY Mrs. Hughes to place a 2-hour parking limit in front of Town Hall on Jennings Street between the hours of 6:00 a.m. and 6:00 p.m.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

UTILITY – Mrs. Hughes

Mrs. Hughes stated Mr. Holweger has had problems acquiring the proper permits for a new development. Mr. Hynes stated the development has undergone numerous project changes and incomplete plans were presented to engineering. A meeting with Mr. Holweger will be scheduled on Friday.

FINANCE – Mrs. Hughes

Mr. Lybarger stated the 2015 budget was submitted to the county in early September. The county recommended the budget be cut by \$215,000.00 which would represent an 8.5% increase over 2014.

PERSONNEL – Mr. Kavanaugh

No report.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

The next meeting will be held on October 13, 2014.

SIDEWALK – Mrs. Hughes

Ms. Buehlman stated sidewalk work should begin on September 29, 2014 along Jennings Street and then on State Street.

ARTS COMMISSION – Mrs. Hughes

Mrs. Hughes stated the next meeting will be held on October 6, 2014.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman stated a rezoning petition is currently pending and another is scheduled in November.

CLERK-TREASURER – Mr. Lybarger

There will be a Public Hearing at 5:15 p.m. on October 8 to discuss the budget with Town residents.

TOWN ATTORNEY – Mr. Wischer

Mr. Wischer stated he reviewed the information received from American Legal Publishing on the ordinance codification and is impressed with the scope of work they will complete. The cost will be approximately \$12,000.00 which can be spread over a 3-year period.

MOTION by Mr. Kavanaugh, on legal recommendation, to approve the Sewer Agreement for Blue Herron Development in Willow Estates and include recoupment.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated a quote package was prepared for sewer work on Water Street in advance of the sewer rehab work. One quote was received from Blankenberger Construction; however, it was well over the \$150,000.00 limit set.

MOTION by Mr. Kavanaugh, on the engineering recommendation, to reject the quote received from Blankenberger Construction for sewer work on Water Street.

SECOND by Mr. Moore.

DISCUSSION: Mr. Hynes recommended removing slip lining from the quote package.

MOTION carried: ayes 3, nays 0.

MOTION by Mr. Kavanaugh, on the engineering recommendation, to remove slip lining from the quote package for sewer work on Water Street and request new quotes.

Second by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mr. Kavanaugh to allow the sewer department to purchase manhole rims at a cost of \$9,000.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Mr. Hynes stated bid acceptance for the State and Jennings Street Sidewalk Project will be advertised next week and bids will be opened on October 22, 2014 with construction beginning in early November. The paving project is going well. The road to the cottages will be paved next week. All paving should be completed by mid-October.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman stated the insurance company has submitted a settlement for Town Hall's roof damage. The repair estimate is approximately \$800.00 higher than the settlement offer.

MOTION by Mr. Kavanaugh, on the Town Manager recommendation, to approve the insurance company settlement for Town Hall's roof damage with the Town responsible for the difference of approximately \$800.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MISCELLANEOUS BUSINESS

None discussed.

APPROVAL OF CLAIMS

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

Civil Town – \$206,198.53

Sewer - \$176,722.44

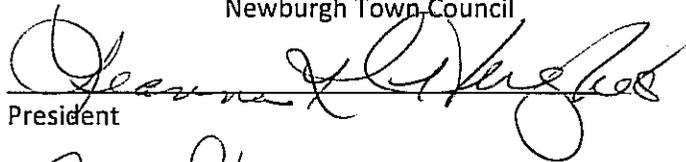
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 3, nays 0.

ADJOURNMENT

MOTION by Mrs. Hughes to adjourn.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 3, nays 0.
Mrs. Hughes adjourned the meeting at 7:56 p.m.

APPROVED this 8 day of October, 2014.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer



Lori S. Buehlman
Town Manager

October 7, 2014

To whom it may concern,

On October 6, 2014, the Newburgh Plan Commission conducted a public hearing on a proposed change in zoning for 116 Plum Street from R1 Residential to C2 General Commercial District. This is to certify pursuant to IC 32-36-7-4-605 that the proposed rezoning goes forward to the Newburgh Town Council with a favorable recommendation having received six (6) affirmative votes. Six (6) members of the Newburgh Plan Commission were present for the public hearing. Please note that the affirmative vote for the rezoning included a Use and Development Commitment that further restricts the permitted uses of the property.

A handwritten signature in black ink, appearing to be "L. Buehlman", with a long horizontal line extending to the right.

Lori S. Buehlman