

Newburgh Town Council Meeting  
Date: Wednesday, February 26, 2014

The Newburgh Town Council met in Executive Session on Wednesday, February 26, 2014, at 4:30 p.m. Those present at the meeting were Council President/Council-at-Large Leanna K. Hughes, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Clerk-Treasurer Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney R. Thomas Bodkin. Absent were District I William F. Kavanaugh 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 President Leanna K. Hughes called the Regular Session to order at 5:37 p.m.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed for the Newburgh Police and Fire Departments and the U.S. troops.

#### ROLL CALL

Those present at the meeting:

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Council-at-Large - Leanna K. Hughes

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - R. Thomas Bodkin

Absent were District I - William F. Kavanaugh and District II - Tonya R. McGuire.

#### APPROVAL OF MINUTES

MOTION by Ms. Aurand to approve the February 12, 2014 Town Council meeting minutes.

SECOND by Mr. Moore.

DISCUSSION: One modification was made under the Street Department; Indian Hills Overlook Park was revised to Indian Hill Overlook Park.

MOTION carried: ayes 3, nays 0.

#### SCHEDULED REQUESTS & APPEARANCES

1. Roger Johnson, Indiana American Water

Roger Johnson and a contingent from the Indiana American Water Newburgh district office, representing American Water and the American Water Charitable Foundation, presented a check to the Newburgh Fire Department in the amount of \$6,000.00 to purchase equipment.

2. Kara Messersmith and Sarah Lasiter, Girl Scout's Amazing Race

The Amazing Race will be held on Saturday, April 5, 2014, in Downtown Newburgh from 9:00 a.m. to 1:00 p.m. with sign-in beginning at 8:00 a.m. in the Town Hall parking lot. The Lock and Dam is rented for a private function that day and the use of Preservation Hall was not approved by council.

MOTION by Mrs. Hughes to approve the use of the Town Hall/Library parking lot which will be closed by Town staff from 7:00 a.m. to 1:00 p.m. for lunch distribution and performances and a barricade supplied for the parking lot entrance.

SECOND by Mr. Moore.

DISCUSSION: Set-up for the event will be from 7:00 a.m. to 9:00 a.m.

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the use of the Town Hall restroom facilities which will be opened by Town staff from 7:00 a.m. to 1:00 p.m. on Saturday, April 5, 2014.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the use of the Town Hall parking lot for portable toilet placement on Saturday, April 5, 2014; portable facilities are to be removed by Saturday afternoon at 3:00 p.m.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Ms. Aurand to approve the use of the Trolley from 9:00 a.m. to 1:00 p.m. and waive the rental fee; the Girl Scouts are responsible for the driver's fee and purchase of fuel.

SECOND by Mr. Moore.

DISCUSSION: The representatives are to contact Lori Buehlman for the approved list of trolley drivers.

MOTION carried: ayes 3, nays 0.

Ms. Buehlman asked if arrangements had been made for their trash. The representatives are working with vendors for recycling and hope to have a dumpster available. The Chief has been contacted for logistics.

#### PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Jamie Stevens, 5943 River Walk Circle, Newburgh, IN, approached the council regarding her sewer bill. Both her water and sewer bills were quite large due to water running continuously during a two month period.

MOTION by Mrs. Hughes to have the Sewer Department waive the late charges from the statements of June 17, 2013 (\$4.24), July 15, 2013 (\$4.24), January 13, 2014 (\$108.54) and February 18, 2014 (\$167.43) in an amount not to exceed \$300.00 which will be applied to the future sewer bills of Jamie Stevens.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Philip Field, 201 W. Jennings St., Newburgh, IN, spoke about a possible Barge Festival now in the planning stages. Mr. Field will contact numerous barge companies to determine their interest. Mrs. Hughes thought this event could become part of the state bicentennial.

MOTION by Mrs. Hughes to allow Mr. Field to proceed and send a letter to several barge companies.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

#### UNFINISHED BUSINESS

None

#### NEW BUSINESS

1. Encroachment Agreement – Roger Johnson and Jennifer Herrell, 6 Victoria Drive, Newburgh, IN  
MOTION by Mrs. Hughes to approve the Encroachment Agreement between the Town of Newburgh and Roger Johnson and Jennifer Herrell at 6 Victoria Drive, Newburgh, IN.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

#### 2. Faegre Baker Daniels Agreement

Mr. Bodkin stated this is an extension of the agreement with Faegre Baker Daniels for the work they are doing on behalf of the Town involving the legislature issues.

MOTION by Mrs. Hughes to approve the Faegre Baker Daniels Agreement.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

#### COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

No report.

FIRE - Mr. Moore

Chief Paul Campbell thanked Indiana American Water for their generous donation which will be used for new equipment. The department made 38 runs in January 2014: nine in the Town, 28 in the township and one mutual aid run to Lynnville for a second alarm house fire. The majority of the turn-out gear has arrived and is in use. The building suffered minor damage from the last storm's strong winds.

HISTORIC PRESERVATION - Mrs. McGuire

Ms. Aurand stated a meeting was held on February 14, 2014. The Historic Newburgh and Historic Preservation "Preservation Party" will be held on May 1, 2014 at one of the Lockmaster cottages. An election of officers for the coming year was held: Jeff Cox was reelected as chair and Steve Schumacher as runner-up; Lynda Browne will serve another term; and, Sherri Green will resign but continue to serve her 3-year term until a new member is found. Randy Wheeler stated the sign at Preservation Hall for the museum will be printed on both sides with an 'Open & Closed' section at no extra charge.

PARK – Mrs. Hughes

Mrs. Hughes stated the Park Board will meet on March 6, 2014.

PLAN – Ms. Aurand

Ms. Aurand stated the Plan Commission will meet on March 3, 2014. The agenda includes two sign related items, one from the Nazarene Church and the public hearing regarding electronic message signs.

POLICE – Mr. Kavanaugh

Police Chief Sprinkle stated the commission will meet on March 10, 2014 with an Executive Session at 4:00 p.m. and the regular session at 4:30 p.m.

STORM WATER – Mr. Kavanaugh and Mr. Moore  
No report.

STREETS – Mr. Moore

Mr. Moore stated the Street Crew manufactured a replacement storm grate for the basin in front of the apartment complex at 782 Village Lane. Sheet rock was replaced where needed in the salt bin. The bearings in the 4 x 4 were replaced. Many tree limbs damaged by the recent high winds were trimmed. A traffic sign at Monroe and Water Street was replaced. The alley was repaired between Cypress and Locust. The Water Street light globes were tightened. The Rivertown Tail Bridge was closed due to high water. The batting cage removal project continues and the pothole blitz is underway.

UTILITY – Mrs. Hughes

Mrs. Hughes stated the next meeting will be held on March 5, 2014.

STANDING COMMITTEES

FINANCE – Mrs. Hughes  
No report.

PERSONNEL – Mr. Kavanaugh

MOTION by Mrs. Hughes to hire Margaret Dill for the full-time Administrative Assistant position at an hourly rate of \$14.50 plus benefits with a start date of March 3, 2014 pending a negative drug screen.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

Mrs. Hughes stated a new group, Warrick Wellness Pathways, Incorporated, has requested a meeting with the Rivertown Trail.

SIDEWALK – Mrs. Hughes

Mrs. Hughes stated a staff meeting was held to review the project area with regard to manholes and sewer lines, and preliminary engineering work continues to meet the July letting date.

ARTS PAVILION – Mrs. Hughes

Mrs. Hughes stated the next meeting will be held on March 3, 2014.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

No report.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated expense reports where a receipt was not received should be submitted to the Clerk's office in the form of a document stating the event attended along with relevant details to satisfy the State Board of Accounts.

TOWN ATTORNEY – Mr. Bodkin

Mr. Bodkin stated the Indiana Senate heard House Bill (HB) 1187. The language has been revised for future cases, that these type matters go to the Utility Regulatory Commission to be resolved. The Senate Bill does not change the decision by the Court of Appeals as to the Town of Newburgh vs Chandler or the Town of Hometown vs Fort Wayne. A final resolution should be made by end of March.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated MS4 mapping is underway and should be completed in approximately one month. The paving list is quite large so the crews will be using GPS technology to shoot manhole rims in an effort to speed the process. When the manholes are reset, new technology will be used resulting in better quality and less expense than methods previously used.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman participated in a Sister Cities webinar on partnership profiles. There will be a Blight Grant meeting in Boonville tomorrow evening. Kristi Koresse's final day in the Utility Office will be this Friday. A discussion on the new entry signs took place. After the base is in place, the Town's founding date and Sister Cities information may be added.

MISCELLANEOUS BUSINESS

Well wishes were extended to Don Kissel, Town employee, on the passing of his mother.

Mrs. Hughes stated the Town merchant's thanked the council for their participation in the Valentine Package.

Mr. Bodkin stated a number of individuals need council approval for board appointment.

MOTION by Mrs. Hughes to approve to the Park Board, Mary Ann Wilsbacher to serve the remaining term of Amanda Burkins ending December 2016 and Cynthia Burger on the Advisory Board.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the following to serve an additional term: Board of Zoning Appeals (BZA), Damien Scheessele, a 4-year term beginning January 2014; Storm Water, Greg Bailey, a 3-year term beginning January 2014; Plan Commission, Jim Moore, a 4-year term beginning January 2014; and, Historic Preservation Commission (HPC), Lynda Browne, a 3-year term beginning January 2014.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

There remains a democratic vacancy on the BZA due to the resignation of Tim Triplett.

MOTION by Mrs. Hughes to approve to serve an additional term on the HPC, Sherri Green, a 3-year term beginning January 2014 until a new member is found.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Ms. Aurand thanked Tonya McQuire, Bill Kavanaugh, Tom Bodkin and Chris Wischer, who made two trips to Indianapolis to lobby and testify on HB 1187.

Ms. Aurand suggested a standard form and checklist be created for groups wanting to hold an event in Newburgh.

Ms. Aurand stated Warrick County schools are two weeks away from spring break and ISTEP testing will be held March 10 - 14, 2014.

Ms. Buehlman thanked the Utility Office personnel for their progress in accounts receivable.

APPROVAL OF CLAIMS

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

Civil Town – \$154,455.88

Sewer - \$354,881.34

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

ADJOURNMENT

MOTION by Mrs. Hughes to adjourn.

SECOND by Mr. Moore.

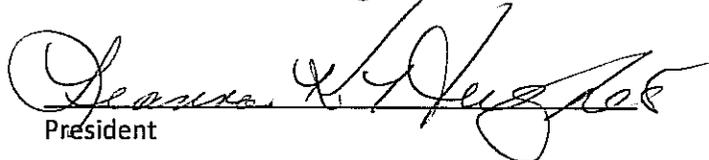
DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Mrs. Hughes adjourned the meeting at 7:28 p.m.

APPROVED this 12 day of March, 2014

Newburgh Town Council

  
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President

ATTEST:

  
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Clerk-Treasurer