

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

The Newburgh Town Council met in Executive Session on Wednesday, March 26, 2014, at 4:00 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, Clerk-Treasurer Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney R. Thomas Bodkin and Town Attorney Chris Wischer. The purpose of the meeting was discussion of personnel matters and pending litigation.

5:00 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 5:04 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 II - Tonya R. McGuire
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
Town Attorney - Chris Wischer

APPROVAL OF MINUTES

MOTION by Mrs. McGuire to approve the March 12, 2014 Town Council meeting minutes.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None requested.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

None requested.

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Annual Wastewater Treatment Facility (WWTF) Capacity, Management, Operation, and Maintenance (CMOM) Report

Mr. Bodkin stated this report is presented to the Indiana Department of Environmental Management (IDEM) and Environmental Protection Agency (EPA).

MOTION by Mr. Kavanaugh to approve the Annual Wastewater Treatment Facility (WWTF) Capacity, Management, Operation, and Maintenance (CMOM) Report.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

2. H. J. Umbaugh and Associates Agreement

Mr. Bodkin stated this is the agreement related to the bond issue.

MOTION by Mrs. McGuire to approve the H. J. Umbaugh and Associates Agreement with the Town of Newburgh.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

3. Rivertown Trail 5K Race Requests

MOTION by Mr. Kavanaugh to allow the Rivertown Trail Race Committee to use the Trolley on the morning of Saturday, May 3, 2014 and to waive the rental fee; however, the race committee will be responsible for the driver's fee and fuel.

SECOND by Mrs. McGuire.

DISCUSSION: The trolley will be used to transfer people from the Newburgh Elementary School to the downtown area. The race will begin and end at the Town Hall parking lot. Steve Shoemaker, 518 W. Water Street, a race committee representative, stated the trolley will be parked at the Old Lock and Dam Building in the afternoon and it will be used for an additional event later in the day.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to allow the Rivertown Trail Race Committee to place a limited number of yard signs along the trail on Town property to promote the race.

SECOND by Mr. Kavanaugh.

DISCUSSION: The signs will adhere to the Town's ordinance and will be up no longer than 30 days.

MOTION carried: ayes 5, nays 0.

The Council members have been invited to distribute medals at the finish line.

4. Oakpark Subdivision Sanitary Sewer Agreement and Permit

MOTION by Mr. Kavanaugh on the engineering recommendation to approve the Oakpark Subdivision Sanitary Sewer Agreement and Permit for the expansion of the sanitary sewer system.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SPECIAL BOARDS/COMMITTEE REPORTS

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman stated everyone is welcome to attend the reception for Tom Bodkin following the meeting to commemorate his retirement. The Rivertown Trail 5K Race plans are proceeding. The Town has been selling zoning permits. Research is being conducted for the possible purchase of a back hoe.

Ms. Buehlman attended the Blight Elimination Grant meeting and discovered many grant requirements have been changed. The group will meet again in May when additional information will be provided and shared with the council.

MOTION by Mr. Kavanaugh to allow the requesting employee to receive the balance of his remaining Health Savings Account contribution.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

The Rivertown Trail Committee met with Howard Nevins and Tom Kimpel of the Warrick Wellness Pathways Inc. group on March 24th. The group would like to use their resources, including private funds, to connect trails in the county to Newburgh's Rivertown Trail.

MOTION by Mr. Kavanaugh to allow the appointment of Steve Shoemaker, representing the Trail Committee and the Town of Newburgh, to the Warrick Wellness Pathways, Inc. group.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

The next trail meeting will be held on April 21, 2014 at 10:00 a.m.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

Ms. Aurand stated BZA met March 24, 2014. The board reviewed a conditional use permit for Jake Stocks, 108 Fairfax Drive, who is interested in an online gun sales business. The request was tabled until needed documentation is provided.

FIRE - Mr. Moore

Mr. Moore stated he and Mr. Bodkin reviewed the specifications on a new fire truck which have met the annexes and are generic. The truck will replace Engine 19 at a cost between \$550,000.00 and \$650,000.00. Mr. Bodkin estimates the truck will be a 'lease to purchase' with a 15-year payout.

MOTION by Mr. Moore to allow the fire department to receive bids for the fire truck set of specifications presented.

SECOND by Mrs. Kavanaugh.

DISCUSSION: Receiving bids now will assist in placing an accurate figure in the 2015 budget for the truck.

MOTION carried: ayes 5, nays 0.

HISTORIC PRESERVATION - Mrs. McGuire

Mrs. McGuire stated HPC met on March 13th; a quorum was not present. The sign request for the downtown building owned by Mrs. Hughes was approved. The HPC will support the Town's decision regarding the Old Country Store building.

PARK – Mrs. Hughes

Mrs. Hughes stated the Park Board met to review all rates and fees. The shelter rental was increased to \$50.00 per day. Applications are now being accepted for the seasonal pool positions. The new tree donated by the Garden Club will be placed near the gazebo at Lock and Dam Park.

PLAN – Ms. Aurand
No report.

POLICE – Mr. Kavanaugh
Police Chief Sprinkle stated the police vehicle, hit by an impaired driver, has been determined a total loss. A list of damaged interior items is being compiled. The Police Commission will meet April 14, 2014 with Executive Session at 4:00 p.m. and Regular Session at 4:30 p.m.

STORM WATER – Mr. Kavanaugh and Mr. Moore.
Mr. Kavanaugh stated the next meeting will be held on April 21, 2014.

STREETS – Mr. Moore
Mr. Moore stated the Street Crew repaired the storm grate at the corner of Gray and State Streets. The backhoe's trade-in value is being researched along with the cost of a new backhoe. The winter banners have been removed; Mrs. Hughes stated Ms. Buehlman is researching colorful banners for the spring and summer months. The mowers and summer lawn equipment are undergoing tune-ups and repair. Graffiti was removed from a wall at State and Gray Streets. The flower beds and an area along Frame and Sharon Roads have been cleaned. The batting cage removal project and the pothole blitz continue.

UTILITY – Mrs. Hughes
Mr. Bodkin stated there is an Indiana statute that provides that if a sanitary sewer is available within 300 feet of the property, the property can be required to hook onto the existing sewer. The Ciholas property abuts an easement with a gravity sanitary sewer.

MOTION by Mr. Kavanaugh to approve Mr. Bodkin's letter to Ciholas Properties directing the building be connected to the Town of Newburgh Sanitary Sewer System by June 30, 2014.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

Mrs. Hughes reported the Indiana State Board of Accounts auditors are now on site conducting the audit which will be in progress about six (6) weeks.

PERSONNEL – Mr. Kavanaugh
No report.

RIVERTOWN TRAIL – Mr. Kavanaugh
No report.

SIDEWALK – Mrs. Hughes
No report.

ARTS PAVILION – Mrs. Hughes

Mrs. Hughes stated the next meeting will be held on April 7, 2014 at 5:30 p.m. at Town Hall.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand
No report.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger requested council members review the April monthly meeting schedule.

TOWN ATTORNEY – Mr. Bodkin

Mr. Bodkin stated House Bill (HB) 1187 has been placed on the governor's desk. If it is not signed or vetoed tomorrow, it will become law. The bill does not allow the Town of Chandler to connect new customers to their sewer system that are located within the Town's four-mile limit. Regarding the lawsuit Chandler filed against Newburgh, the Town of Chandler must act by Monday to transfer the lawsuit to the Indiana Supreme Court.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated Commonwealth Engineering (CEI) is working on an application and a Preliminary Engineering Report (PER) for the Lynch Road corridor which is located within the Town's four-mile radius. A PER for this same corridor was prepared in 2006. There are approximately 1,600 taps that could be generated within the next 20 years in this area which equates to \$3.2 million under the current tap structure. Section 5 of the PER has been submitted to the State Revolving Fund (SRF) who requested a new application with updated information and signatures.

MOTION by Mr. Kavanaugh on the engineering recommendation to approve and sign the SRF application.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MISCELLANEOUS BUSINESS

MOTION by Mr. Kavanaugh on the reading of Proclamation 2014-01.

SECOND by Ms. Aurand.

Mr. Wischer, Town Attorney, stated all council members received a copy of the Proclamation which will be read formally later this evening and requested the council adopt the proclamation into the record without its reading during the meeting.

MOTION carried: ayes 5, nays 0.

All council members thanked Mr. Bodkin for his 30 years of service to the Town of Newburgh. Mr. Bodkin will retire on March 31, 2014. He began as the Town's attorney on January 1, 1984.

MOTION by Mrs. McGuire to adopt Proclamation 2014-01.

SECOND by Ms. Aurand.

MOTION carried: ayes 5, nays 0.

APPROVAL OF CLAIMS

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

Civil Town – \$186,546.90

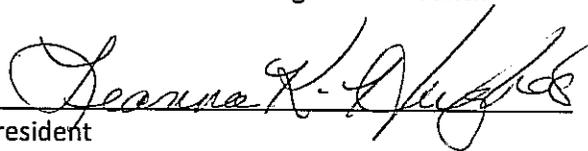
Sewer - \$157,692.10

SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

ADJOURNMENT
MOTION by Mr. Moore to adjourn.
SECOND by Mrs. McGuire.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.
Mrs. Hughes adjourned the meeting at 6:04 p.m.

APPROVED this 9 day of April, 2014

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer