

Newburgh Town Council Meeting
Date: Wednesday, March 25, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, March 25, 2015, at 4:30 p.m. at Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana. Those present at the meeting were District I William F. Kavanaugh, District II Leanna K. Hughes, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Council-at-Large Tonya R. McGuire, Clerk-Treasurer Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney Christopher Wischer. The purpose of the meeting was discussion of personnel matters and pending litigation.

CALL TO ORDER

Council President 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 and Joseph Hayden from United Methodist Church Troop 352. A moment of silence was observed for Peggy Pruitt, Richard McKain, Jim Seibert, Rex, the retired Newburgh Police Department K-9, our troops and fallen police officers.

ROLL CALL

Those present at the meeting:

District I - William F. Kavanaugh

District II - Leanna K. Hughes

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Council-at-Large - Tonya R. McGuire

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Christopher Wischer

APPROVAL OF MINUTES

1. March 11, 2015 ~ Executive & Regular Session

MOTION by Mrs. McGuire to approve the March 11, 2015 Town Council minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

1. Rivertown Trail 5K/8K Race, May 2, 2015

On behalf of the Rivertown Trail 5k/8k Race committee, Ms. Buehlman stated their requests.

MOTION by Mrs. McGuire to approve the Rivertown Trail 5k/8k Race on May 2, 2015 and the following street closures from 7:00 a.m. until noon: Hwy 662 East from Hwy 66 to Westervelt, French Island Trail from Westervelt to Jennings, Jennings Street from State to Main, Hwy 662 West from Main to Frame, and Water Street from State to Plum.

SECOND by Ms. Aurand.

DISCUSSION: All council members are invited to distribute ribbons at the finish line.

MOTION carried: ayes 5, nays 0.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Amber Kelly, 7622 Outer Lincoln Avenue, Newburgh, the market master for Newburgh's Farmers Market and Dr. Jennifer Wahle, owner of SheepSkins, requested approval to participate in Worldwide Knit in Public Day on June 13, 2015 and to Yarn Bomb the railing along Water Street. The knitting would begin the afternoon of June 12th and would remain on the railing for two weeks. A banner, explaining the event, would be displayed one week in advance.

MOTION by Ms. Aurand to participate in Worldwide Knit in Public Day on June 13, 2015 and allow yarn bombing on the walkway railing beginning June 12, 2015 and remaining in place for up to two weeks.

SECOND by Mrs. McGuire.

DISCUSSION: There should be no damage to the railing. Mrs. McGuire stated she did not believe the Rivertown Trail Committee would have any objections to the banner on the railing.

MOTION carried: ayes 5, nays 0.

UNFINISHED BUSINESS

1. Town of Newburgh Rivertown Trail / Event Policy, tabled December 10, 2014

Continue to table.

2. Mystic Development, Country Place Drive, Encroachment Agreement, tabled January 28, 2015

Continue to table.

3. Town Vehicle Refinancing Options, tabled February 11, 2015

MOTION by Mrs. Hughes to remove from table the Town Vehicle Refinancing Options.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Ms. Buehlman stated the Town solicited refinance options on two of the Town's vehicles. German American Bank offered to refinance the vehicles at the current terms of the remaining lease with an interest rate of 3.5%; current rates are at 7.32% and 6.935%.

MOTION by Mrs. McGuire to approve the refinancing agreement with German American Bank at the current terms of the remaining lease with an interest rate of 3.5%.

SECOND by Mrs. Hughes.

DISCUSSION: Mr. Lybarger estimated the savings at \$2,000.00.

MOTION carried: ayes 5, nays 0.

NEW BUSINESS

1. Action Pest Control Mosquito Spraying

Ms. Buehlman stated she received Action Pest Control's mosquito spraying contract renewal in the same amount as 2014, \$10,359.69.

MOTION by Mrs. Hughes to approve the mosquito spraying contract with Action Pest Control in the amount of \$10,359.69.

SECOND by Mrs. McGuire.

DISCUSSION: Mrs. Hughes does not feel Action does a satisfactory job and believes there must be another business offering this service. Requests for bids were sent in 2014 with only Action responding.

MOTION carried: ayes 4, nays 1 (Hughes).

2. Water Street Sanitary Sewer System Rehabilitation Project Contract to Blankenberger Brothers Inc.

Mr. Hynes stated the contract is with Blankenberger Brothers Inc. in the amount of \$31,717.00.

Rights of entry have been obtained to encroach on four different properties.

MOTION by Mr. Moore to approve the Water Street Sanitary Sewer System Rehabilitation Project Contract with Blankenberger Brothers Inc. in the amount of \$31,717.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

3. 2014 Capacity, Management, Operation, and Maintenance Update, Final Acceptance

Mr. Hynes stated this document provides a path work of sewer department accomplishments and proposes projects for the upcoming year and is provided to the Environmental Protection Agency.

MOTION by Mr. Moore to approve the 2014 Capacity, Management, Operation, and Maintenance (CMOM) Update and Final Acceptance.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

No report.

FIRE - Mr. Moore

Mr. Moore stated the new truck is in construction with delivery expected on April 16, 2015.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

Mrs. McGuire stated Historic Preservation met last week and approved a Certificate of Appropriateness for Dawn Morand-Onay at 216 West Jennings for a new garage.

MOTION by Mrs. McGuire to have Mr. Wischer and Mr. Hynes tour and inspect the Old Country Store and report on its safety from an occupational standpoint.

SECOND by Mrs. Hughes.

DISCUSSION: Mr. Wischer stated the property would be inspected under the Town's normal code enforcements and regulations.

MOTION carried: ayes 5, nays 0.

PARK – Mrs. Hughes

Mrs. Hughes stated the pool brochure was reviewed. Pool employee interviews will begin the week of April 1, 2015.

PLAN – Ms. Aurand

Ms. Aurand stated the commission will meet on April 6, 2015 at 5:30 pm in Town Hall and requested all members of the council be present as the public hearing to consider the rezoning of approximately 10 acres from agricultural to commercial on the Town's west edge will continue.

POLICE – Mrs. McGuire

Mrs. McGuire stated the commission hired Jason Daily who replaced Justin Chambers. Daily will be sworn in on June 8, 2015. A conditional job offer has been made for the ninth officer on the force. The next commission meeting will be held on April 13, 2015.

STORM WATER – Mr. Kavanaugh and Mr. Moore

Ms. Buehlman stated a small pond in the Town limits nearly overflowed during the recent rains. The Department of Natural Resources has contacted the property owner. A full report will be disclosed at the April Storm Water meeting.

STREETS – Mr. Moore

Mr. Moore stated the crew painted the damaged benches and sign posts along the trail. Repair work was completed on the dump truck and snow plow. The Lock and Dam property, trail, flower beds and roadsides were cleared of debris. A sink-hole on Fillmore was repaired and a swale installed along the property. Decals were placed on the department vehicles, the summer banners were hung and the department attended the Town's emergency action plan meeting.

UTILITY – Mrs. Hughes

No report.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

No report.

PERSONNEL – Mrs. Hughes

Mrs. Hughes stated a Town primary election will not be held as there are no contested races. The personnel policy states employees are given a day off when there is a primary election.

MOTION by Mrs. Hughes to rescind the employee day off as a holiday on May 5, 2015 as there is not a primary election of Town offices, in accordance with the precedence set four years ago.

SECOND by Mrs. McGuire.

DISCUSSION: Mrs. McGuire stated the personnel committee intends to review this portion of the policy further and is in favor of making this day a floating holiday. Ms. Aurand stated when a primary election is held, employees residing in that community be afforded time to vote provided the motion is approved.

MOTION failed: ayes 2, nays 3 (Hughes, Kavanaugh, Moore).

Mr. Wischer clarified that the holiday will stand in 2015.

SPECIAL BOARDS/COMMITTEE REPORTS

SIDEWALK – Mrs. Hughes

Mrs. Hughes stated a timeline has been established; sidewalk work will begin on Jennings Street and then onto State with completion expected in four months. Mr. Hynes is the project manager.

ARTS COMMISSION – Mrs. Hughes

The commission will not meet in April as it conflicts with the Plan Commission's continued public hearing. A contingent will be traveling to Terre Haute on Thursday, April 23, 2015 to view event facilities.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

MOTION by Mrs. Hughes to have Mr. Wischer and Mr. Hynes tour and inspect the former Treasures and Pleasures building on Highway 662 at Maple Lane.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated American Legal Publishing has been contacted regarding the ordinance codification. A webinar with Revize was attended; Revize will provide a quote to revise and update the Town's website.

TOWN ATTORNEY – Christopher Wischer

Mr. Wischer stated his office is now open at 327 W. Jennings. All acquisition easements for Rivertown Trail Phase III have been received from CHA. The Indiana Utility Regulatory Commission (IURC) hearing was held in Indianapolis last week; a decision is expected soon. Ordinances are being prepared for the fire department, towing procedures and the operation of horse drawn carriages within the town limits. Mr. Wischer and Mrs. McGuire attended the Indiana Cities and Towns (IACT) legislative conference.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated Metzger Construction is completing the drainage work on State Street. A preconstruction meeting with Monoform was held last week for manhole rehab and with Deig Bros for the sanitary sewer rehab projects. There will be a preconstruction progress meeting on April 2, 2015 for Jennings Street sidewalks. Mr. Hynes requested several road closures for the sanitary sewer project. MOTION by Mr. Moore to allow the following road closures: Sycamore from French Island Trail to Main Street during the week of March 30, 2015; State Street between Main and Gray Streets for approximately six days; Outer Gray from Hillcrest to Westervelt, closed to thru traffic but open to local residents; and, Main Street from Monroe to Jefferson, closed to thru traffic but open to local residents. SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

There will be lane closures on State Street from Fourth to north of the Sharon Road intersection; Peachtree Drive from Outer Gray to the dead end; and, Sycamore from Main to Gray.

MOTION by Mrs. Hughes to close Westervelt from French Island Trail to Outer Gray for the staging of construction vehicles.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Monoform has provided a traffic plan and will be working at the following manhole locations: Fourth and Fillmore; Outer Gray, east of the Hillcrest intersection; and the intersection of Jennings and State. These locations will remain open to traffic and the manholes will be covered at the end of the workday. MOTION by Mr. Moore to allow the use of southwest corner of the intersection of Jennings and State for construction vehicle staging next week.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Hynes has not received a response from Vectren regarding the punch list.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

The Town owned property on Polk Street has been added to the blight grant list.

The Epworth Road ground breaking ceremony will be held on April 10, 2015 at 2:30 p.m.

Ms. Buehlman stated she has received two requests for memorial park benches; more information will be provided at the next meeting.

Bob Bullard provided a recently revised Safe Routes to School document requiring Mr. Kavanaugh's signature.

Thanks were extended to the wastewater facility staff who worked extended hours on Sycamore Street.

MISCELLANEOUS BUSINESS

MOTION by Mrs. McGuire to surplus the council member laptops at no value and purchase five Samsung Galaxy Tab® 4 10.1 at a cost of \$299.99 each from Verizon.

SECOND by Mrs. Hughes.

DISCUSSION: Mrs. Hughes would like to research the items. There is a monthly service fee of \$27.99 or higher. Ms. Aurand stated each member should decide if they want the product.

MOTION carried: ayes 3, nays 2 (Aurand, Hughes).

Ms. Aurand presented a history of Richard III and stated Reg Porter will attend the reinterment of the remains at the Leicester Cathedral.

Ms. Buehlman will be out of the office on March 26, 2015 to attend INDOT training in Seymour and will attend the birth of her granddaughter on March 31, 2015.

APPROVAL OF CLAIMS

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

Civil Town – \$200,876.64

Sewer – \$252,060.43

State Revolving Fund (SRF) – \$2,294.20

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

MOTION by Mr. Kavanaugh to adjourn.

SECOND by Mr. Moore.

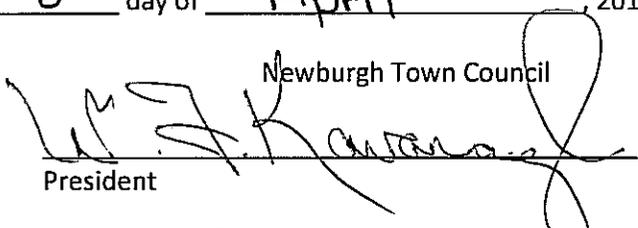
DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Kavanaugh adjourned the meeting at 7:10 p.m.

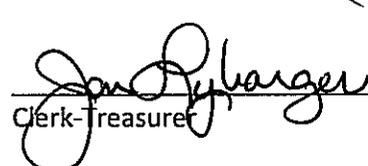
APPROVED this 8 day of April, 2015.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer