

Newburgh Town Council Meeting

Date: Wednesday, April 8, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, April 8, 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 5:35 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed for Fred Levin, our troops and 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 25, 2015 ~ Executive & Regular Session

MOTION by Mrs. McGuire to approve the March 25, 2015 Town Council minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

**SCHEDULED REQUESTS & APPEARANCES**

1. Nicole Newmaster, Film Event Street Closure Request

Ms. Newmaster, author of the novel Hiccup Effect, stated a film based on the novel will be produced with filming throughout Newburgh June 1 through June 13, 2015.

**PETITIONS AND COMMENTS FROM CITIZENS PRESENT**

Mrs. Hughes stated there will be a boat parade before the fireworks on July 3, 2015.

**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:

**NEW BUSINESS**

1. Ordinance 2015-03, Towing Ordinance

MOTION by Mrs. McGuire for the first reading of Ordinance 2015-03, Towing Ordinance.

SECOND by Mr. Moore.

MOTION carried: ayes 5, nays 0.

Mr. Wischer read Ordinance 2015-03, an ordinance establishing an administrative fee for towing vehicles in the Town of Newburgh.

MOTION by Mrs. McGuire to accept the first reading of Ordinance 2015-03, Towing Ordinance.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire for the second reading of Ordinance 2015-03, Towing Ordinance.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Wischer read Ordinance 2015-03, an ordinance establishing an administrative fee for towing vehicles in the Town of Newburgh.

MOTION by Mrs. McGuire to adopt Ordinance 2015-03, Towing Ordinance.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

2. Oak Grove Sanitary Sewer Extension, Acceptance of Sewers

Mr. Hynes presented a letter of recommendation to council members. This project was shared between the Town and Danny Ubelhor of Maken Corporation. The work has been completed at a cost of \$49,900.00.

MOTION by Mrs. Hughes, on the engineering recommendation, to approve the Oak Grove Sanitary Sewer Extension and accept the sewer for maintenance.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

3. Jennings and State Streets Sidewalks Project - River Town Construction, LLC Contract and Notice to Proceed to River Town Construction, LLC.

Mr. Hynes stated he is working on obtaining rights of entry.

MOTION by Mrs. Hughes to table the Jennings and State Streets Sidewalks Project.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

4. Epworth Medical Corridor Sanitary Sewer Expansion, Payment #1 to Blankenberger Brothers Inc.

MOTION by Mr. Moore to approve the Epworth Medical Corridor Sanitary Sewer Expansion Payment #1 to Blankenberger Brothers Inc. (BBI) in the amount of \$135,340.80, holding 5% retainage of \$6,767.04, leaving a net amount due to the contractor in the amount of \$128,573.76.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

5. Sanitary Sewer Rehab Project, Payment #1 to Deig Bros. Lumber and Construction.

MOTION by Mr. Moore to approve the Sanitary Sewer Rehab Project, Payment #1 to Deig Bros. Lumber and Construction in the amount of \$17,017.73, holding 5% retainage of \$850.89, leaving a net amount due to the contractor in the amount of \$16,166.84.

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

A final inspection will be made on the new fire truck on April 26, 2015. The media will be contacted when the truck arrives.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

Mrs. McGuire stated Historic Preservation will meet on April 9, 2015 at 5:45 pm.

PARK - Mrs. Hughes

Mrs. Hughes stated a few candidates have been interviewed for the position of pool manager but additional applicants are requested.

PLAN - Ms. Aurand

Ms. Aurand stated the commission met on April 6, 2015 to consider the rezoning of the William's property. A certification letter of the Plan Commission's result will be prepared. Two lots at the north east corner of State and Gray were also considered for rezoning. A commission member has submitted a resignation and a new member will be sought. Mr. Kavanaugh complimented the commission for their work with the William's rezoning request and a letter of thanks will be sent. Mrs. McGuire thanked Mr. Wischer for his work on the site review.

POLICE - Mrs. McGuire

Chief Sprinkle stated that Gerald Bowser is building a counter and updating the restroom. The department will host a lunch and learn on April 24, 2015 at the Lock and Dam building. An outside source will speak on cynicism in law enforcement. Area police chiefs and sheriffs have been invited. The department has received three pepper-based weapons free of charge. The next commission meeting will be held on April 13, 2015.

STORM WATER – Mr. Kavanaugh and Mr. Moore

Ms. Buehlman stated several drainage issues are on the April 20, 2015 agenda.

STREETS – Mr. Moore

Mr. Moore stated following the heavy rains and flooding, rock was cleared in several areas and many drains were cleaned including a clogged drain on Gray Street. The roadside on Clark Street was filled. After the river receded, the crew collected five pick-up loads of debris and pressure washed the bridge and sidewalk. Four yards of flowable fill were used to repair a void under the Jefferson Park Bridge. Downed tree limbs were cleared after Tuesday's high winds. Ms. Buehlman thanked the street crew for their extra efforts in clearing storm debris.

UTILITY – Mrs. Hughes

Mrs. Hughes presented the motions from the April 1, 2015 Utility Committee meeting; all received a favorable vote and recommendation from the committee.

MOTION by Mrs. Hughes to pay half of the total engineering cost, not to exceed \$6,200.00, for the Oak Grove Road sewer extension.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to participate with Maken Corporation with regard to building a trunk line that will service an area to be opened up as a result of the construction of the Oak Grove and Roeder Road extension.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve a set of letters be sent to Chandler Town Council, Chandler Utility customers and possibly the landlords with approval from Newburgh Town Council and legal.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to pursue Bond Anticipation Notes (BAN) financing for two of the projects on the Multi-Project PER list.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage Commonwealth Engineering Inc. (CEI) to develop a corrective action plan for the sanitary sewer issue on State Street.

SECOND by Mr. Kavanaugh.

DISCUSSION: This is the area that is currently being scoped.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the request for additional engineering services pertaining to the sanitary sewer line in Main Street from Manhole (MH) 09-33 to MH 09-180A to MH 09-40 to MH 09-33 and from MH 09-33 to MH 09-180A.

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

MOTION by Mrs. Hughes to approve the request to replace a 6 foot lateral stub from the main to the easement line at a cost not to exceed \$5,800.00 by contractor PPMI.

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

MOTION by Mrs. Hughes to grant a waiver of the Sanitary Sewer Standards to allow Meijer to connect their lateral to MH-D as depicted on their drawing.

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

MOTION by Mrs. Hughes to approve Kingston Lift Station Elimination sewer route #1 if Dave Talley is not interested in cost sharing.

SECOND by Mr. Kavanaugh.  
DISCUSSION: Mr. Wischer stated a request was made to have the Kingston lift station plan include the property north of the lift station; the clients involved would share the cost.  
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the encroachment agreement that Morley and Associates is requesting for Libbert Road.

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

MOTION by Mrs. Hughes to approve CEI's \$4,000.00 contract amendment for the Geographic Information System (GIS) Mapping.

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

MOTION by Mrs. Hughes to agree to enter into an agreement to release the 2007 easement received from Alcoa to the extent it affects the property that Vigo Coal is interested in as shown on the map submitted by Vigo Coal.

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

Ms. Buehlman stated the Wastewater Treatment Facility was struck by lightning. She commended the employees for their time and efforts to maintain the facility manually.

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

#### **STANDING COMMITTEES**

FINANCE – Mrs. Hughes  
No report.

PERSONNEL – Mrs. Hughes  
No report.

SPECIAL BOARDS/COMMITTEE REPORTS

SIDEWALK – Mrs. Hughes

Ms. Buehlman stated meetings were held with property owners affected by the work and right of entry forms will be obtained.

ARTS COMMISSION – Mrs. Hughes

No report.

An amphitheater will be built at Victoria National.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman stated spring has brought an increase in permits. Both of the town homes located east of Edgewater Grille have been sold.

CLERK-TREASURER – Mr. Lybarger

No report.

TOWN ATTORNEY – Christopher Wischer

Mr. Wischer stated most of the offers for property acquisition have been made for Phase IIIA of the Rivertown Trail.

MOTION by Mrs. McGuire to allow Mr. Wischer to pay the two property owners who have accepted the offers in accordance of the appraisal.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Moore to accept the two walkway easements.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to approve an addendum to amend the sewer agreement with Danny Ubelhor in lieu of him posting a letter of credit in the amount of 10% of the face amount of the agreement for a one year acceptance period, Mr. Ubelhor would be allowed to deposit a cash amount equal to 10% of the face amount of the contract of \$5,410.00 which will be held by the Town for one year securing his obligations under the agreement and that the amount of the deposit may be withheld by the Town from the payment due him under the contract.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated permits and agreements with Warrick County for the Halston Gravity Sewer Project are needed.

MOTION by Mr. Moore to approve the hold harmless agreement between the Warrick County Drainage Board and Town of Newburgh for an 18" sewer line that encroaches within Sprangle ditch.

SECOND by Mrs. McGuire

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Moore to approve the application and permit with Warrick County to work in a county road right-of-way to bore under Rabbit Run Drive approximately 250' west of the center line of Trinity Drive.

SECOND by Mrs. Hughes

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Hynes stated funds for the EDIT bond projects were reviewed and were found to be \$150,000.00 shy of the contract amount. There were several scope changes, additions to drainage, inspection fees, etc. on the project. The project is expected to fall short in the amount of approximately \$53,000.00 to finish the project. A contract amendment will be needed; engineering services will encompass 12% of the contract after the amendment has been approved.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman stated Preservation Hall, Lock and Dam and the Cottages were rented 39 days in 2013.

In 2014, 284 days are booked; and in 2015, 305 days are booked.

An open house at the Newburgh Senior Center will be held this Sunday from 2:00 to 4:00 p.m.

The Epworth Road ground breaking ceremony was 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.

The Town's liability policy with Cincinnati Insurance is due for renewal. The cost for the previous three years was \$87,363.00 (annually) for all Town properties. The new three year policy is \$86,301.00 annually.

MOTION by Mrs. McGuire to renew the Town's three-year liability policy with Cincinnati Insurance in the amount of \$86,301.00 annually.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MISCELLANEOUS BUSINESS

Ms. Aurand reminded the council of the Warrick County Rotary Literacy Walk is this Saturday.

Ms. Aurand noticed that the East Cottage is rented more often than the West.

APPROVAL OF CLAIMS

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

Civil Town – \$170,202.49

Sewer – \$616,858.22

State Revolving Fund (SRF) – \$15,278.90

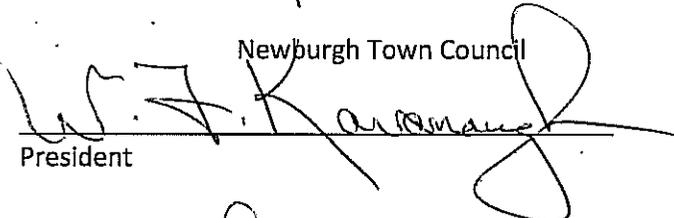
SECOND by Mrs. McGuire.  
DISCUSSION: None  
MOTION carried: ayes 5, nays 0.

ADJOURNMENT

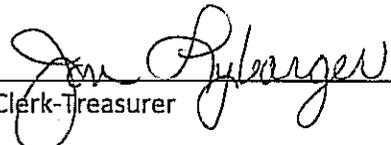
MOTION by Mr. Kavanaugh to adjourn.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 5, nays 0.  
Mr. Kavanaugh adjourned the meeting at 6:50 p.m.

APPROVED this 22 day of April, 2015.

Newburgh Town Council

  
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President

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer