

Newburgh Town Council Meeting
Date: Wednesday, April 22, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, April 22, 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, Clerk-Treasurer Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney Christopher Wischer. Absent was Council-at-Large Tonya R. McGuire. 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 5:32 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed for Harlen Metzger, 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

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Christopher Wischer

Absent - Council-at-Large - Tonya R. McGuire

APPROVAL OF MINUTES

1. April 8, 2015 ~ Executive & Regular Session

MOTION by Mrs. Hughes to approve the April 8, 2015 Town Council minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

SCHEDULED REQUESTS & APPEARANCES

1. 1. Museum use of the Monroe Street House

Mrs. Hughes, representing the Newburgh museum, requested use of the 521 Monroe Street for storage. An estimate will be obtained to repair and update the heating and air conditioning.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Gary May, 2699 Briarcliff Drive, Newburgh. Mr. May is a disabled veteran and is concerned that the new location of Vecchio's is in violation of the Americans with Disabilities Act (ADA). Mr. May contacted the business and requested the assistance of the council. Mr. Wischer suggested Mr. May contact the Federal Department of Justice as ADA falls under their jurisdiction. Mr. Kavanaugh stated he will visit the establishment, continue the conversation with Mr. Wischer and the matter will be addressed at the council meeting on May 27, 2015. Ms. Aurand stated the council will correspond with Goebel Realty requesting immediate attention to the issue.

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. Jennings and State Streets Sidewalks Project - River Town Construction, LLC Contract and Notice to Proceed to River Town Construction, LLC, tabled April 8, 2015
Continue to table.

NEW BUSINESS

1. Street Light Request

Mrs. Hughes and Ms. Buehlman will contact Vectren for a lighting study.

2. 6044 and 6066 Cypress Court Sewer Rehab: Town of Newburgh and Commonwealth Engineering Inc. (CEI) Contract

MOTION by Mrs. Hughes to approve the contract with CEI for 6044 and 6066 Cypress Court Sewer Rehab.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

3. Kingston Lift Station Elimination Project: Town of Newburgh and Commonwealth Engineering Inc. Contract Amendment # 1

Mr. Hynes stated the amendment is for additional route studies and several easements.

MOTION by Mrs. Hughes to approve amendment # 1 for Kingston Lift Station Elimination Project.

SECOND by Mr. Moore.

DISCUSSION: Mr. Hynes stated the project came as a recommendation from the utility committee.

MOTION carried: ayes 4, nays 0.

4. 2014 Sanitary Sewer Rehab Projects: Town of Newburgh and Commonwealth Engineering Inc. Contract Amendment # 2

Mr. Hynes stated the sanitary sewer on State Street needs replacement from Jennings to approximately 200 feet north of Main. This contract is for design services and contractor quote solicitation.

MOTION by Mrs. Hughes to approve amendment # 2 with CEI for 2014 Sanitary Sewer Rehab Projects.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

5. Main Street Sanitary Sewer Rehabilitation Manhole 09-33 to Manhole 09-40: Town of Newburgh and Commonwealth Engineering Inc. Contract Amendment

Mr. Hynes stated the task order is for additional manhole work not included in the initial contract.

MOTION by Mrs. Hughes to approve the contract amendment with CEI for Main Street Sanitary Sewer Rehabilitation Manhole 09-33 to Manhole 09-40.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

6. GIS Mapping Update: Town of Newburgh and Commonwealth Engineering Contract Amendment #2
Mr. Hynes stated the wall and aerial maps have been updated.

MOTION by Mrs. Hughes to approve contract amendment #2 with CEI for GIS Mapping Updates.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

7. Meijer Department Store Sanitary Sewer Plan Acceptance: Contract and Indiana Department of Environmental Management (IDEM) Permit

Mr. Hynes and Mr. Wischer have reviewed the plans and recommend the council approval the plans, issue the IDEM construction permit and approve the contract.

MOTION by Mrs. Hughes to approve the plans, issue the IDEM construction permit and approve the contract for the Meijer Department Store sanitary sewer.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

8. Brookstone Subdivision Section 2 Sanitary Sewer Plan Acceptance: Contract and IDEM Permit

MOTION by Mrs. Hughes to approve the plans, issue the IDEM construction permit and approve the sewer agreement for the Brookstone Subdivision Section 2 sanitary sewer.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

9. 2014 Edit Bond Projects: Town of Newburgh and CEI Contract Amendment # 2

Mr. Hynes stated additional construction engineering and design services were needed.

MOTION by Mr. Moore to accept CEI Contract Amendment # 2 for the 2014 Edit Bond Projects.

SECOND by Ms. Aurand.

DISCUSSION: This is a road and street project; funds are available.

MOTION carried: ayes 4, nays 0.

10. Water Street Road Closures for Planned Street Improvements

This request was made earlier in the week. After contractor meetings, the closures were not needed.

11. Fence Encroachment Agreement, Emel and Ferhan Ozadali, 6511 Venice Drive

Mr. Wischer stated this is a standard encroachment agreement for a fence.

MOTION by Mrs. Hughes to approve the fence encroachment agreement for Emel and Ferhan Ozadali, 6511 Venice Drive.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

Ms. Aurand stated the next meeting will be held on May 26, 2015.

FIRE - Mr. Moore

Chief Campbell presented the March 2015 report to the council; the report is included with the minutes. A final inspection will be made on the new fire truck on May 7, 2015.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

Ms. Buehlman stated the annual HPC event will meet on May 14, 2015 at Preservation Hall.

PARK – Mrs. Hughes

Mrs. Hughes stated pool manager candidates have been interviewed. Concessions at the pool have been contracted to Cleo's Poolside. The pool will open on May 23, 2015. Ms. Aurand stated school will be in session the following week as four (4) school days were added to the calendar. Regarding Indian Hill Overlook Park, Mr. Wischer stated a new water line is needed and he will contact the Army Corps of Engineers to coordinate the process.

PLAN – Ms. Aurand

Ms. Aurand stated the commission will meet on May 4, 2015. Mrs. Hughes stated Dan Bugher is interested in servicing on the Plan Commission. The new appointment will be discussed at the next council meeting.

POLICE – Mrs. McGuire

Chief Sprinkle stated the commission hired Tim Huber. Jason Daily will be sworn in on June 8, 2015. Eric Mitchell received a Law Enforcement Accommodation Medal from the National Society of the Sons of the American Revolution for his assistance in the river rescue last year. Construction of the front counter at the department is near completion. National Incident Management System (NIMS) level 300 and 400 training will be held at the fire department next week. Several officers, including reserves, assisted with prom traffic over the weekend; several school proms will be held on May 2, 2015. In March, 29 citations, 29 warnings and two (2) ordinance violations were issued.

MOTION by Mr. Moore to approve the closure of State Street for sewer rehab from Sharon Road to Bell Road for approximately four (4) days with the dates to be determined.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

STORM WATER – Mr. Kavanaugh and Mr. Moore

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

MOTION by Mr. Kavanaugh to pursue a right-of-entry on Park Drive which would allow the street crew to remove the rock blocking the storm drain.

SECOND by Mr. Moore.

DISCUSSION: This drainage issue is causing water back-up affecting residents in the area.

MOTION carried: ayes 4, nays 0.

Bob Dale, 631 Forest Park Drive, stated there is a drainage issue affecting town and county residents in the area of Forest Park and Riceland. The county has agreed to assist by constructing a berm and possible catch basin. The town has been asked to decrease the amount of erosion and volume of water going down the hill.

MOTION by Mr. Moore to direct Mr. Hynes to work with the county engineer to propose a solution to the flooding and erosion situation in the areas of Riceland and Forest Park.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

STREETS – Mr. Moore

Mr. Moore stated the crew continues to remove limbs, mow, trim, clean the flower beds and mulch. A retention wall on Treelane Drive was repaired and the log cabin's sign was replaced and secured. A drain was cleared on Ellerbusch at the Windsor Point entrance. Barricades were placed on Gray Street where a large tree limb had fallen. New brake calipers and an alternator were installed on the F250 pick-up.

UTILITY – Mrs. Hughes

Mr. Wischer stated the Newburgh Sewer Utility has obtained water meter readings from Town of Chandler since 1998 via a payment contract. These readings are used for accurate sewer billing. The town currently receives readings for 1400 to 1500 residential customers who utilize Chandler water and Newburgh sewer. The town received a letter in January 2015 stating the agreement will be terminated at the end of May 2015 and readings will no longer be provided. The Newburgh Town Council has written the Town of Chandler twice requesting contract renegotiation with no response received. Beginning June 2015, Newburgh Sewer Utility will be forced to charge a flat rate. Letters will be sent to Chandler customers on Monday, April 27, 2015, advising them of the situation if a response from Chandler is not received by April 24, 2015.

MOTION by Mrs. Hughes to approve the correspondence notifying Chandler water customers utilizing Newburgh sewer of the situation and what the impact might be.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Thanks were extended to all who attended the Epworth Road Lift Station ground breaking ceremony on April 10, 2015.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

No report.

PERSONNEL – Mrs. Hughes

No report.

SPECIAL BOARDS/COMMITTEE REPORTS

SIDEWALK – Mrs. Hughes

No report.

ARTS COMMISSION – Mrs. Hughes

A contingent will be traveling to Terre Haute tomorrow to view their amphitheater. Several members of the Terre Haute Park Board will meet with the group.

MOTION by Mrs. Hughes to approve the use of the concrete pad at the Old Lock and Dam park for three (3) summer concerts.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman stated the Wal-Mart rezoning petition will be moved to the May 13, 2015 council agenda. After attending a small business organization meeting last week, Ms. Buehlman requested the town consider lowering the sign permit fee.

MOTION by Mrs. Hughes to direct Mr. Wischer to prepare an amendment to the sign ordinance to lower the sign permit fee to \$25.00 and to debate the ordinance at the May 27, 2015 council meeting.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 1 (Aurand).

CLERK-TREASURER – Mr. Lybarger

No report.

TOWN ATTORNEY – Christopher Wischer

No report.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated Monoform has completed the 2015 Manhole Rehabilitation Project rehabbing six (6) manholes and recommends payment in the amount of \$28,925.00.

MOTION by Mr. Moore to approve the pay application for the 2015 Manhole Rehabilitation Project to Monoform LLC in the amount of \$28,925.00.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Hynes would like permission to prepare a proposal and request bids to rectify the flooding problem on Outer Gray Street at the intersection with French Island Trail. A drainage pipe is needed across Outer Gray and a ditch dug. The last estimate was approximately \$17,000.00.

MOTION by Ms. Aurand to allow Mr. Hynes to prepare a proposal and request bids to rectify the flooding problem on Outer Gray Street at the intersection with French Island Trail.

SECOND by Mr. Moore.

DISCUSSION: Mr. Hynes will consider the Street Department completing some of the work.

MOTION carried: ayes 4, nays 0.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman stated the Town Hall air conditioning units need replacing; cost estimates have been requested.

Two individuals have made a request to purchase a park bench in memory of a loved one and have it placed along the riverfront. Most of the benches along the trail were planned in advance and placed as each section of the trail was built. The council will review the riverfront areas to determine if additional benches are needed and Ms. Buehlman will gather additional donor information to present at the May 27, 2015 council meeting.

Quotes were received for new roofing at the Aurand Trailhead: MCF Construction quoted \$12,446.77 for an entire new roof; Head's Construction quoted \$9,880.00 for decking repair; and, Embry Roofing quoted \$9,600.00 plus additional charges for damaged decking material and labor.

MOTION by Mrs. Hughes to approve the contract with MCF Construction in the amount of \$12,446.77 for an entire new roof at the Aurand Trailhead.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Ms. Buehlman presented a Purdue economist data sheet regarding economic and educational growth in Warrick County.

MISCELLANEOUS BUSINESS

Mrs. Hughes stated the museum will hold a summer garden party on Friday, June 26, 2015. The evening will begin at the home of Lynda Browne for refreshments followed by a party at Preservation Hall.

MOTION by Mrs. Hughes to approve the museum request for use of the trolley and Preservation Hall on Friday, June 26, 2015 will all fees waived; however, the museum will be responsible for the cost of trolley fuel and driver's fee.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mrs. Hughes made a second request for the Museum's birthday party on Sunday, July 19, 2015.

MOTION by Mrs. Hughes to allow use of Preservation Hall with all fees waived and to close Main Street between State Street and the entrance to the public parking lot on Sunday, July 19, 2015 for the museum's birthday party.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Lybarger stated repairs are needed in the Aurand Trailhead building. The building will be reviewed after the new roof is installed.

MOTION by Mrs. Hughes to award the Town of Newburgh Outstanding Citizen Award and the Good Neighbor Award.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

The recipient names were included in the motion; however, the council requested the names be kept anonymous. The awards will be presented at the June 24, 2015 council meeting.

Mr. Wischer and Mr. Hynes will inspect the Old Country Store and report on its safety from an occupational standpoint. Mr. Wischer, Mr. Hynes and Mr. Kavanaugh will meet to discuss Americans with Disabilities Act compliance issues this Friday at 1:00 pm.

APPROVAL OF CLAIMS

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

Civil Town – \$184,427.26

Sewer – \$324,639.56

State Revolving Fund (SRF) – \$135,545.30

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Mrs. Hughes to adjourn.

SECOND by Mr. Kavanaugh.

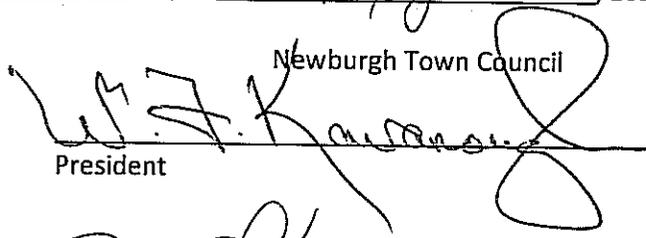
DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Kavanaugh adjourned the meeting at 8:02 p.m.

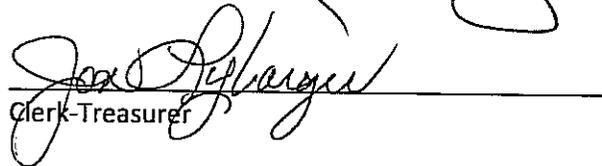
APPROVED this 13 day of May, 2015.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer

#1

NEWBURGH FIRE DEPARTMENT MARCH / TO DATE REPORT

	<u>MARCH</u>	<u>THRU MARCH</u>
<u>TOTAL RUNS MADE:</u>	16	82
<u>TOWN RUNS:</u>	3	15
<u>TOWNSHIP RUNS:</u>	12	65
<u>MUTAL AID:</u>	1	1
<u>PUBLIC RELATIONS EVENTS:</u>	0	1
<u>TOTAL MAN HOURS (RUNS):</u>	99.39	461.6
<u>TOTAL MAN HOURS (TRAINING):</u>	111.04	310.54
<u>TOTAL STATION HOURS (NON EMERGENCY):</u>	206.25	454.25
<u>TOTAL MAN HOURS FOR MONTH:</u>	416.68	1226.39

TRUCK UPDATE: DUE TO A PARTS ISSUE, NOT INVOLVING OUR TRUCK, THE FINAL INSPECTION OF OUR TRUCK HAS BEEN PUSHED BACK TO MAY 7. THIS PARTS ISSUE AFFECTED 15 TRUCKS IN PRODUCTION. HOWEVER WHEN THEY PUT THESE 15 TRUCKS BACK INTO THE PRODUCTION SCHEDULE IT PUSHED ALL OF THE TRUCKS ON THE PRODUCTION FLOOR BACK. THIS HAS CAUSED DELAYS TO APPROX. 200 TRUCKS. ALSO A PIECE OF EQUIPMENT WE HAVE ON OUR TRUCK SLOWED DOWN OURS A LITTLE. SINCE THIS ITEM WAS THE FIRST TO BE INSTALLED ON THE NEW CAB, PIERCE WANTED TO TAKE THEIR TIME TO MAKE SURE IT WAS INSTALLED CORRECTLY AND TO MAKE SURE IT WOULDN'T CAUSE ANY ISSUES DOWN THE ROAD.

WE WILL BE IN APPLETON FROM MAY 7TH AND RETURNING ON MAY 9TH