

Newburgh Town Council Meeting

Date: Wednesday, July 8, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, July 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 5:36 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was held to remember Karl Klippel, Gilbert Raymond Jenkins, 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. June 24, 2015 ~ Executive & Regular Session
MOTION by Mrs. McGuire to table the June 24, 2015 Town Council minutes.
SECOND by Mr. Moore.
MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

1. Scott Anslinger and Todd Glass, Trash and Recycling
Mr. Anslinger and Mr. Glass, representing the Warrick County Solid Waste Management District, presented the Curbside Waste Management Program's Request for Proposal for the Town's waste management services. Costs will be presented at a future council meeting. Several public meetings throughout the county will be held to explain the program. The drop off centers will remain open. The current trash cost per household is \$10.23 monthly with the district paying the recycling. A leaf and Christmas tree pick-up option will be included in the contract.

2. Gina McCalister, Mulberry Jeans, Downtown Signage
Ms. McCalister was not present.

PETITIONS & COMMENTS FROM CITIZENS PRESENT

Adam Cabello, 428 W Jennings representing Impulse Salon, requested a 3 foot sidewalk section at the end of the property be closed to review an area prone to flooding.

Mr. Cabello is agreeable to a cost share program to correct the problem which may require the removal of a barrier on Washington Street.

MOTION by Mrs. Hughes to allow the sidewalk on Jennings at Impulse Salon be temporarily closed.

SECOND by Mr. Moore.

DISCUSSION: The street crew will place the barricades, Mr. Cabello will provide the sandbags and Mr. Moore will oversee the project. The sidewalk committee will meet with engineering and legal to review the problem.

MOTION carried: ayes 5, nays 0.

Anne Rust Aurand, 221 Locust Street representing the plan commission, expressed her dismay with the council for dismissing the plan commission's unanimous no vote to rezone an area on the town's south west side from agricultural to commercial. The commission was comprised of members with 25 years' experience in making decisions. The plan commission members resigned out of frustration and due to lies, innuendos and half-truths spread by the parties who stand to gain politically and monetarily by the rezoning. The plan commission was asked to develop a site review committee in January and made their recommendation to council. The council rejected their recommendation and did not include a plan commission member on the committee that was formed. Ms. Aurand stated the town's zoning ordinance contains loop holes and must be rewritten to protect the town and a master plan would be beneficial. She suggested the site review committee be a standing committee with members named at the beginning of each year. She cautioned the council, "Don't disenfranchise your commissions or committees by middle managing their decisions". Ms. Aurand looks forward to working with the new members.

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. State Street Public Parking Lot Suggestions, Erin Morrison-Flutter, tabled May 13, 2015

MOTION by Mrs. McGuire to remove from table State Street Public Parking Lot Suggestions.

SECOND by Mrs. Hughes.

MOTION carried: ayes 5, nays 0.

Ms. Morrison, representing Flutter, requested the directional arrows painted in the public parking lot at State and Main be redirected to improve traffic flow; requested parking lines be painted on State Street in front of Flutter; and, requested the ordinance dealing with street parking be revised to forbid recreational vehicles from street parking to allow for additional retail parking.

Mrs. Hughes stated there has been discussion to revise the ordinance and she is in favor of the suggestions. Ms. Morrison felt a park along the riverfront would be an added attraction for visitors, create a family environment and encourage patrons to extend their shopping experience. A committee comprised of Mrs. Hughes and Mrs. McGuire will review and take the suggestions under advisement.

4. Museum use of the Monroe Street House, tabled May 13, 2015

Mrs. Hughes stated heating and air conditioning bids have been received for the town owned property at 521 Monroe Street with estimates ranging from \$6,700.00 to \$8,000.00. These will be reviewed.

NEW BUSINESS

1. Site Review Committee

Mrs. McGuire stated the committee has met and will meet next week to discuss state plans sign off on commercial property.

2. Plan Commission Appointments

MOTION by Mrs. Hughes to accept the resignations of the plan commission members.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0, abstain 1 (Mrs. Aurand).

MOTION by Mrs. McGuire to approve the following appointments to the Plan Commission: William Bell, (D), completing a term which expires Dec. 31, 2015; Richard Hornbeck, (I), completing a term which expires Dec. 2015; David Wills, (R), completing a term which expires Dec. 2016; Tammy Timmel, (R), filling a council appointment with a remaining term which expires Dec. 2017; Jason Brown (R) - filling a presidential appointment whose term expires Dec. 31, 2018; and, Thomas Bodkin, D, serving a presidential appointment whose term expires Dec. 31, 2018.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0, abstain 1 (Mrs. Aurand).

The next meeting will be held on August 3, 2015.

3. Trolley

Mrs. Hughes stated a decision is needed on whether to replace the trolley or repair it at a cost estimate of \$7,500.00. Mrs. Hughes feels the town does need a transport vehicle. Mrs. Hughes agreed to chair a committee; Mrs. McGuire and Carol Schaefer will also serve to research options and costs. Ms. Aurand requested rental options be explored. Mr. Lybarger requested secure vehicle storage arrangements be researched.

4. Epworth Road Sanitary Sewer Expansion, Blankenberger Brothers, Inc. Change Order #2

Mr. Hasenour stated the change order is to lower two force main lines under Epworth Road due to a gas main conflict in the amount of \$5,512.43.

MOTION by Mrs. Hughes to approve Change Order #2 for the Epworth Road Sanitary Sewer Expansion with Blankenberger Brothers, Inc. in the amount of \$5,512.43.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

5. Epworth Road Sanitary Sewer Expansion, Blankenberger Brothers, Inc. Pay Application #4

Mr. Hasenour stated all items included in the pay application have been installed.

MOTION by Mrs. Hughes to approve Pay Application #4 in the amount of \$269,195.00, holding 5% retainage of \$13,459.75 leaving a net amount of \$255,735.25 payable to Blankenberger Brothers, Inc. for the Epworth Road Medical Corridor Sanitary Sewer Expansion.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

6. Water Street Alley Sanitary Sewer Rehab, Blankenberger Brothers, Inc. Change Order #1

The change order was to even out the quantities at the end of the project; one clean out and 13' of pipe were not needed.

MOTION by Mrs. Hughes to approve Change Order #1, a deduction in the amount of \$1,579.00 for the Water Street Alley Sanitary Sewer Rehab with Blankenberger Brothers, Inc.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

7. Water Street Alley Sanitary Sewer Rehab, Blankenberger Brothers, Inc. Pay Application #1

MOTION by Mrs. Hughes to approve Pay Application #1 in the amount of 30,138.00, holding 5% retainage of \$1,506.90 leaving a net amount of \$28,631.10 payable to Blankenberger Brothers, Inc for the Water Street Alley Sanitary Sewer Rehab.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

8. Lincoln Avenue Widening Sanitary Sewer Relocation, Commonwealth Engineering Inc. (CEI)

Amendment #1

This amends the town's contract for the Phase III sewer relocation project to assist the attorney in easement preparations and negotiations.

MOTION by Mrs. Hughes to approve Amendment #1 with CEI for the Lincoln Avenue Widening Sanitary Sewer Relocation in the amount of \$22,000.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

9. Master Lift Station Basin Modeling Contract, CEI

The modeling study is to locate the availability capacity in the areas of the west master lift station basin.

MOTION by Mrs. Hughes to approve the Master Lift Station Basin Modeling Contract with CEI in the amount of \$55,200.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

10. Ralph Wright Minor Subdivision Sanitary Sewer Extension, Jim Biggerstaff-Utilities Consulting Construction Plans

MOTION by Mrs. Hughes to approve the Ralph Wright Minor Subdivision Sanitary Sewer Extension with Jim Biggerstaff, Utilities Consulting Construction Plans.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

11. Jennings and State Street Sidewalk Project, River Town Construction Pay Application #1

MOTION by Mr. Moore to approve Pay Application #1 in the amount of \$78,138.25, holding 5% retainage of \$3,906.91 leaving a net amount payable of \$74,231.34 to River Town Construction for the Jennings and State Street Sidewalk Project.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

12. Sanitary Sewer Waiver, Jeff Sutton, 3199 Bell Road

Mr. Wischer stated the waiver will allow Jeff Sutton connect the property to the Town of Chandler sanitary sewer system.

MOTION by Mrs. Hughes to approve the Sanitary Sewer Waiver for Jeff Sutton at 3199 Bell Road.

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

Mr. Wischer stated two members of BZA are plan commission members. The plan commission resignations created two vacancies in addition to the current open position, leaving only two members on BZA. Two of the new members will come from the new plan commission and the third will be appointed.

FIRE - Mr. Moore

Mr. Moore stated the fire truck will be returned to Indianapolis to correct a steering problem. A grant for new air packs has been submitted. The chief sent thanks to the council for attending the open house.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

Mrs. McGuire stated HPC will meet tomorrow night. Barefoot Cottage and Country Store are on the agenda. There are two vacancies on HPC; however, there will be a quorum at the meeting.

MOTION by Mrs. McGuire to accept the resignations of Phillip Field and Lynda Browne whose terms expire Dec. 31, 2016.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

PARK – Mrs. Hughes

Mrs. Hughes stated the Park Board is preparing a policy that follows state regulations regarding adult supervision to children ratios for organizations using the pool.

PLAN – Ms. Aurand

Ms. Aurand stated the next meeting will be held on August 3, 2015 and there will be an orientation for the new members.

POLICE – Mrs. McGuire

The police commission will meet on July 13, 2015.

STORM WATER – Mr. Kavanaugh and Mr. Moore

Ms. Buehlman stated she is working on a grant with Debbie Bennett-Stearsman. With all the rain, the street crew is repairing washouts and working with Mr. Cabello on his drainage and sidewalk issue.

Areas on Windsor Pointe, Third Street and Maple Lane experienced minor flooding. The next meeting will be held on July 20, 2015.

STREETS – Mr. Moore

Mr. Moore stated the crew assisted with the fireworks set-up and clean-up. Washouts, drains and ditches were repaired and cleared throughout the town and the trail bridge was pressure washed. The flagpole at Veteran's Memorial Plaza was repaired and a new stop sign was installed at Section and Adams. A 300' drainage pipe and two catch basins were installed on East Main. A caution light on the pick-up was repaired. Metzger construction was consulted regarding road dips in the Copper Creek subdivision. The crew continues to mow, trim, spray for weeds and clear debris as needed. Mrs. Hughes stated the closing of streets for sewer work has had a detrimental effect on the store owners. Ben Nejad, Café Arazu proprietor, stated there is no communication and coordination with the businesses and the consequences suffered by the street closure. He would like the businesses to be consulted to assist in the solution before Jennings is closed. The council agreed to place additional directional signs and have flaggers present at the detours.

UTILITY – Mrs. Hughes

Mrs. Hughes read the motions from the July 1, 2015 Utility Committee meeting.

MOTION by Mrs. Hughes to approve the Fats, Oil and Grease (FOG) Discharge Permit #062315 for Rose Hill Café.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the FOG Permit #062415 for Am. Legion Kapperman Post # 44.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow the Ubelhor Future subdivision developer to have one grinder pump station per lot on lots 1, 2, 3, and 16 with appropriate documentation in the deed stating that the Town will not maintain the grinder pumps and with the recommendation that a hand out be given to the buyer outlining this information.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the adoption of the addition to Section 12F.01 of the Newburgh Sanitary Sewer Design and Construction Standards entitled In-Channel Macerator Grinder Station.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the adoption of the permit format for a pretreatment system discharge permit.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the adoption of the Wastewater Pretreatment Discharge Permit application format.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the purchase of diffuser membranes and ancillary items needed to change the membranes in SBR #2 by Xylem at a cost not to exceed \$5,296.00 plus freight.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve CEI Task Order 2015-20.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the request to repair Lift Station #3, pump #3 and obtain spare parts by Straeffer Pump & Supply at a cost not to exceed \$16,584.21 plus freight.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI to develop a quote package to replace the broken pump base for pump #1 in Lift Station #3.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the request to purchase the pump base for pump #1 in Lift Station #3 from Straeffer Pump & Supply at a cost not to exceed \$3,076.92 plus shipping.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI to develop a corrective action plan for the area of Manhole (MH) 14-254.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the contract amendment for easements for the Lincoln Avenue Utility Relocation.

SECOND by Mr. Kavanaugh.

Discussion: None

MOTION carried: ayes 5, nays 0.

STANDING COMMITTEES

FINANCE – Mrs. Hughes
No report.

PERSONNEL – Mrs. Hughes

Mrs. Hughes expressed interest in forming a committee consisting of Ms. Buehlman, Mrs. McGuire and Gerald Bowser to improve job efficiencies and communication with the building and maintenance department. A revised job description for a zoning administrator is underway. These items will be discussed in greater detail at the next meeting.

SPECIAL BOARDS/COMMITTEE REPORTS

SIDEWALK – Mrs. Hughes

Willard 'Skip' and Stacy Whitehead, 200 W Jennings, stated their home dates back to 1840. A hand carved stone stairway exists from the sidewalk to the street and the Whitehead's would like the steps to remain. Mrs. McGuire stated an engineer reviewed the steps and found the lowest step had settled. The council requested Mr. Hasenour communicate with Rivertown Construction to preserve the steps. Mr. Whitehead inquired whether the drain located on the northwest corner of Madison and Jennings would be removed and, if yes, he would like advance notice to remove his landscaping elements.

ARTS COMMISSION – Mrs. Hughes
No report.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand
No report.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated budgets have been received from most departments. The Warrick County treasurer's office is now requiring a monthly statement for EMS rent. The sewer bond anticipation note (BAN) is to be funded on July 14, 2015 at People's Bank.

TOWN ATTORNEY – Mr. Wischer

It has been announced that the Army Corps of Engineers will transfer the Indian Hill Overlook Park (IHOP) and land to the Town's name after a new water line is installed. A separate meter will be required as the current meter feeds IHOP and the Corps building. The initial quote to perform the work was in the \$25,000.00 to \$30,000.00 range. Mr. Wischer stated additional estimates are necessary; Ms. Buehlman will request bids. Mr. Wischer is preparing an ordinance for boat trailers.

TOWN ENGINEER – Mr. Hasenour

Mr. Hasenour stated the intersection of Jennings and State Street will be closed daily this week but opened to traffic beginning Friday. The following week, construction will take place on the south bound lane of State Street heading north from Jennings lasting up to four weeks; the north bound lane on State will remain open with the exception of this weekend. Mr. Hasenour will request the construction crew to relocate their equipment to allow State Street be open for the weekend.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

MOTION by Mrs. Hughes to approve the July 6, 2015 emergency declaration for the sewer repair at 3067 Sandstone Court at a cost of \$13,940.00 to Hydromax.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow Ms. Buehlman to pursue the AT&T offer to allow their lot be leased for public parking.

SECOND by Mr. Moore.

DISCUSSION: Ms. Aurand stated four apartments have been added to Jennings Station and additional parking is needed for the businesses in that area. Ms. Aurand felt six or seven spaces would be available in the AT&T lot.

MOTION carried: ayes 5, nays 0.

MISCELLANEOUS BUSINESS

Mrs. McGuire would like to have the Rivertown Trail Committee added to the monthly meeting schedule and agenda. Ms. Buehlman, Mrs. McGuire, Mr. Hynes and Mr. Wischer met with Mike Felts, the CHA design engineer for Rivertown Trail Phase III. An adjustment was made to the trail's design making it safer for pedestrian traffic and to accommodate the Wal-Mart neighborhood market. When completed, the new plan will be presented to Wal-Mart and Mulzer.

The River Basin Blues Society Old Dam Blues Festival will be held on August 8, 2015 and will be the first event since the trail has been marked at the Lock and Dam Park.

Ms. Aurand inquired about the road closings for the HNI fireworks. Chief Sprinkle stated a new plan was attempted this year with officers placed on Water Street to the Madison intersection in an effort to keep Water open between Edgewater and Madison. It was determined Water will need to be closed to vehicle traffic at 7:30 pm for the fireworks event. Traffic is allowed to proceed in the opposite direction on a designated one-way street if directed by a police officer.

APPROVAL OF CLAIMS

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

Civil Town – \$251,366.71

Sewer – \$161,944.75

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

MOTION by Mrs. McGuire to adjourn.

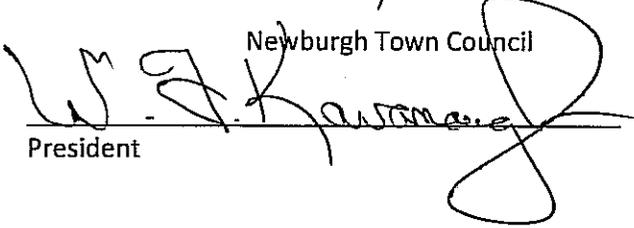
SECOND by Mrs. Hughes.

MOTION carried: ayes 5, nays 0.

Mr. Kavanaugh adjourned the meeting at 7:57 p.m.

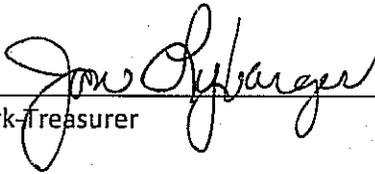
APPROVED this 22 day of July, 2015.

Newburgh Town Council



President

ATTEST:


Clerk-Treasurer