

Newburgh Town Council Meeting
Date: Wednesday, September 23, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, September 23, 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., Council-at-Large Tonya R. McGuire, Clerk-Treasurer Jon E. Lybarger and Town Attorney Christopher Wischer. District IV Anne Rust Aurand was absent. 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 5:30 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council and Andy Hargrave, Scout Troop 305. A moment of silence was held to remember Jim Rhinerson, Guido Joiko, Ron Ennulat and our troops.

ROLL CALL

Those present at the meeting:

District I - William F. Kavanaugh

District II - Leanna K. Hughes

District III - Alonzo B. Moore, Jr.

Council-at-Large - Tonya R. McGuire

Deputy Clerk-Treasurer - Jon E. Lybarger

Town Attorney - Kristen Head

Absent: District IV - Anne Rust Aurand

APPROVAL OF MINUTES

1. September 9, 2015 ~ Executive & Regular Session

MOTION by Mrs. Hughes to approve the September 9, 2015 Town Council minutes.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

SCHEDULED REQUESTS & APPEARANCES

1. Mary Ann Wilsbacher, Special Projects

Mary Ann Wilsbacher, 119 W Jennings Street, representing the Park Board reported on the improvements needed at Lou Dennis Community Park. In accordance with the Master Plan, several beautification and maintenance projects have been completed including the removal of the batting cages and painting the Fortress of Fun. Four (4) trees have caused damage to the shelter house and need to be removed. Seven (7) other trees are dying and need removal. The Park Board does have funds to cover the tree removal cost. Roof repair is needed on the four (4) park buildings and should be covered by insurance. The Park Board voted to proceed.

MOTION by Mrs. Hughes to allow the Park Board to use their budget to remove the trees.

SECOND by Mr. Moore

DISCUSSION: Mrs. Hughes stated the trees will be removed before the roofs are repaired.

MOTION carried: ayes 4, nays 0.

PETITIONS & COMMENTS FROM CITIZENS PRESENT

Robert Deyss, 5618 Maple Lane, Newburgh, suggested the trail have additional restroom facilities available in the winter months, specifically at the trail head and the Lock and Dam Park. Mrs. McGuire will discuss the issue at the next Rivertown Trail meeting. A tree at the corner of Jefferson and Water Street is dead and needs removal. Mr. Moore will review the area to determine if the tree is on private property. Mr. Deyss stated there is a large drop-off on the lot between the Lock and Dam Park and the Condos and suggested a fence be placed. Mr. Kavanaugh stated a temporary fence will be placed immediately. Mr. Deyss also requested hand rails be added on the boat ramp steps. Mr. Kavanaugh stated hand rails have been placed there several times but were destroyed during the flooding season.

Parker Trulock, 901 Orchard Drive, Newburgh, stated in August 2013, construction began on Orchard and Peachtree. Peachtree has been paved but Orchard has not been completed. Mr. Hynes stated the sewer department has completed their work. The contractor will present a change order for the repair and the area should be paved in October. Mrs. Hughes stated the cost for paving will be paid by the sewer department.

Desi Gordon, 5739 Riverwalk Circle, Newburgh, representing the Newburgh Merchants requested permission for the Ghostly Stroll, parade and road closure beginning at 2:00 p.m. on October 24, 2015 followed by trick or treating from 2:30 to 4:00 p.m., the Harvest Festival from 3:00 to 6:00 p.m. and free movie night.

MOTION by Mrs. Hughes to approve the Ghostly Stroll, parade and road closure beginning at 2:00 p.m. on October 24, 2015 followed by trick or treating from 2:30 to 4:00 p.m. and the Harvest Festival from 3:00 to 6:00 p.m.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Carol Schaeffer, Executive Director of Historic Newburgh Inc. (HNI), stated the Indiana Office of Tourism Development Grant can be used for way finding signs and brochures. Two (2) grant applications will be submitted. If a matching donor is obtained for the project, a one-to-one dollar match will be received. If two (2) matching donors are obtained, a two-to-one dollar match will be received. Mrs. McGuire will follow up on the sign replacement project; the grant for this project is due on October 9, 2015.

MOTION by Mrs. McGuire to provide a matching amount not to exceed \$2,500.00 to replace the sign and landscaping at the public parking lot.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

UNFINISHED BUSINESS

1. Mystic Development, Country Place Drive, Encroachment Agreement, tabled January 28, 2015
Continue to table.

2. Museum use of the Monroe Street House, tabled May 13, 2015
Continue to table.

3. Trolley, tabled August 26, 2015
Continue to table.

4. Building and Maintenance Department Committee Formation...tabled August 12, 2015
Continue to table.

5. State and Gray Residence

MOTION by Mrs. Hughes to table State and Gray Residence.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

NEW BUSINESS

1. Solid Waste and Recycling Collection Service Bid Opening

MOTION by Mrs. McGuire to close the bids for the Solid Waste and Recycling Collection Service.

SECOND by Mrs. Hughes.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. McGuire to open the bids for the Solid Waste and Recycling Collection Service.

SECOND by Mrs. Hughes.

MOTION carried: ayes 4, nays 0.

Kristen Head opened the bids received.

The town received three (3) bids.

- Renewable Resources, LLC – Annualized Base Bid Option 1, \$231,840.00; Annualized Base Bid Option 2, \$240,120.00; Annualized Base Bid Option 3, \$240,120.00.
- Advanced Disposal Services Solid Waste Midwest, LLC – Annualized Base Bid Option 1, \$187,128.00; Annualized Base Bid Option 2, \$187,128.00; Annualized Base Bid Option 3, \$198,223.20; Annualized Base Bid Street Cleaning, \$9,816.00; and, Heavy Waste Day Base Bid Per Ton, \$75.00.;
- Republic Services – Annualized Base Bid Option 1, \$198,057.60; Annualized Base Bid Option 2, \$190,605.60; Annualized Base Bid Option 3, \$219,751.20; Annualized Base Bid Street Cleaning, \$3,340.76; and, Heavy Waste Day Base Bid Per Ton, \$126.77.

Mrs. Hughes stated that Mr. Kavanaugh has extensive experience in this category and requested he review the bids and makes a recommendation.

MOTION by Mrs. Hughes to take the Solid Waste and Recycling Collection Service under advisement for committee, legal and engineering review.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

A five minute recess was taken.

2. 2014 Sanitary Sewer Rehab Projects, Engineering Services Amendment #3

MOTION by Mrs. Hughes to approve Engineering Services Amendment #3 to cover the Resident Project Representative (RPR) services for 2014 Sanitary Sewer Rehab Projects.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

3. Chemical Containment for Sodium Nitrate, Engineering Services Amendment #1

MOTION by Mrs. McGuire to approve Engineering Services Amendment #1 for structural services and geotechnical for Chemical Containment for Sodium Nitrate.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

4. 4655 Lenn Road, Manhole 15-138 to 15-139 Corrective Action Plan, Engineering Services Agreement
MOTION by Mrs. McGuire to approve Engineering Services Agreement for an investigative report for a defective sanitary sewer section at 4655 Lenn Road, Manhole 15-138 to 15-139 Corrective Action Plan.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

5. Central Towers Lift Station Elimination Master Plan, Engineering Services Agreement

MOTION by Mrs. Hughes to approve Engineering Services Agreement for Central Towers Lift Station Elimination Master Plan.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Mrs. McGuire

The September meeting has been cancelled due to lack of business.

FIRE - Mr. Moore

Chief Paul Campbell stated the annual open house will be on October 11, 2105 beginning at 1:00 p.m.

MOTION by Mr. Moore to allow the road closing of Third Street from State to Filmore and Monroe from First to Fourth on October 11, 2015 beginning at noon.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

The Street Department will provide barricades for the road closings.

MOTION by Mr. Moore to approve the purchase of a 2016 Chevrolet Silverado 1500 Crew Cab 4x4 at a cost of \$49,968.87.

SECOND by Mrs. McGuire.

DISCUSSION: Delivery is expected in December 2015 or January 2016 with the first payment due in 2016.

The vehicle is bid through a state contract.

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Moore to surplus the Fire Department's 1994 Chevy Suburban.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

No report.

PARK – Mrs. Hughes

Mrs. Hughes stated the Park Board will meet October 1, 2015 at the community park.

PLAN – Mrs. McGuire

No report.

POLICE – Mrs. McGuire

Chief Sprinkle stated the commission met on Sept. 14, 2015. The handicap accessible remodeling at the station will be funded from civil town capital building improvements. Gerald Bowser is completing the project at a cost of near \$1,000.00.

MOTION by Mrs. McGuire to pay the police department remodeling project expenses from the civil town capital improvement fund.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Officers attended diversity training on Sept. 1, 2015.

The Indiana chief's association is attempting to require accreditation for all municipal departments; the town's department is working toward accreditation.

The chief's association will present a training symposium in November to deal with escalated situations.

The chief would like the trail committee to review parking blind spots at the Lock and Dam.

A portable warning sign would be very helpful for the events held in the town.

A bush at the corner of Jefferson and First Street is obstructing driver's vision; legal will review the area.

An officer will receive a merit award at the next police commission meeting for saving a life.

In August, the department wrote 63 citations, 71 warnings and one town ordinance violation.

SITE REVIEW COMMITTEE – Mrs. McGuire

No report.

STORM WATER – Mr. Kavanaugh and Mr. Moore

Mr. Hynes stated the Country Store has prepared an approved drainage plan. An MS4 audit will be conducted in the near future; the reports are near completion.

STREETS – Mr. Moore

Mr. Moore stated several tree limbs along Outer Gray, Sycamore and Main Streets were removed. The dirt that was removed from the boat ramp and placed along the river bank has been seeded. The crew assisted with the Sir Brit car show.

UTILITY – Mrs. Hughes

Mrs. Hughes stated she and Mrs. McGuire attend a meeting with Chandler representatives. Ideas discussed will be presented at the next utility meeting.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

No report.

PERSONNEL – Mrs. Hughes

Mrs. Hughes stated Ms. Burger is working on the MS4 report and will assist with the town manager training.

MOTION by Mrs. Hughes to retain Ms. Burger and have legal prepare a new contract based on the same rate of pay.

SECOND by Mrs. McGuire.

DISCUSSION: The council will determine the length of time Ms. Burger will train the new town manager.

MOTION carried: ayes 4, nays 0.

Mrs. Hughes stated the committee would like to withdraw the position of zoning administrator and appoint Tavi Wydicks as an interim zoning administrator at a pay rate of \$19.14 per hour.

MOTION by Mrs. McGuire to appoint Tavi Wydicks as acting zoning administrator at a pay rate of \$19.14 per hour.

SECOND by Mrs. Hughes.

DISCUSSION: Ms. Wydicks will continue her utility office work approximately 2 to 2.5 days per week.

MOTION carried: ayes 4, nays 0.

SPECIAL BOARDS/COMMITTEE REPORTS

SIDEWALK – Mrs. Hughes

No report.

ARTS COMMISSION – Mrs. Hughes

No report.

RIVERTOWN TRAIL – Mrs. McGuire

Melinda Mitchell, 101 Yorkshire, stated there is a problem with trail walkers not cleaning up after their pets. She felt additional restroom facilities are needed along the trail as she has heard trail walkers occasionally use the trail as a facility. Chief Sprinkle stated residents should alert the police department when they see individuals misusing the trail. Ms. Mitchell will voice additional concerns at the next Rivertown Trail meeting.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

No report.

CLERK-TREASURER – Mr. Lybarger

No report.

TOWN ATTORNEY – Mr. Wischer

No report.

TOWN ENGINEER – Mr. Hynes

MOTION by Mrs. Hughes to suspend the rules to consider Pay Application #6 for the Epworth Road Medical Corridor Sanitary Sewer Expansion project.

SECOND by Mrs. McGuire.

MOTION carried: ayes 4, nays 0.

Mr. Hynes stated he received Pay Application #6 from Blankenberger Brothers in the amount of \$150,412.25 for the Epworth Road Medical Corridor Sanitary Sewer Expansion project.

MOTION by Mrs. Hughes to approve Pay Application #6 for the Epworth Road Medical Corridor Sanitary Sewer Expansion project to Blankenberger Brothers in the amount of \$150,412.25, holding 5% or \$7,520.61 for retainage, leaving a net amount due of \$142,891.64 to the contractor.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Hynes stated the State and Jennings Street sidewalk project substantial completion date is near with the paving project to begin immediately after the sidewalks have been completed. The milling contractor is scheduled to begin on October 5, 2015; all streets on the paving project will be milled and temporary striping applied. If the sidewalks are not completed by the contracted date, Mrs. Hughes suggested their penalty be to repair the sidewalk on Monroe north of Jennings and the sidewalk on Main at State. A cost estimate on these areas will be sent to the council members. Mr. Kavanaugh expressed urgency that the sidewalks be completed by Ghost Walks on October 16, 2015 and street milling begin as soon as possible even if the sidewalks have not been completed. The sidewalk project is being paid from EDIT Bond.

Mr. Hynes stated supports have been placed on the building at the northeast corner of State and Jennings. The supports are anchored in the roadway and this area is on the paving schedule. Mrs. McGuire stated the owners are waiting on a state plan review before obtaining building permits. Mr. Hynes will speak with the contractor to determine if this area can be paved at a later date.

TOWN MANAGER

No report.

MISCELLANEOUS BUSINESS

Mr. Moore stated rain water floods the street on Fourth to Third near Polk. The street crew has cleared debris from the ditch several times and it is believed there may be a problem with the storm sewer. Mr. Kavanaugh will have the Storm Water committee will review the area.

APPROVAL OF CLAIMS

MOTION by Mr. Moore that the following claim amounts are paid including sewer adjustments:

Civil Town – \$ 188,095.66

Sewer – \$ 308,848.98

State Revolving Fund (SRF) \$ 27,670.06

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Mrs. McGuire to adjourn.

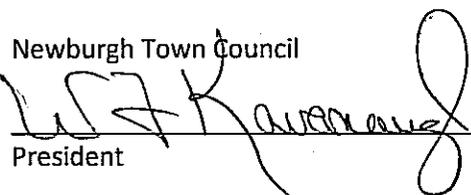
SECOND by Mrs. Hughes.

MOTION carried: ayes 4, nays 0.

Mr. Kavanaugh adjourned the meeting at 7:30 p.m.

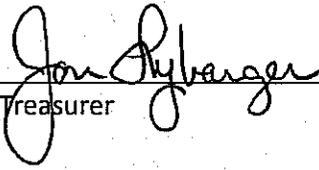
APPROVED this 14 day of October, 2015.

Newburgh Town Council



President

ATTEST:


Clerk-Treasurer