

Newburgh Town Council Meeting  
Date: Tuesday, November 24, 2015

The Newburgh Town Council met in Executive Session on Tuesday, November 24, 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 IV Anne Rust Aurand, Clerk-Treasurer Jon E. Lybarger, Town Attorney Chris Wischer and Town Manager Christy Powell. Absent was District III Alonzo B. Moore, Jr. 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. A moment of silence was observed for our veterans and troops.

Moment of Silence; Ethyl Leah Hamm

**ROLL CALL**

District I – William F. Kavanaugh  
District II – Leanna K. Hughes  
District III – Absent  
District IV - Anne Rust Aurand  
Council-at-large – Tonya R McGuire  
Clerk-Treasurer – Jon Lybarger  
Town Manager – Christy Powell  
Town Attorney – Chris Wischer  
Absent were District III, Alonzo B Moore, Jr.

**APPROVAL OF MINUTES**

Nov. 10, 2015 ~ Executive and Regular Session

MOTION by Ms. Hughes to approve the Nov 10, 2015 Executive and Regular Session minutes as presented..

SECOND by Ms. Aurand

DISCUSSION: None

MOTION carried: ayes 3, nays 0, abstention 1.

**SCHEDULED REQUESTS & APPEARANCES**

There were no scheduled requests or appearances.

**PETITIONS & COMMENTS FROM CITIZENS PRESENT**

Alan Harding, Warrick County Rotary, was present to ask for the use of and wavier of fees for the town of Newburgh Lock and Dam on April 16<sup>th</sup>. They will be holding their Walk for Literacy at that time.

Discussion was conducted stating how beneficial this event is to the town and the surrounding community.

MOTION by Anne Aurand to allow the use of the Lock and Dam and waiver of fees for the use by the Warrick County Rotary.

SECOND by Leanna Hughes

DISCUSSION: There was a question regarding rain date, which there is none and is this event being coordinated with the Newburgh Police, which it is.

MOTION carried: ayes 4, nays 0.

#### **UNFINISHED BUSINESS**

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

Continue to table.

2. Trolley, tabled August 26, 2015

Continue to table.

3. Building and Maintenance Department Committee Formation...tabled August 12, 2015

Continue to table.

4. State and Gray Residence, tabled September 23, 2015

Continue to table.

#### **NEW BUSINESS**

1. State Street Sanitary Sewer Rehabilitation Project Pay Application #4, Release of Retainage to Deig Brothers Construction. David Hynes requested a payment for release of retainage in the amount of \$23,860.05.

MOTION by Tonya McGuire to pay the retainage amount of \$23,860.05 to Deig Brothers Construction.

SECOND by Leanna Hughes

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

2. Sanitary Sewer Rehabilitation Project Pay Application #6, Release of Retainage to Deig Brothers Construction. Requesting release of retainage due to completion of the project in the amount of \$17,202.04.

MOTION by Leanna Hughes to pay accumulated retainage in the amount of \$17,202.04.

SECOND by Tonya McGuire

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

3. Jennings and State Streets Sidewalk Project Pay Application #5 to River Town Construction, LLC.

Requesting a net payment of \$126,224.82

MOTION Leanna Hughes to approve the Jennings and State Street Sidewalks Project Pay Application #5 to River Town Construction, LLC in the amount of \$132,868.23, holding 5% retainage of \$6,643.41 leaving a net amount due to the contractor of \$126,224.82.

SECOND by Tonya McGuire

DISCUSSION: Leanna Hughes was concerned that this may be the final payment and noted that the project was past due by a number of days and that there are penalties that are due. David Hynes confirmed that the project was 45 days past due and that the fine per day past due is \$500 for, at this time, a total of \$22,500. It had been discussed that in lieu of requesting liquidated damages that we would request that River Town Construction complete several small projects around town that would be equal in value to the monies owed. David Hynes confirmed to William Kavanaugh that there are many projects that could be completed and it would be in the towns interest to pursue this avenue of

compensation. One possible project that was mentioned by Anne Aurand was the construction of a cross walk across State street north of Gray.

MOTION carried: ayes 4, nays 0

4. Sanitary Sewer construction Permit and Sanitary Sewer agreement, Olde Piper Glen and Kensington Manor subdivisions. Both subdivisions use the same sanitary sewer therefore are both mentioned in this permit and agreement package

MOTION by Tonya McGuire to approve the Sanitary Sewer Construction Permit and Sanitary Sewer Agreement for Olde Piper Glen and Kensington Manor Subdivisions

SECOND Leanna Hughes

DISCUSSION: motion to approve both as one package for a project total of \$97,249.00.

MOTION carried: ayes 4, nays 0

#### COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Mrs. McGuire

Review of variances for Lucid Coffee Bar and Recreation Designs for parking and signage.

Jason Brown was selected as chair of BZA.

There is still an open position on BZA as a presidential appointment. The position cannot be filled by anyone who is on the Planning Commission. Mr. Kavanaugh is open to suggestions for the position.

FIRE - Mr. Moore

Paul Campbell provided the monthly activity report for the department. Total runs made in October were 48. This total includes: 4 town runs, 28 township runs, 1 mutual aid, and 15 public relations events. The total number of man hours expended during the month were 334 for all events.

Engine 19 has been sold and is now sitting on the border between the United States and Mexico. Funds have been received for the firetruck and the title has been released.

The township has ordered two new fire/ladder trucks and one will be delivered soon to the township with the second, which will be housed in Newburgh, will be delivered next October.

The fire department did not receive an Alcoa grant this year due to the fact that Alcoa ran out of money. We will try again next year.

The fire department has received a grant from Toyota for \$4,000. This money will be used for the purchase of training equipment.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

No report.

PARK – Mrs. Hughes

Next meeting 12/3 at the west cottage. Mrs. Wilsbacher, president of the Park Board, would like suggestions and recommendations from the board members regarding improvements of the Park System. All suggestions are welcome no matter how farfetched. The Park Board is considering the pursuit of a Municipal bond for making improvements to the park system in Newburgh.

PLAN – Mrs. McGuire

No report.

**POLICE – Mrs. McGuire**

Chief Sprinkle was not in attendance so the report was presented by Tonya McGuire. The Shop With A Cop event will be held on December 2 between 3 and 5 pm at Wal-Mart in Newburgh. A pizza supper will follow at the police station. The total funds donated this year was \$1600, which allowed for the event to include 8 children from the area.

D.A.R.E. graduation will be at Newburgh Elementary on December 4<sup>th</sup> at 9 a.m. , then at St. John School at some future date.

Daily and Huber graduated from the Academy on November 13<sup>th</sup> and are currently in FPO training Huber led class in academics. Josh Fisher of Boonville PD was awarded Top Gun Award. Warrick County did well at the Academy.

At the police commission meeting, Daryl Healy received a Bronze Merit award for saving the life of a 1 year old by performing CPR until paramedics arrived.

Jeremy McCrery received a letter of commendation for locating and apprehending an attempted murder suspect from the Chandler area.

The Police Department is conducting a raffle to win a Police Commemorative Henry Rifle in a 22 gauge. The cost of the raffle tickets are 1 for \$10 or 3 for \$25. See any police officer for tickets or stop by the Police Department. Only 500 tickets will be sold.

During the month of October, 62 citations were issued, 59 warnings, and 1 ordinance violation for a total of 122.

**SITE REVIEW COMMITTEE – Mrs. McGuire**

No report.

**STORM WATER – Mr. Kavanaugh and Mr. Moore**

Neighborhood Market drainage plan was approved.

Lofton Minor Subdivision Drainage Plan was approved.

Leanna found a strange report from storm water. Turned out to be a report left over from a previous storm water meeting.

**STREETS – Mr. Moore**

Christy was reporting for Alonzo.

Ellerbush ditch was cleaned; lots of leaf removal from town properties; removed dock from river; Reset bricks on the walkway.

PM on backhoe.

The town will be doing stripping of parking spaces downtown prior to Thanksgiving weekend.

**UTILITY – Mrs. Hughes**

Next meeting December 2 at 10 a.m. at Town Hall.

**STANDING COMMITTEES**

**FINANCE – Mrs. Hughes**

Transfer meeting has been set for December 30. Other than that, nothing to report.

**PERSONNEL – Mrs. Hughes**

Looking at setting up meeting with employees to discuss the new rates for medical insurance premiums, trying to get scheduled for some time between 11/30/15 and 12/4/15.

MOTION by Leanna Hughes to transfer Marilyn Doyle from the Clerk Treasurers office to the Utility department effective November 30, 2015 at the rate of \$16.75 per hour.

SECOND by Tonya McGuire

DISCUSSION: None

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**

Christy Powell reporting as Tonya McGuire was unable to attend the latest meeting. Discussion about the right of way for the Mulzer property, no decisions passed. Discussion of moving the Simpson house to the trail head occupied a period of time. Discussion about the cost of moving the building was quite spirited. Figures were mentioned ranging from 10 to 50 thousand dollars. More information is required regarding the history of the building and firm costs of moving the structure. Women's club has been looking at the Simpson building and marking it as a historic structure. They are having problems finding the history of the building.

There will be a trail meeting sometime between Thanksgiving and Christmas.

**ZONING ADMINISTRATOR – Mrs. Powell**

18 permits issued for a total of \$1,030. Also, 10 projects totaling \$109,999.54 and 3 certificates of appropriateness. Mrs Hughes was impressed by Tavi at the BZA meeting. She ran a find meeting.

**CLERK-TREASURER – Mr. Lybarger**

Additional appropriations sent to the state for their review. Waiting for their feedback.

Marilyn will be missed from the clerk treasurer's office. Wish her much luck in her new position.

Looking for candidates for the Deputy Clerk-Treasurer position. There has only been one resume received so far.

The Clerk-Treasurer is responsible for the interview and selection of employees in his office.

**TOWN ATTORNEY – Mr. Wischer**

Presentation of Resolution 2015-01 for the approval by Town Council. This resolution will be sent to the state revolving fund for approval. Once approved, the bidding process on the pieces of the project may be conducted. The rules must be suspended in order to vote on the Resolution.

A motion was made by Tonya McGuire to suspend the rules for the voting on this resolution.

Second: Leanna Hughes

Discussion: None

Motion passed: 4 ayes, 0 nays

MOTION was made by Tonya McGuire for first reading of the Resolution 2015-01.

Second: Leanna Hughes

Discussion: None

Motion passed: 4 ayes, 0 nays

MOTION was made by Tonya McGuire to adopt the Resolution 2015-01.

Second: Leanna Hughes

Discussion: None

Motion passed: 4 ayes, 0 nays

TOWN ENGINEER – Mr. Hynes

Mr. Hynes talked with Tonya McGuire to get striping completed. Unable to make contact with the contractor since most resources are currently working on I69 project. Need a letter from the police department expressing that the striping is needed. There has been one accident at Knob Hill which the police investigated and will be sending a letter to David Hynes regarding this issue.

TOWN MANAGER – Mrs. Powell

Emergency repair at 219 Peachtree, tree roots in tap and should be repaired. No cost estimate was available. We do not know how much it will cost. Town Council declared an emergency that the repair should be made as soon as a cost estimate is available.

**MISCELLANEOUS BUSINESS**

Leanna – Newburgh does Christmas December 5-6, Victorian Caroling downtown, plum pudding being served at Museum, Photo ops with Santa, Castle singers will be here, town trees will be lit. Drawings for prizes. And Chestnuts will be roasting on the open fire.

**APPROVAL OF CLAIMS**

MOTION by Leanna Hughes that the following claim amounts are paid including sewer adjustments:

Civil Town – \$237,904.71

Sewer – \$216,228.76

SRF - \$624,149.05

SECOND by Tonya McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

**ADJOURNMENT**

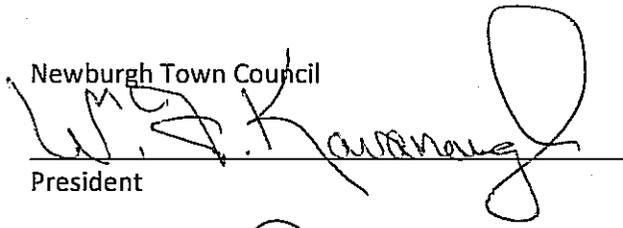
MOTION by Leanna Hughes to adjourn.

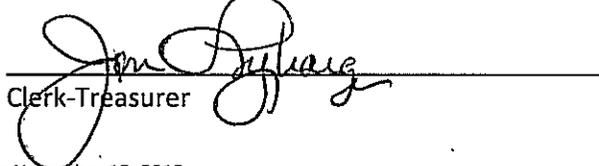
SECOND by Tonya McGuire.

MOTION carried: ayes 4, nays 0.

Mrs. Hughes adjourned the meeting at 6:32 p.m.

APPROVED this 9 day of December, 2015.

Newburgh Town Council  
  
\_\_\_\_\_  
President

ATTEST:  
  
\_\_\_\_\_  
Clerk-Treasurer