

Newburgh Town Council Meeting
Date: Wednesday, August 27, 2014

The Newburgh Town Council met in Executive Session on Wednesday, August 27, 2014, at 4:30 p.m. Those present at the meeting were Council President/Council-at-Large Leanna K. Hughes, District I William F. Kavanaugh, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Clerk-Treasurer Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney Christopher C. Wischer. Absent was District II Tonya R. McGuire. The purpose of the meeting was discussion of personnel matters and pending litigation.

5:30 p.m. Committee and Regular Session, Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana.

CALL TO ORDER

Council President Leanna K. Hughes called the Regular Session to order at 5:34 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council and Rhonda Healy and Mr. Curtis, candidates running for office.

A moment of silence was observed for Frank Hamilton, past Town Council member; Susan Kolker, Knob Hill proprietor; and Mary Turner, grandmother of employee James Musser.

ROLL CALL

Those present at the meeting:

District I - William F. Kavanaugh

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Council-at-Large - Leanna K. Hughes

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Christopher C. Wischer

Absent was District II - Tonya R. McGuire

APPROVAL OF MINUTES

MOTION by Mr. Kavanaugh to approve the August 13, 2014 Town Council meeting minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

SCHEDULED REQUESTS & APPEARANCES

1. Rev. Dan Kennedy, Zion United Church of Christ of Newburgh Car Show

MOTION by Mr. Kavanaugh to approve the following road closures for the Car Show on September 13, 2014 from 9:00 a.m. to 3:00 p.m.: First between State and Monroe; Monroe between First and Second.

SECOND by Mr. Moore.

DISCUSSION: Council members are invited to assist with the judging.

MOTION carried: ayes 4, nays 0.

2. HNI Design Committee

Bev Schweiss, 5550 Frame Rd., Newburgh, representing Historic Newburgh Incorporated (HNI), requested \$2,000.00 for the 2015 Lamppost Flower Project.

MOTION by Mrs. Hughes to approve \$2,000.00 for the HNI for the 2015 Lamppost Flower Project.
SECOND by Ms. Aurand.

DISCUSSION: Mrs. Hughes stated HNI is involved in additional fundraising events. Mr. Kavanaugh expressed concerns since the 2015 budget has not been finalized.

MOTION by Mr. Kavanaugh to table the HNI request for the 2015 Lamppost Flower Project to the September 10, 2014 Town Council meeting.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Ms. Schweiss suggested the Street Department assume the responsibility of watering the flowers.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Byron Sherman reported attendance and product sales at the Fiddler Fest were down approximately 50% from 2013 but he does expect to be in the black. Ms. Aurand thanked the many volunteers.

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Zoning Administrator Position

MOTION by Mrs. Hughes to adopt the Zoning Administrator position job description, part-time with no benefits and up to 30 hours per week as directed by Newburgh Town Manager.

There being no second, the motion died.

Mr. Hynes stated all the task orders presented this evening have been approved by the Utility Committee and requests Council approve the CEI proposals.

2. Task Order 2014-17, Main and Monroe Street Unmapped Sewer

There are several unmapped sewers in this area; this task order covers all research and field work, reports, determining right-of-way and preliminary design and future bidding services.

MOTION by Mr. Kavanaugh to approve Task Order 2014-17, Main and Monroe Street Unmapped Sewer.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

3. Task Order 2014-19, Stonegate Subdivision Manhole 11-137 to 11-138

Research and field work, report, design and quote are included in this task order.

MOTION by Mr. Kavanaugh to approve Task Order 2014-19, Stonegate Subdivision Manhole 11-137 to 11-138.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

4. Task Order 2014-20, 5288 Lake Newburgh Drive Site Survey

This project is to research whether a home under construction is over the top of a sewer line.

MOTION by Mr. Kavanaugh to approve Task Order 2014-20, 5288 Lake Newburgh Drive Site Survey.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

5. Task Order 2014-21, Powers Place Lift Station Fence Survey

The task order is for easement research to repair, move or replace the fence around the lift station.

MOTION by Mr. Kavanaugh to approve Task Order 2014-21, Powers Place Lift Station Fence Survey.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

6. Task Order 2014-22, Chemical Containment of Sodium Nitrate Storage Tanks, Powers Place Lift Station, Paradise Gardens Lift Station and Victoria Lift Station

The task order is for chemical containment at the three (3) lift stations.

MOTION by Mr. Kavanaugh to approve Task Order 2014-22, Chemical Containment of Sodium Nitrate Storage Tanks, Powers Place Lift Station, Paradise Gardens Lift Station and Victoria Lift Station.

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 BZA met on August 25, 2014 and approved a variance petition for 5125 and 5127 Primrose Court to build town houses.

FIRE - Mr. Moore

Chief Campbell distributed the July 2014 and year-to-date run volume. The Department of Homeland Security has a new testing procedure requiring training classes; the testing has been completed. The roof repairs and interior work has been completed.

MOTION by Mr. Moore to designate Engine 19 as surplus and approve its possible sale.

SECOND by Mr. Kavanaugh.

DISCUSSION: Mr. Moore stated the funds from the sale could be used to fully equip the new truck.

MOTION carried: ayes 4, nays 0.

A job number has been assigned for the new fire truck with tentative start date of February 17, 2015.

The new truck will be assigned Engine # 16 in honor of the retired truck displayed at the trail head.

The annual open house will be held on October 12, 2014 from 1:00 p.m. to 3:00 p.m.

MOTION by Mr. Moore to allow the purchase of 12 sections of replacement hose at a cost of approximately \$6,900.00 at \$576.00 per section.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

HISTORIC PRESERVATION - Mrs. McGuire

Ms. Buehlman stated the committee met on August 14, 2014 and approved the request by Aaron Jost to remove a go-between from Vecchio's to the former Sunburst Stain Glass building. Jim Seibert will present his application at a future meeting.

PARK – Mrs. Hughes

Ms. Buehlman stated the next meeting will be held on September 4, 2014.

PLAN – Ms. Aurand

Ms. Aurand stated the plan commission will meet on September 8, 2014.

POLICE – Mr. Kavanaugh

The Police Commission will meet on October 13, 2014; three (3) new reserve officers will be sworn in.

STORM WATER – Mr. Kavanaugh and Mr. Moore

Ms. Buehlman stated Storm Water met on August 18, 2014. Mr. Keelor expressed concerns on issues in Forrest Park. The Street Department has planned improvements to alleviate some of the problems.

STREETS – Mr. Moore

Mr. Moore stated the Street Crew is continuing dirt work at the new Water Street Park. The crew assisted with set-up and tear-down for the Fiddler Fest. All Town properties continue to be manicured in a professional manner. The faded signs in the Town are being refurbished and replaced.

UTILITY – Mrs. Hughes

Mrs. Hughes stated there was an emergency sewer repair today. Ms. Buehlman stated the crews will be out overnight to minimize interference with traffic.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

Mrs. Hughes stated the 2015 budget was reviewed by the committee.

PERSONNEL – Mr. Kavanaugh

No report.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

The Rivertown Trail Committee will meet on September 8, 2014. The Trail and Event Policy is in process. Jim Bush will attend the next meeting to discuss an Urban Obstacle Course Run on November 29, 2014.

SIDEWALK – Mrs. Hughes

Ms. Buehlman stated INDOT announced a preconstruction meeting on September 3, 2014 at 9:00 a.m.

ARTS COMMISSION – Mrs. Hughes

Mrs. Hughes stated an idea exchange was held on August 25, 2014 regarding an arts amphitheater.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman stated new construction permits were processed for Mr. Boyken and Mr. Miller.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated the proposed budget, representing a 5% increase over 2014, will be submitted to council for final review tomorrow, to the county on Friday and for publication next week with Public Hearings to follow. Research is underway for ordinance codification. The cost is estimated at \$10,000.00 to \$12,000.00 with annual maintenance fees at \$400.00 to \$700.00.

TOWN ATTORNEY – Mr. Wischer

MOTION by Mr. Kavanaugh to approve the sewer works bond contract with Umbaugh.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh on the attorney recommendation to approve an amendment or adjustment to Bamberger's engagement agreement to allow a utility lawyer, specializing in work before the Indiana Utility Regulatory Commission (IURC), to work on the Town's files at an hourly rate of \$300.00.

SECOND by Mr. Moore.

DISCUSSION: Mrs. Hughes requested Mr. Wischer attempt to negotiate a lower hourly rate. Mr. Kavanaugh stated he has heard this attorney is one of the best and is worth the money.

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

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated the paving projects are isolated to the area of First, Third, Fourth and Fillmore. The heat and humidity is slowing the project. Mr. Hynes hopes to have the sidewalks under construction yet this year; however there are a few issues with right-of-way and right-of-entry.

MOTION by Mr. Kavanaugh to approve the sidewalk project bidding process with a tentative bid opening date by early October 2014.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh to pave over the old brick sidewalk on Market Street.

SECOND by Mr. Moore.

DISCUSSION: Mr. Hynes stated the bid can include bricks and/or asphalt as an alternate. Ms. Aurand felt it would be better to have a unified surface; therefore, making it easier to be ADA compliant.

MOTION carried: ayes 4, nays 0.

Mr. Hynes also informed the council that many of the area intersections are not ADA compliant as the roadway cannot exceed a 2% slope. The cost to bring these areas to code is approximately \$50,000.00 to \$80,000.00 per road. The ADA Transition Plan allows the Town to repair only the areas that are obviously broken and in disrepair.

Mr. Moore requested Mr. Hynes review a reported sink hole on Gray Street west of Hillcrest.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

MOTION by Ms. Aurand to declare the metal carport at the Town owned house on Polk Street as surplus and accept sealed bids for its sale.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Ms. Aurand to direct the Town Manager to sign the letter on behalf of the Town Council in support of the St. Mary's Warrick EMS covering emergency needs for the county.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Barge Right In will be this Saturday, August 30, from 10:00 a.m. to 4:00 p.m. The barge and boat will arrive at 6:30 a.m. at the steps near Edgewater. Children's activities will be held in front of the library. River Works Discovery will have several displays. Hanover College, Alcoa and AEP representatives will speak in council chambers.

The Blight Elimination Award, grant announcement, will be presented tomorrow.

MISCELLANEOUS BUSINESS

Mr. Hynes stated a 10 x 8 foot section of pavement on Jefferson Street south of Fourth was beginning to fail; the contractor is now milling the area.

Mr. Hynes stated he met with a contractor regarding sewer placement and all has been worked out. A developer has asked to attend the September 3, 2014 utility meeting on the matter.

MOTION by Mr. Moore to approve New York Mellon Bank for the Indiana Sewer Works Refunding Revenue Bonds Series 2014.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

APPROVAL OF CLAIMS

MOTION by Mr. Moore moved that claims be paid including any sewer adjustments:

Civil Town - \$314,818.46

Sewer - \$356,295.69

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Mr. Kavanaugh to adjourn.

SECOND by Mr. Moore.

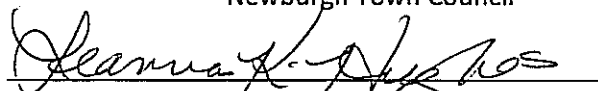
DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mrs. Hughes adjourned the meeting at 7:22 p.m.

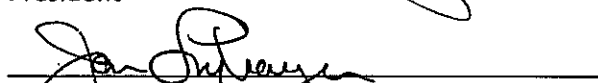
APPROVED this 10 day of September, 2014.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer