

Newburgh Town Council Meeting
Date: Wednesday, October 8, 2014

The Newburgh Town Council met in Executive Session on Wednesday, October 8, 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 II Tonya R. McGuire, 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. 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 5:35 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council.

ROLL CALL

Those present at the meeting:

District I - William F. Kavanaugh

District II - Tonya R. McGuire

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

APPROVAL OF MINUTES

MOTION by Mrs. McGuire to approve the September 24, 2014 Town Council meeting minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None scheduled.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Bruce Biggerstaff, 4400 Huntington Place, Newburgh, presented plans for Holweger Development for Engelbrecht, Section II, Phase 3 and 5.

The council took a five (5) minute recess to allow legal and engineering to review the Engelbrecht plans.

The meeting reconvened at 6:01 p.m. Mr. Wischer stated two (2) punch list items were not completed.

MOTION by Mr. Kavanaugh to authorize legal to prepare a sewer agreement and sewer construction permit for Engelbrecht, Section II, Phase 3 and 5, and authorize execution and issuance upon satisfaction of the two (2) punch list items.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

NEW BUSINESS

1. Sanitary Sewer Improvements Project and Water Street Sanitary Sewer Rehabilitation Project

Mr. Hasenour stated three (3) quotes were received for the Water Street Sanitary Sewer Rehabilitation Project and opened at the last Utility Committee meeting where a motion was made and approved on the Hydromax quote.

MOTION by Mr. Kavanaugh to approve the Sanitary Sewer Improvements Project and Water Street Sanitary Sewer Rehabilitation Project with Hydromax in the amount of \$78,075.00.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

2. Brookstone Subdivision Section 1, Sewer Agreement and Permit

Mr. Wischer stated the council approved the Brookstone Subdivision, 150 lots, in July 2014. This is an amended agreement and permit, #2014-3, and applies only to Section 1.

MOTION by Mr. Kavanaugh to approve the amended sewer agreement and permit, #2014-3, for Brookstone Subdivision Section 1 in the amount of \$108,529.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh, on the engineering recommendation, to approve the acceptance for sewer maintenance at Brookstone Subdivision, Section 1, contingent upon completion of three (3) issues with as-builts and easements.

SECOND by Mr. Moore.

DISCUSSION: Mr. Wischer stated the easements included storm sewer and should not have and will be corrected. There are no deficiencies in the condition of the sewer.

MOTION carried: ayes 5, nays 0.

Mr. Ball thanked the utility committee, legal and engineering for their assistance with the project.

3. 5549 Whitegate Court, Encroachment Agreement

Mr. Wischer stated this is a standard encroachment agreement allowing a fence to be installed across an existing sanitary sewer requiring a gate.

MOTION by Mr. Kavanaugh, on the engineering recommendation, to approve the encroachment agreement at 5549 Whitegate Court to allow a fence with gate to cross an existing sanitary sewer.

SECOND by Mr. Moore.

DISCUSSION: Mrs. McGuire corrected this was on legal recommendation, not engineering.

MOTION carried: ayes 5, nays 0.

4. Pay Application #2 for 2014 Street Resurfacing to Metzger Construction

Mr. Hasenour stated Pay Application #2 to Metzger Construction is in the amount of \$185,894.59 and does not include retainage.

MOTION by Mr. Kavanaugh on the engineering recommendation, to approve Pay Application #2 for 2014 Street Resurfacing in the amount of \$185,894.59 to Metzger Construction.

SECOND by Mr. Moore.

DISCUSSION: The total amount of Pay Application #2 that includes retainage is \$195,678.51.

MOTION carried: ayes 5, nays 0.

5. Rezoning of 116 Plum Street, Ordinance 2014-09

Ms. Buehlman stated the 116 Plum Street rezoning request was presented at the Plan Commission meeting on September 8, 2014. A Use and Development Commitment was placed on the property. The rezoning was heard again at the October 6, 2014 meeting when a list of restricted uses was presented for the C-2 zoning code and discussed with neighbors. The Plan commission voted in favor of the rezoning with a 6/0 vote for a favorable recommendation to the council.

MOTION by Mr. Kavanaugh to table Rezoning of 116 Plum Street, Ordinance 2014-09 to the next meeting.

Mr. Kavanaugh removed his motion to table.

Mr. Wischer explained that accessory uses are uses related to the primary use on the property, for example, a garage is an accessory use to a residence. Miscellaneous repair shop is included in the list of restricted uses.

Mrs. Tammy Kellker, 116 Plum Street, Newburgh, stated she and her husband purchased the property in early 2014. The property had been vacant for about 1 ½ years and was deteriorating. She would like to open a small shop as she is engaged in woodworking and repairs antiques and furniture. Four (4) parking spaces have been planned. Della Roland, owner of property locations 101, 103, 105 and 107 Plum Street, stated following her meeting with Mrs. Kellker she is in favor of the rezoning with the exception of selling food. Mr. Wischer stated a future rezoning could amend the Use and Development Commitment. Karen Knauff, 224 Water Street, Newburgh, agreed with Ms. Roland and stated parking may be an issue due to the width of the street. Ms. Aurand felt Mrs. Kellker has met the required parking needs.

MOTION by Ms. Aurand to approve the rezoning of 116 Plum Street from R1 Residential to C2, General Commercial including the Use and Development Commitment, and first reading of Ordinance 2014-09.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 3, nays 2 (Kavanaugh, Moore).

Mr. Wischer read Ordinance 2014-09, an ordinance to amend the Newburgh, Indiana Comprehensive Zoning Map by rezoning certain real estate in Newburgh, Indiana with a Use and Development Commitment.

MOTION by Ms. Aurand to approve the first reading of Ordinance 2014-09, Rezoning of 116 Plum Street.

SECOND by Mrs. McGuire.

DISCUSSION: Ms. Aurand stated this is the kind of entrepreneurship Newburgh needs and wants.

MOTION carried: ayes 3, nays 2 (Kavanaugh, Moore).

The second reading will take place at the October 22, 2014 council meeting.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

No report.

FIRE - Mr. Moore

Chief Campbell reminded everyone of the open house on Sunday, October 12, 2014 from 1:00 p.m. to 3:00 p.m. This is Fire Prevention Week and several schools toured the station; a crew visited Sharon Elementary. The truck committee will be in Wisconsin next week for a preconstruction meeting of the new fire truck; construction will begin in early 2015.

*Motion by Bill to
Second by table
Alongo
no action*

*Motion by Bill to
Remove from table
Second By Alongo*

MOTION by Mr. Moore to approve the keyless entry system upgrade for the fire station at a cost not to exceed \$6,000.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

HISTORIC PRESERVATION - Mrs. McGuire

HPC will meet tomorrow at 5:45 p.m. with one item of new business on the agenda.

PARK – Mrs. Hughes

Ms. Buehlman stated the driveway to the cottages has been paved. The Hadi Shrine Motorcycle Club's Ride for Toys was successful.

PLAN – Ms. Aurand

Ms. Aurand stated the Plan Commission met on Monday night. The American Legion electronic sign has been installed and is operational. Ms. Buehlman will inform the business complex at 605 State Street that they are in violation of the sign ordinance. Two (2) properties in disrepair were inspected by legal and engineering.

POLICE – Mr. Kavanaugh

Chief Sprinkle stated three (3) reserve officers will be sworn in at the October 13, 2014 meeting and awards will be given.

STORM WATER – Mr. Kavanaugh and Mr. Moore

The next meeting will be held on October 20, 2014.

STREETS – Mr. Moore

Mr. Moore stated the Street Department installed a trash container near the intersection of Water and Market Street. Parking restriction signs have been ordered. A storm drain catch basin was repaired on State Street in front of Newburgh Elementary School and a wash-out was repaired at Sycamore and First Street. Dirt from the boat ramp area was used to fill the river bank washouts along the trail. A downed tree was removed at Main and Sycamore. Brick was repaired around a light pole near Town Hall. Many drains were cleaned throughout the town. The riding mowers were serviced; floor boards, latch handles and tailgate latches were repaired in the dump trucks. The crew continues to mow and trim all Town properties.

UTILITY – Mrs. Hughes

Mrs. Hughes read the Motions from the October 1, 2014 Utility Committee meeting; all are recommended by the committee.

MOTION by Mrs. Hughes to have the sewer department video inspect the lateral at 514 Middle Street. If the lateral passes inspections, the Utility Committee will waive any violation in policy and ordinance, and require the property owner sign an agreement that the Town of Newburgh will not be held liable for any back-ups or problems that occur as a result of the lateral being properly constructed.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the purchase of a new pump for the Kingston lift station at a cost not to exceed \$5,254.80 plus shipping from Straeffer Pump and Supply.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the sanitary sewer repairs by Hydromax at 103 State Street and 116 State Street during the night at a cost not to exceed \$19,500.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the repair to the sanitary sewer by Hydromax at 5577 Lakeside Drive at a cost not to exceed \$6,155.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to acquire the easement in Willow Estates Subdivision in regard to the elimination of the Kenosha Hills Lift Station.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI to prepare a quote package for replacing manhole 11-137 in the Stonegate Subdivision and place the line rehabilitation on the list for slip lining.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to acquire a 28 foot easement to cover the gap between manhole 07- 93; advise the owner of Pine Valley to upsize and move the gravity sewer line for Pine Valley; run a parallel line next to the Tweedy Minor sanitary sewer line; and, investigate if gravity sewer would be a benefit for the Halston force main as it peaks at the high point on Lincoln Avenue.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

FINANCE – Mrs. Hughes

No report.

PERSONNEL – Mr. Kavanaugh

No report.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

The next meeting will be held in Town Hall on October 13, 2014 at 10:00 a.m.

SIDEWALK – Mrs. Hughes

Ms. Buehlman stated sidewalk construction has begun. Storm drain inlets are being installed; past *creative* repair work found in the inlet installation process will be corrected. After the inlets have been installed, the pouring of the sidewalks will begin on the south side of Jennings beginning near God Is Good. This area is part of the Safe Routes to School project.

ARTS COMMISSION – Mrs. Hughes

Mrs. Hughes stated the October 6, 2014 meeting was cancelled.

NEWBURGH BUILDING COMMISSION (NBC) – Ms. Aurand

Ms. Aurand stated the commission held a reorganization meeting on Monday evening. Randy Wheeler was reelected as chair. Judy Moore and Mae Mason serve on the committee with Ms. Mason as secretary. The condition of Preservation Hall was discussed. A \$200.00 refundable damage deposit to be collected from all organizations whose rental fees have been waived was moved and approved by the NBC. Mr. Lybarger suggested charging a \$60.00 fee to all non-profits for use of Town structures to cover cleaning costs. Mrs. McGuire cautioned that non-profits may expect to have all fees waived; non-profit usage is increasing every year. Ms. Aurand stated any non-profits that reinvest in the community should have the rental fee waived. Many NBC members met at Preservation Hall on Tuesday morning to view the condition and damage following the weekend rental. The group responsible for the rental did return on Wednesday to clean the hall and repair the damages.

MOTION by Ms. Aurand to charge a \$200.00 refundable deposit to not-for-profits for whom the charge to use Preservation Hall is waived beginning January 1, 2015.

SECOND by Mr. Moore.

DISCUSSION: Mr. Kavanaugh stated Historic Newburgh Inc. (HNI) does make money on their events and should bear a financial responsibility for the rental property.

MOTION carried: ayes 5, nays 0.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman expects additional zoning petitions through the year's end.

CLERK-TREASURER – Mr. Lybarger

No report.

TOWN ATTORNEY – Mr. Wischer

No report.

TOWN ENGINEER – Mr. Hynes/Mr. Hasenour

Mr. Hasenour stated the Jennings and State Street sidewalk improvement project plans are out for bids. The pre-bid meeting will be held on Tuesday, October 14, 2014 with bid opening at the October 22nd council meeting. Paving in the Forest Park subdivision will begin next week and street striping will begin as part of the 2014 street resurfacing project. Mr. Manhole application will also begin next week.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman apologized for a lack of communication during the time the Town's computers were down. A few problems remain including the Town's website. Suppliers for computer support will be solicited. The group TOUCH contributed \$100.79 to the Park Board from Twilight on the Trail proceeds; Friends of Newburgh donated \$700.00 from Fiddler Fest proceeds to cover expenses. Newburgh National Bank complimented the Utility Office staff for their professionalism. Ms. Buehlman stated the

salt supply, 26 tons, for the winter has arrived at a cost of \$125.00 per ton. The leaf and Christmas tree pick-up card was mailed to residents. The bicycles stored at the Street Department need to be disposed. A water leak was repaired on First Street causing Indiana-American Water to cut into the newly paved street. Ms. Buehlman will be attending an ADA compliance meeting in Terre Haute.

MISCELLANEOUS BUSINESS

Tom Bodkin has been selected as a Super Lawyer and congratulations will be sent.

APPROVAL OF CLAIMS

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

Civil Town – \$164,869.00

Sewer - \$351,499.32

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

MOTION by Mr. Moore to adjourn.

SECOND by Mrs. McGuire.

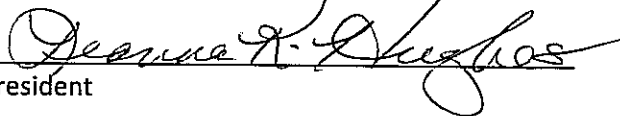
DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mrs. Hughes adjourned the meeting at 7:38 p.m.

APPROVED this 22 day of October, 2014.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer