

Newburgh Town Council Meeting
Date: Wednesday, November 12, 2014

The Newburgh Town Council met in Executive Session on Wednesday, November 12, 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. A moment of silence was taken to remember all veterans, past, present and future.

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 Mr. Moore to approve the October 22, 2014 Public Hearing minutes.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Moore to approve the October 22, 2014 Town Council meeting minutes.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None scheduled.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Carol Schaefer, Executive Director of Historic Newburgh Incorporated (HNI), stated additional electrical outlets are needed at the Lock and Dam building. Premier Electric has offered installation at no charge. The materials will cost \$7,400.00 with Friends of Newburgh appropriating \$3,500.00 and HNI

designating \$1,000.00 into the Wine Fest budget toward the cost. A grant request will be made to Vectren for the remaining amount.

WNIN will profile Historic Newburgh on December 5, 2014 and requested use of the conference room. MOTION by Mr. Kavanaugh to allow WNIN to use the Town Hall conference room all day on December 5, 2015 beginning at 5:00 a.m.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mrs. Schaefer requested permission to prepare a grant for an amphitheater feasibility study.

MOTION by Mr. Kavanaugh to proceed with grants for an amphitheater feasibility study.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Randy's Tree Service requested a road closing on November 25, 2015.

MOTION by Mr. Kavanaugh to allow the closing of Gray Street at Hillcrest on November 25, 2014 beginning at 8:00 a.m. through approximately 11:30 a.m. with a rain date of November 26, 2014.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

UNFINISHED BUSINESS

1. Town of Newburgh Rivertown Trail / Event Policy

MOTION by Mr. Kavanaugh to table the Rivertown Trail/Event Policy to the December 10, 2014 Town Council meeting.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

2. Bid Award – Jennings and State Street Sidewalk Improvement Project

MOTION by Mr. Kavanaugh to table the Jennings and State Street Sidewalk Improvement Project to the next Town Council meeting.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

NEW BUSINESS

Mr. Hynes stated the developer has completed the punch list on Pemberly Place. The engineer's estimated cost for the system is \$45,900.40.

1. Acceptance for sewer line maintenance – Pemberly Place

MOTION by Mr. Kavanaugh to approve the acceptance for sewer line maintenance for Pemberly Place.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

2. Payment Application #3 for 2014 Paving Projects to Metzger Construction, Inc.

MOTION by Mr. Kavanaugh to approve Payment Application #3 for 2014 Paving Projects to Metzger Construction, Inc. in the amount of \$438,818.47 holding 5% or \$21,940.92 in retainage, with a net of \$416,877.54 to Metzger Construction.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

3. Change Order #1 for 2014 Paving Projects to Metzger Construction, Inc.

Mr. Hynes stated this project is broken into two (2) phases due to sewer projects. This change order includes depatching and the labor involved with excavation, sidewalk repairs, curb and stone edging additions and a guard rail on Fourth Street.

MOTION by Mr. Kavanaugh to approve Change Order #1 for 2014 Paving Projects to Metzger Construction, Inc. in the amount of \$19,907.64.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

4. Water Street Alley Sewer Replacement Project IDEM Permit Approval

Mr. Hynes stated a permit is required for IDEM.

MOTION by Mr. Kavanaugh to approve the Water Street Alley Sewer Replacement Project IDEM Permit.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

5. Change Order #1 for Water Street Sewer Rehab Project to Hydromax

Mr. Hynes stated this change order is a result of the Water Street Alley Sewer Replacement Project.

MOTION by Mr. Kavanaugh to approve Change Order #1 for Water Street Sewer Rehab Project to Hydromax in the amount of \$10,250.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

The board will meet on November 24, 2014 at 6:00 p.m.

FIRE - Mr. Moore

Mr. Moore stated there will be an election for Chief at the Fire Department's meeting tonight.

HISTORIC PRESERVATION - Mrs. McGuire

Mrs. McGuire stated the next meeting will be held on November 13, 2014.

PARK – Mrs. Hughes

Ms. Buehlman stated the pool report was distributed. Excluding long term improvements, sandblasting, painting and removal of the diving board, the pool financials showed a good year.

The Library Director is not able to fill the position on the Park Board. Ms. Aurand will contact the School Superintendent regarding their interest in filling the position.

PLAN – Ms. Aurand

Ms. Aurand stated the Plan Commission met on November 3, 2014. A letter was sent to a business on State Street that is over signed. As a result, one sign has been removed.

In September and October, a total of 13 permits were issued, generating \$625.00 in fees, for 11 projects with a value of \$23,751.00. Year-to-date, there have been 103 projects with a value of over one million dollars with 156 permits generating \$8,475.74 in fees. BZA will meet on November 24, 2014 to discuss a new business operating from a residence.

POLICE – Mr. Kavanaugh

The Police Commission met on November 10, 2014. The academy graduation ceremony for Mike Jones will be held November 14, 2014 at The Centre. Drew Decker has passed all requirements and will be sworn in on December 8, 2014. Dare graduation will be held at Newburgh Elementary on December 5 and at St. John's on December 9, 2014.

Friends of Newburgh has donated \$900.00 to the Newburgh Police Department Shop with a Cop program. On December 9, 2014, police officers will escort nine children from Newburgh Elementary to shop at Wal-Mart.

The 2015 proposed salary ordinance was presented to the Police Commission. During the month of October, the department issued 35 citations, 99 warnings, 2 ordinance violations for a total of 136 violations.

A solid ceiling is needed in the evidence room and a foyer built to separate the offices from the public. The improvements can be completed at a cost of \$1,000.00 which will be taken from the 2015 budget. MOTION by Mr. Kavanaugh to approve the addition of a solid ceiling in the evidence room and a foyer to separate the offices from the public when entering the building at a cost of \$1,000.00.

SECOND by Mrs. McGuire.

DISCUSSION: The plan is to build a counter with a door near the chief's office.

MOTION carried: ayes 5, nays 0.

Costs to update the restroom are being researched. The next meeting will be held on December 8, 2014.

STORM WATER – Mr. Kavanaugh and Mr. Moore

The next meeting will be held on November 17, 2014.

STREETS – Mr. Moore

Mr. Moore stated the Street Department attended fire extinguisher training at the Fire Department; training was held for all Town employees. The crew installed a new French drain at 2 West Main and repaired storm grates near the Lock and Dam building and at Jefferson Apartments on Fourth Street. Erosion control matting and rip-rap was installed at the Jefferson Street tunnel and at 611 Forest Park Drive. Storm drains along the trail were repaired and the ruts were filled at the Senior Citizen Center. Bent traffic poles are being replaced. The dump truck was outfitted for fall leaf pick-up and used to remove leaves at the Veterans Monument and along the walk-way.

UTILITY – Mrs. Hughes

Mrs. Hughes read the motions from the November 5, 2014 Utility Committee meeting.

MOTION by Mrs. Hughes to waive the low pressure test for the sewer line at Pemberly Place.

SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the repair of the air conditioning system at Lift Station # 2 by Bradley's Heating, Air Conditioning & Refrigeration, Inc. at a cost not to exceed \$3,900.00.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the purchase of 33 manhole frames and lids for the Water Street Sewer Rehab Project from Sherman Dixie at a cost not to exceed \$9,240.00 plus freight.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage Commonwealth Engineering Inc. (CEI) to verify that Manhole 07-6-51 is in easement, and to develop a corrective action plan and a quote package for the project.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI to move into the preliminary and final design phase on the Halston Gravity Sewer Project.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to proceed with the bid opening date of December 3, 2014 for the Epworth Road Sewer Expansion which is State Revolving Fund (SRF) funded.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow Chris Wischer to negotiate on our behalf to acquire all easements needed for the Epworth Road project by the end of November.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage Blankenberger to complete the Water Street Alley Project at a cost not to exceed \$32,077.00.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the CEI change order request for the Water Street Improvements at a cost not to exceed \$7,000.00.

SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the CEI change order request to add 30 feet of point repairs to the Water Street Sewer Rehab Project at a cost not to exceed \$3,250.00.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI to complete the permitting, bidding, designing, and inspections for the South Broadview West Timberwood Sewer Investigation project at a cost not to exceed \$54,500.00.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow CEI to move forward with the following: easements for the Epworth Road Sanitary Sewer Expansion; and, add structural engineering costs to the Chemical Containment Sodium Nitrate tanks at Powers, Paradise Gardens and Victoria Lift Stations Project.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow CEI to prepare a contract amendment for the 2014 Sanitary Sewer Rehab Projects.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow CEI to prepare a contract amendment for the State Road 261 Relocation Project.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to have Chris Wischer write a letter to Chandler regarding Chandler's planned sewer extension on Heim Road.
SECOND by Mr. Kavanaugh.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

STANDING COMMITTEES
FINANCE – Mrs. Hughes
No report.

PERSONNEL – Mr. Kavanaugh
The Personnel Committee will meet on Tuesday, November 18, 2014 at 1:00 p.m.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

The Rivertown Trail Committee will meet December 8, 2014 at 10:00 a.m. The Events Policy will be discussed.

SIDEWALK – Mrs. Hughes

Alice Weathers, 110 and 116 Jennings Street, asked about the plans to access her driveway during sidewalk renovations. Mr. Hynes stated the specification included provisions to access all driveways; her property will be reviewed. Mrs. Hughes stated a meeting will be held on Monday, November 17, at 4:30 p.m. to discuss resident satisfaction.

Ms. Buehlman stated the Safe Routes to School (SRTS) Sidewalk Grant is 100% federally funded. There is a Change Order decrease in the amount of \$10,896.00.

MOTION by Mr. Kavanaugh to approve the Change Order in the amount of \$10,896.00.

SECOND by Ms. Aurand.

DISCUSSION: Two signatures are needed on the Change Order.

MOTION carried: ayes 5, nays 0.

ARTS COMMISSION – Mrs. Hughes

No report.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman stated all specifications have been met with the remodeling in progress at 20 West Jennings. There is a question regarding a sewer tap.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated an additional appropriation is necessary in the amount of \$167,298.00; Ordinance 2014-10, Additional Appropriation has been published in The Standard. Additional funds are needed for Civil Town, Police and Park salaries and Park benefits.

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2014-10, Additional Appropriation.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Wischer read Ordinance 2014-10, an ordinance of Additional Appropriation.

MOTION by Mr. Kavanaugh to accept the first reading of Ordinance 2014-10, Additional Appropriation.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the second reading of Ordinance 2014-10, Additional Appropriation.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Wischer read Ordinance 2014-10, an ordinance of Additional Appropriation.

MOTION by Mr. Kavanaugh to adopt Ordinance 2014-10, Additional Appropriation.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Lybarger stated Umbaugh prepared an SRF application which requires the signature of Mrs. Hughes.

TOWN ATTORNEY – Mr. Wischer

Mr. Wischer stated he received correspondence from the Army Corps of Engineers (Corps) requesting that the water at the Indian Hill Overlook Park (IHOP) be transferred to the Town's name. Ms. Buehlman stated the change would require a separate meter as the current meter feeds IHOP and the Corps building and the initial quote to perform the work was in the \$25,000.00 to \$30,000.00 range. Mr. Wischer stated that after the Town completes the project, the Corps will transfer the property to the Town. Ms. Buehlman will acquire additional quotes.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated the pre-bid meeting for the Epworth Road Sanitary Sewer Expansion Project will be held November 18, 2014 at 10:00 a.m.

Regarding the Lock and Dam property, the area was carved out in the late 1990's. There are no restrictions on the property from the Corps or Department of Interior General Services Administration. The preliminary report for 2 Gray Street is complete; Mr. Wischer and Mr. Bowser will review the report. The sewer department is working in the area in front of the Edge Water Grille for point repair; this area is the beginning of the rehab project on Water Street.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman stated she is working on recognizing Nick Johnson, the scout who created a kiosk and chimney swift bird habitat at the trailhead as his Eagle Scout project.

Fuel bids for 2015 have been received from Wabash Valley Service. Fuel is purchased from the open market.

MOTION by Mrs. McGuire to accept the 2015 fuel contract with Wabash Valley Service for the Town and Sewer Department based on percentages used in the past.

SECOND by Mrs. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

The Evansville Courier will publish an article on women-owned businesses in Newburgh.

Ms. Buehlman reported the water fountain at IHOP was vandalized.

There are ongoing issues with Advanced Disposal, the Town's trash and leaf disposal company. Efforts are being made to correct the problems. Council members felt street sweeping should be done in Town.

MISCELLANEOUS BUSINESS

Mrs. Hughes stated the Blessing and Hanging of the Wreaths will be held this Saturday and Silver Bell Saturday on November 22, 2014; the bell at Preservation Hall will be rung each hour on the hour. The lights at Preservation Hall are now working.

The Indianapolis Historical Society would like to hold a workshop in Preservation Hall on Tuesday, February 10, 2014.

MOTION by Mrs. Hughes to allow the Indianapolis Historical Society to use Preservation Hall on Tuesday, February 10, 2014 from 8:00 a.m. to 4:00 p.m. with rental fees waived; a refundable damage deposit may be required.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Wabash Valley Service will install a meter on the diesel fuel tank to track department usage.
Mr. Kavanaugh stated he would like the Town to recognize veterans on Veteran's Day.
Mr. Wischer thanked Mr. Moore for framing his daughter's life story.

MOTION by Mr. Kavanaugh to proceed with the electrical project at the Lock and Dam.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 5, nays 0.

Mr. Moore stated the council may need to meet following the election of Fire Chief.

Mr. Kavanaugh congratulated Mrs. Hughes and Mrs. McGuire for a great election.

APPROVAL OF CLAIMS

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

Civil Town – \$314,619.64

Sewer – \$791,809.77

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

MOTION by Mrs. McGuire to adjourn.

SECOND by Mrs. Hughes.

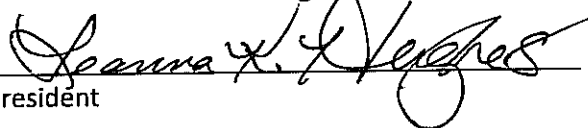
DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mrs. Hughes adjourned the meeting at 7:47 p.m.

APPROVED this 25 day of November, 2014.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer