

Newburgh Town Council Meeting  
Date: Tuesday, November 25, 2014

The Newburgh Town Council met in Executive Session on Tuesday, November 25, 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 5:35 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed for our troops and residents of Ferguson, MO.

**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: District II - Tonya R. McGuire

**APPROVAL OF MINUTES**

MOTION by Mr. Moore to approve the November 12, 2014 Town Council meeting minutes.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

**SCHEDULED REQUESTS & APPEARANCES**

None scheduled.

**PETITIONS AND COMMENTS FROM CITIZENS PRESENT**

No petitions or comments from citizens present.

**UNFINISHED BUSINESS**

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

Mr. Hynes submitted to council a letter of recommendation to tentatively award the bid to River Town Construction, LLC in the amount of \$494,782.25.

MOTION by Mr. Kavanaugh to tentatively award the Jennings and State Street Sidewalk Improvement Project to River Town Construction, LLC in the amount of \$494,782.25.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

#### NEW BUSINESS

1. Encroachment Agreement - Jimmy Pham, 4610 Fieldcrest Place Circle, Newburgh

MOTION by Mr. Kavanaugh to table the Encroachment Agreement for Jimmy Pham, 4610 Fieldcrest Place Circle, Newburgh until the next meeting.

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 the Board of Zoning Appeals (BZA) met last night. Ms. Buehlman stated there was a conditional use permit for a home occupation on Water Street for Maggie Shively. The board granted the permit with two restrictions: the permit is assigned to Ms. Shively and not the property, and no more than five (5) students can be present at one time. BZA will not meet in December.

FIRE - Mr. Moore

Chief Campbell distributed the October Report to council members. 40 runs were made totaling 292.82 man hours. The department participated in five (5) public relation events during fire prevention week. The new truck should be off-line by April 16, 2015.

MOTION by Mr. Moore to approve the purchase of soft equipment for the truck not to exceed \$23,000.00 with Hoosier Fire Equipment.

SECOND by Mr. Kavanaugh.

DISCUSSION: Funds are available for the purchase.

MOTION carried: ayes 4, nays 0.

Chief Campbell was reelected as department chief for a two-year term.

HISTORIC PRESERVATION - Mrs. McGuire

Ms. Buehlman stated HPC did not meet in November; the next meeting will be held on December 11, 2014.

PARK – Mrs. Hughes

Mrs. Hughes stated the Park Board has not met since the last Town Council meeting.

PLAN – Ms. Aurand

MOTION by Ms. Aurand to cancel the December 1, 2014 Plan Commission meeting if there is no business on the agenda.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

POLICE – Mr. Kavanaugh

Mr. Kavanaugh stated the commission and department attended the academy graduation ceremony for Mike Jones. The next meeting will be held on December 8, 2014 when Drew Decker will be sworn in.

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

Mr. Kavanaugh stated Storm Water has not met since the last Town Council meeting. The next meeting will be held on December 15, 2014.

**STREETS – Mr. Moore**

Mr. Moore stated the Street Department replaced the brakes on the 4-wheel drive truck saving the Town \$1,550.00; the clutch on the salt spreader was repaired. The trucks have been readied for snow removal. Storm damaged trees were removed from Westervelt Drive and the Darby Hills area and the crew is cleaning debris from the storm water drains. The holiday banners were hung in the downtown area. The boat dock has been removed from the river. Mrs. Hughes commended the crew on their snow removal efforts.

**UTILITY – Mrs. Hughes**

Utility has not met since the last council meeting.

**STANDING COMMITTEES**

**FINANCE – Mrs. Hughes**

Mr. Lybarger stated the budget has been submitted to the state; the Town should receive their opinion after the first of the year.

**PERSONNEL – Mr. Kavanaugh**

Mr. Kavanaugh stated the committee met and reviewed the department head evaluations. The salary increases will be presented at the Dec. 10, 2014 council meeting.

**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**

Mr. Hynes stated the budget was reviewed; there are ample funds to complete Jennings and State Street. Land acquisitions for right-of-entry are being reviewed for Americans with Disabilities Act (ADA) accessibility.

**ARTS COMMISSION – Mrs. Hughes**

Mrs. Hughes stated the commission will meet on Monday, December 1, 2014.

**ZONING ADMINISTRATOR – Commissioner Ms. Aurand**

No report.

**CLERK-TREASURER – Mr. Lybarger**

Mr. Lybarger stated the additional appropriations requested were denied by the Department of Local Government Finance (DLGF) because the publication notice failed to meet the 10-day advance notification requirement. An advertisement for additional appropriation has been placed in the Nov. 27 issue of The Standard allowing for vote at the Dec. 10, 2014 council meeting.

TOWN ATTORNEY – Mr. Wischer

Mr. Wischer stated he is streamlining the process of sewer lien summons where collections are possible. The acquisitions of easements for the Epworth Road project are proceeding. Of the five (5) easements needed, a commitment has been received from three (3) residents with hopes of solidifying the final two (2) by Dec. 3, 2014.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated an Indiana Department of Environmental Management (IDEM) construction permit is needed for the Epworth Road project.

MOTION by Mr. Kavanaugh, on the engineering recommendation, to approve the notice of sewer construction permit application pursuant to 327 IAC-3 for the Epworth Road Sanitary Sewer project.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

The Town has received the utility pull off permit for the lift station and right-of-way utility encroachment permit from Warrick County. Two permits remain outstanding, an IDEM water quality permit and an Army Corps permit.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman stated Town employees from the sewer, maintenance and street departments will attend a mandatory safety training session on Dec. 3, 2014 at the Lock and Dam. Ms. Buehlman attended an Indiana Department of Natural Resources floodplain meeting in Terre Haute last week and a Bliss McKnight insurance seminar in Bloomington, IL. Town Hall will be closed for the Thanksgiving holiday on Thursday and Friday, Nov. 27 and 28, 2014. An updated version of the Town's 50/50 sidewalk replacement program will be provided to council members at the Dec. 10, 2014 council meeting. Streets will be cleaned next week. Ms. Buehlman will meet with Advanced Disposal/Veolia tomorrow regarding resident complaints with missed trash and leaf pick-up. The Safe Routes to School Sidewalk project may be completed by the end of next week. Seventy feet of sidewalk is being replaced as it was not ADA compliant.

MISCELLANEOUS BUSINESS

Mrs. Hughes would like the swearing in ceremony of reelected council members to take place on January 1, 2015. Ms. Aurand stated Mrs. McGuire would not be available on that date and suggested the ceremony be held during the first Town Council meeting of 2015. A date will be discussed at the Dec. 3, 2014 council meeting.

Mr. Kavanaugh reminded everyone that DARE graduation will be held at Newburgh Elementary at 9:00 a.m. on December 5, at St. John's at 1:00 p.m. on December 9 and at the Police Department at 4:00 p.m. on December 9, 2014. Mr. Kavanaugh is on the committee working to acquire the Old Stone House.

Mr. Lybarger stated the Newburgh Police Department received a matching grant from Wal-Mart for the Shop with a Cop program in the amount of \$900.00. Friends of Newburgh had donated \$930.00 to the program. On December 9, 2014, police officers will escort nine children from Newburgh Elementary to shop at Wal-Mart.

Ms. Aurand stated Reg Porter, Newburgh, England Town Council, wished all a Happy Thanksgiving and stated Thursday is a celebration day, Lancashire Day.

There are concerns with the sidewalks in two (2) areas: the southeast corner of State and Gray Streets which now extends into Gray Street and the area on Main where the sidewalk meets with State Street is very steep. Ms. Buehlman will speak with Bob Bullard.

APPROVAL OF CLAIMS

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

Civil Town – \$181,932.17

Sewer – \$191,738.03

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Mr. Moore to adjourn.

SECOND by Mrs. Hughes.

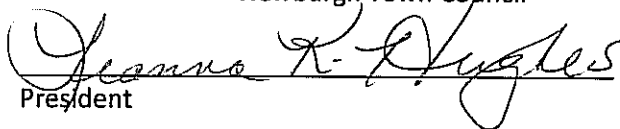
DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mrs. Hughes adjourned the meeting at 6:25 p.m.

APPROVED this 10 day of December, 2014.

Newburgh Town Council

  
President

ATTEST:

  
Clerk-Treasurer