

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

The Newburgh Town Council met in Executive Session on Wednesday, January 8, 2014, at 4:30 p.m. Those present at the meeting were Council President/District II Tonya R. McGuire, 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 Buehlman and Town Attorney R. Thomas Bodkin. 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 Tonya R. McGuire 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 Rebecca Wade, the sister of Town employee Don Kissel. Ms. Buehlman mentioned her foster son is in the navy and will be home for leave in the near future and asked to remember him along with the troops.

ROLL CALL

Those present at the meeting were:

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 - R. Thomas Bodkin

APPROVAL OF MINUTES

MOTION by Ms. Aurand to approve the December 30, 2013 Town Council meeting minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

Sandra Kramer, 3690 Taylor Drive, Newburgh

Ms. Kramer expressed her dismay regarding a Town of Chandler water issue and demeaning phone call she received from them. Mr. Bodkin suggested she contact the Indiana Utility Regulatory Commission Consumer Affairs who will assist in filing a formal complaint.

David Wendholt, 6811 Old Stone House Drive, Newburgh

Mr. Kramer requested permission to remove the saplings and a new growth of trees along Old French Island Trail nearest to Old Stone House Drive. Mr. Bodkin stated he would have to contact the Indiana Department of Natural Resources (IDNR) for a waiver to remove the trees.

MOTION by Mrs. Hughes to allow Mr. Wendholt to remove the new growth of trees along Old French Island Trail nearest to the Old Stone House Drive pending approval from the IDNR and signing liability protection.

SECOND by Mr. Moore.

DISCUSSION: There will be no cost to the Town. Mr. Bodkin cautioned Mr. Wendholt to remove the growth only from the Town's property.

MOTION carried: ayes 5, nays 0.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Carol Schaeffer, Executive Director of Historic Newburgh Inc. (HNI), stated the annual meeting will be held on February 19, 2014.

MOTION by Mr. Kavanaugh to allow HNI to use Preservation Hall on February 19, 2014 with fees waived.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Celebrate Preservation Party is a joint venture between HNI and Historic Preservation Commission (HPC). A venue is needed for the party on May 8, 2014. Mrs. Hughes feels the party should be open to all HNI and HPC members and possibly charge a fee. HNI has a new website and encouraged all to view it at historicnewburgh.org.

Mrs. Hughes commended Anne Aurand for allowing herself be considered as a House District Representative, thanked her on behalf of the Town and encouraged her to consider the position for the next term in 2014.

MOTION by Mrs. Hughes to approve the following slate:

2014 Town Council officers: President, Leanna Hughes; First Vice-president, Bill Kavanaugh; and, Second Vice-president, Anne Rust Aurand. Commissioners: Air Board, Anne Rust Aurand; Fire Commissioner, Alonzo Moore; Historic Preservation Commission, Tonya McGuire; Planning Commission, Anne Rust Aurand; Board of Zoning Appeals, Anne Rust Aurand; Parks Commission, Leanna Hughes; Police Commission, term ending 2016-Leanna Hughes; Storm Water, Bill Kavanaugh with Alonzo Moore as committee member; Street Commissioner, Alonzo Moore; and, Utility Commission, Leanna Hughes with Bill Kavanaugh as committee member. Head and Chair for Standing Committees: Finance, Leanna Hughes and Tonya McGuire; Personnel, Bill Kavanaugh and Leanna Hughes; New Entries into Town, Anne Aurand; ALCOA Community Advisory Board, Leanna Hughes; 2015 Nominating Committee, Bill Kavanaugh; Rivertown Trail, Leanna Hughes and Tonya McGuire; Sidewalks, Leanna Hughes with Alonzo Moore as committee member; and, Arts Commission, Leanna Hughes and Tonya McGuire.

SECOND by Mr. Kavanaugh.

DISCUSSION: Ms. Aurand stated she was not aware if anyone was contacted regarding their interests.

Mrs. McGuire had hoped she would have been notified that a slate would be offered at tonight's meeting. Mr. Bodkin stated the nomination should have been on the agenda under new business; however, it is acceptable to proceed. Mrs. Hughes stated she asked for the floor.

Motion by Ms. Aurand to table the motion to the next meeting.

SECOND by Mrs. McGuire.

MOTION failed: ayes 2.

ROLL CALL VOTE on the slate of officers: Kavanaugh, aye; McGuire, nay; Moore, aye; Aurand, nay; Hughes, aye.

MOTION carried: ayes 3, nays 2 (McGuire, Aurand).

Mrs. Hughes, as President, is now presiding over the meeting.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT (cont.)

Scott Anslinger, Superintendent of the Warrick County Solid Waste Management District/Recycle Resource Management District, made available his contact information: office phone, 812-897-6210 ext. 6; cell phone, 812-760-5799; email, rsa@warrickrecycles.org. Anyone with a complaint is welcome to contact him. He admitted there have been a few problems and will work to get them corrected. A new recycle calendar is now available on the website, warrickrecycles.org. There is also a Facebook account at Warrick County Recycling and Resource Management District.

The Newburgh Town Council Meeting was recessed.

NEWBURGH REDEVELOPMENT COMMISSION

MOTION by Mr. Kavanaugh that the meeting is convened as the Redevelopment Commission.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh to name Leanna Hughes as President of the Redevelopment Commission for 2014, Bill Kavanaugh as first vice-president, and Alonzo Moore as Secretary.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 2 (McGuire, Aurand).

Resolution 2014-01 – Resolution of the Town of Newburgh Redevelopment Authority Authorizing the Issuance of the Town of Newburgh Redevelopment Authority Lease Rental Revenue Bonds and Regarding Other Related Matters

MOTION by Mr. Kavanaugh for the first reading of Resolution 2014-01.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Resolution 2014-01, a resolution of the Town of Newburgh Redevelopment Commission establishing certain funds and accounts related to a lease with the Town of Newburgh Redevelopment Authority pledging certain revenues to make lease rental payments under such lease covenanting to levy a special tax to the extent such pledged revenues are insufficient to make all required payments and release and other related matters.

MOTION by Mr. Kavanaugh to adopt Resolution 2014-01.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh to close the Newburgh Redevelopment Commission meeting.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

The Newburgh Town Council Meeting was declared reopened.

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Indiana Association of Cities and Towns (IACT) Membership Renewal - \$1,781.00

Mr. Kavanaugh stated a legislative conference will be held in February and feels council members should attend.

MOTION by Mr. Kavanaugh to continue the IACT membership renewal at a cost of \$1,781.00.

SECOND by Mr. Moore.

DISCUSSION: Ms. Aurand doesn't feel the council has benefited by the membership. Mrs. Hughes feels the council members who have attended the conference did benefit from the educational opportunities. The Legislative conference is \$99.00 per member plus lodging. Mrs. McGuire feels the conferences have proven worthwhile.

MOTION carried: ayes 4, nays 1 (Aurand).

2. Commonwealth Engineers Inc. Contract

Mr. Hynes stated he has three (3) contracts to present which are renewed annually.

MOTION by Mr. Kavanaugh to approved the General Service contract with Commonwealth Engineers.

SECOND by Mr. Moore.

DISCUSSION: The contract is based on an hourly rate equal to the 2013 rate through July.

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh to approved the Civil Town Retainer contract with Commonwealth Engineers at \$2,000.00 per month.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh to approved the Sewer Retainer contract with Commonwealth Engineers at \$3,000.00 per month.

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

No report.

FIRE - Mr. Moore

Mr. Moore stated the Battalion 10 suburban was repaired by Knapps Automotive at a cost of \$217.00.

The new turnout gear should arrive within two (2) weeks. In 2014, the department has responded to 16 calls, including one this morning on Crestview, a house fire resulting in a total loss. Five (5) additional units responded to assist: Ohio Township, Yankeetown, Chandler, McCutchanville and Evansville Fire

Department. Mr. Moore thanked the Warrick County School Corporation for providing a school bus used as a shelter for the firemen.

HISTORIC PRESERVATION - Mrs. McGuire

The meeting scheduled for tomorrow evening was cancelled due to no business on the agenda.

PARK – Mrs. Hughes

Due to inclement weather on January 2, 2014, the meeting was rescheduled to tomorrow evening.

PLAN – Ms. Aurand

No report.

POLICE – Mrs. Hughes

Mr. Kavanaugh stated the Police Chief is attending a Voice Stress Analysis Class. The chief received several calls regarding bad roads during the last winter storm; however, the calls were from residents residing in the county. The Commission will meet on January 13, 2014 with an Executive Session at 4:00 p.m. followed by the regular session at 4:30 p.m. The 2013 Rookie of the Year was awarded to Newburgh National Night Out.

STORM WATER – Mr. Kavanaugh

Mr. Kavanaugh stated the next meeting will be held on January 27, 2014 beginning at 6:00 p.m.

STREETS – Mr. Moore

Mr. Moore stated the Street Crew repaired three decorative street lights in the downtown area and replaced a sign pole at the corner of Water and Monroe Streets. The recent shipment of salt was mixed with sand and loaded into bins in preparation of the next storm. A hydraulic line on the backhoe was replaced. The annual inventory was completed on the tools and equipment. A tree was cleared from the trail head and a damaged section of railing was replaced on the trail bridge. Storm drains have been cleaned and a sinkhole on Peachtree was repaired.

UTILITY – Mrs. Hughes

Mrs. McGuire read the Utility motions from the January 8, 2014 meeting.

MOTION by Mrs. McGuire to engage Republic Companies, Inc. to repair the sanitary sewer lines at 227 Cypress and 400 Gray Street at a cost not to exceed \$5,900.00 on each project.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to approve the closing of Cypress and Gray Streets for sanitary sewer repairs.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to approve the sanitary sewer repair at 709 Carole Place by Roto Rooter at a cost not to exceed \$5,400.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: This area is in Forest Park; work is in progress on four taps and a manhole.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to approve the following FOG Discharge Permits: Dairy Queen, Permit No. 121213; Burger King, Permit No. 123113; and, Beef O'Brady's, Permit No. 121313.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to approve the Capacity, Management, Operations and Maintenance (CMOM) Report Assistance for 2013 Contract with Commonwealth at an hourly rate, not to exceed \$8,500.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to approve the Sycamore Drive and 261 Contract Amendment with Commonwealth at an hourly rate, not to exceed \$11,310.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to approve the Victoria and Lincolnwood Force Main Permitting and Design Contract with Commonwealth at an hourly rate, not to exceed \$9,000.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: Mrs. McGuire stated these are exposed force mains.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to approve the contract for the Sewer Relocation Plan for 6588 Westlake with Commonwealth for design services at an hourly rate, not to exceed \$9,000.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to approve the contract for the Miscellaneous Sewer & Inspection Contract with Commonwealth at an hourly rate, not to exceed \$15,000.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to approve the contract with Commonwealth for a Capacity Study for the Oak Park Subdivision at an hourly rate, not to exceed \$3,500.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: This is a new 38 lot subdivision between State Road 261 and Lenn Road. Commonwealth will prepare a standard contract for the capacity studies.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to engage a lobbyist to consult regarding potential future legislation involving sewer issues related to the Chandler vs. Newburgh territory dispute.

SECOND by Mr. Kavanaugh.

DISCUSSION: Mr. Bodkin stated the Indiana Court of Appeals published an opinion that Newburgh's ordinance was valid making Chandler in violation of the Town's ordinance. Ron Bacon informed the

council that he was going to introduce legislation to change the opinion. Mr. Bodkin suggested the Town place themselves in a situation that would protect the 10,000 plus ratepayers and provide adequate sanitary sewer services for economic development along HWY 66 by engaging a lobbyist to watch the issue in the legislature. Mr. Bodkin will search for an appropriate lobbyist.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire that Civil Town pay the Newburgh Utility Office \$0.25 per in-town customer per month for billing of storm water and trash for 2014.

SECOND by Mr. Kavanaugh.

DISCUSSION: The cost is approximately \$300.00 per month. This amount was paid to Indiana American when they produced the billing; however, this payment was not passed on when the sewer department assumed the billing process.

MOTION carried: ayes 4, nays 1 (Hughes).

Mrs. McGuire stated Leon Key, Sewer Superintendent, believes he has discovered the cause of the copper in the sewer lines.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

Mr. Lybarger will present an update on the budget during the Clerk-treasurer's report.

PERSONNEL – Mr. Kavanaugh

Mrs. McGuire stated there are interviews scheduled on Thursday and Monday for the collections position in the Utility office.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mrs. Hughes

No report.

SIDEWALK – Mrs. Hughes

Mrs. Hughes read correspondence from Jaclyn Schmitt, Department of Transportation District Local Program's Project Manager, stating the Town received A Notice of Authorization for Professional Engineering (PE) Services for the Safe Routes to School Project. A Notice to Proceed may be issued and eligible reimbursable expenses for this phase of the project may begin. The purchase order was issued on Dec. 13, 2013 for preliminary engineering services in the amount of \$10,000.00. Ms. Buehman stated the Field Check was cancelled due to inclement weather and will be rescheduled.

ARTS PAVILION – Mrs. Hughes

The Arts Council was cancelled due to inclement weather. The next meeting will be held on February 3, 2014.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

No report.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated he received the 1782 notice from the Department of Local Government Finance (DLGF) that the budget has been reviewed and requested the General Fund budget be reduced by

\$180,692.00 and the Local Roads and Streets budget be reduced by \$4,642.00. Mr. Lybarger presented the recommendations to the council and is included with the minutes.

MOTION by Mr. Kavanaugh to approved the 2014 Budget Adjustment as presented.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh to approved the Indiana League of Municipal Clerks and Treasurers renewal notice in the amount of \$80.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

TOWN ATTORNEY – Mr. Bodkin

No report.

TOWN ENGINEER – Mr. Hynes

No report.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman stated she received a request from Todd Glass, Museum Board President, for the use of Preservation Hall on February 4, 2014 and April 10, 2014.

MOTION by Mrs. McGuire to allow the Museum to use Preservation Hall on February 4, 2014 and April 10, 2014 with all fees waived.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

An estimate will be received for floor repairs at Preservation Hall. Ms. Buehlman then gave a 2013 year-in-review summarizing the year's best and trying times.

MISCELLANEOUS BUSINESS

It was clarified that Gerald Bowser is being paid mileage while using his own vehicle for Town business. Mr. Moore stated a friend, Bob Peppiatt, recently passed away and will be missed.

Mrs. Hughes stated the merchants group had a tough holiday season due to bad weather conditions in which Newburgh Celebrates Christmas was cancelled twice; therefore, a Valentine promotion has been proposed to generate foot-traffic.

MOTION by Mrs. Hughes to donate to the Merchants Group Committee through HNI for a Valentine's Day promotion, a two-night stay at the cottages subject to availability and for use within one year; the deposit and sales tax will be paid by the merchants group and all other conditions apply, including the winner signing usual documents at Town Hall.

SECOND by Mr. Kavanaugh.

DISCUSSION: Any Town retail merchant with a store-front may participate in the promotion.

MOTION carried: ayes 5, nays 0.

Mrs. Hughes stated the Museum Board has requested mats be placed at the front and back entrances of Preservation Hall.

Mrs. McGuire requested to be removed from the Arts Council committee.
Mrs. McGuire and Ms. Aurand expressed concerns regarding the manner in which the slate of officers was presented. Mrs. Hughes expressed her regrets with their concerns.

APPROVAL OF CLAIMS

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

Civil Town – \$144,315.96

Sewer – \$126,264.48

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

Mrs. Hughes adjourned the meeting at 7:55 p.m.

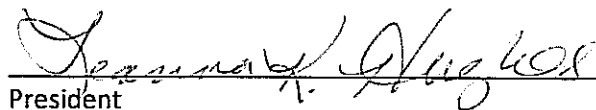
MOTION by Mr. Kavanaugh to adjourn.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

APPROVED this 22 day of January, 2014
Newburgh Town Council



President

ATTEST:



Clerk-Treasurer

2014 Budget Adjustments

After receiving the 1782 notice from the state Department of Local Government Finance, it was requested that we reduce the general fund budget by \$180,692 and the LR&S budget by \$4,642. To make these changes the following budget modifications are suggested.

Fund	Appropriation	Reduce to	
0101 General Fund			
444.0000	CT-Improvements	\$400,000	\$219,308
			Total Reduction
			\$180,692
0706 LR&S			
423.0120	Street Materials	\$10,000	\$9,000
423.0200	Auto parts and maint	\$7,000	\$6,000
431.0000	Contractual services	\$2,000	\$1,000
444.0000	Improvements	\$21,018	\$19,376
			Total Reduction
			\$4,642