

Newburgh Town Council Meeting
Date: Wednesday, January 14, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, January 14, 2015, at 4:30 p.m. at Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana.

CALL TO ORDER

Council President Leanna K. Hughes 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 Sally Diaz, Lily Wilhite and John L. Smith.

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

COUNCIL MEMBER INSTALLATION

1. Elected Council Member Swearing In Ceremony

Leanna K. Hughes, elected as District II council member, and Tonya R. McGuire as Council-at-Large, were sworn in by Jon Lybarger, Clerk-Treasurer.

2. 2015 Board and Commission Appointments

Mr. Kavanaugh presented a slate of appointments prepared by the nominating committee.

MOTION by Mr. Kavanaugh to approve the 2015 Board and Commission Appointments as follows: Arts Commission - Mrs. Hughes; Sidewalk - Mrs. Hughes as chair and Mr. Moore as member; Rivertown Trail - Mrs. McGuire as chair and Mrs. Hughes as member; Personnel - Mrs. Hughes as chair and Mrs. McGuire as member; Finance Committee - Mrs. Hughes as chair and Mrs. McGuire as member; Utility Committee - Mrs. Hughes as chair and Mr. Kavanaugh as member; Streets - Mr. Moore; Storm Water Board - Mr. Kavanaugh and Mr. Moore; Police Commission - Mrs. McGuire as chair, Mrs. Hughes as vice-chair and Mr. Kavanaugh as member; Plan Commission - Ms. Aurand; Park Board - Mrs. Hughes; Historic Preservation Committee - Mrs. McGuire; Fire - Mr. Moore; Board of Zoning Appeals - Ms. Aurand; and, Air Authority - Ms. Aurand.

Officers: Ms. Aurand as second vice-president; Mrs. Hughes as first vice-president; and, Mr. Kavanaugh as president.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Kavanaugh led the regular session as president of the Town Council.

MOTION by Mrs. McGuire to approve the 2015 Board and Commission appointments: Plan - Candi Burress and Hap Hanson for four-year terms; Airport Authority - Merritt DeJong, Jr., four-year term; Storm Water Management Board - Dana Grace, three-year term; Historic Preservation Commission - Jeff Cox and Steven Shoemaker for three-year terms; and, Common Construction Wage Committee- Jim Moore and Damien Scheessele for one-year terms. Appointments to the Economic Development Commission will not be made at this time.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

The Police Commission appointment will be ratified at the commission meeting on February 9, 2015.

APPROVAL OF MINUTES

1. Dec. 22, 2014 ~ Executive & Regular Session

MOTION by Mrs. Hughes to approve the Dec. 22, 2014 Town Council minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None scheduled.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

No petitions or comments from citizens present.

UNFINISHED BUSINESS

1. Town of Newburgh Rivertown Trail / Event Policy

MOTION by Mrs. McGuire to table the Town of Newburgh Rivertown Trail / Event Policy to the next meeting.

SECOND by Mr. Moore.

MOTION carried: ayes 5, nays 0.

A meeting will be held on Tuesday, January 20, 2014 at 4:30 p.m. to discuss the policy.

NEW BUSINESS

1. 2015 Rotary Walk for Literacy

Nellie Schneider, Rotary Club of Warrick County member, requested the use of French Island Trail and the Lock and Dam building for the 2015 Walk for Literacy on Saturday, April 18 or April 25, 2015.

MOTION by Ms. Aurand to allow the Warrick County Rotary Club to use the Lock and Dam building and facilities with all fees waved and approve the road closure of French Island Trail from Sycamore to Westervelt and Hwy 662 to 66 for the 2015 Rotary Walk for Literacy on Saturday, April 18 or 25, 2015.

SECOND by Mrs. McGuire.

DISCUSSION: Ms. Aurand stated this organization is beneficial to our community and county.

MOTION carried: ayes 5, nays 0.

2. Cleland Environmental Engineering Agreement

MOTION by Mrs. Hughes to approve the Cleland Environmental Engineering Agreement.

SECOND by Mr. Moore.

DISCUSSION: The rate is \$130.00 per hour.

MOTION carried: ayes 5, nays 0.

3. Site Review Advisory Committee Member Approval

Mr. Wischer stated the Plan Commission selected unanimously the following to serve on the committee: Mr. Wischer, Ms. Buehlman, Mr. Hynes, Plan Commission representative Mr. Hap Hanson, Chief Sprinkle and a Town Council representative.

MOTION by Mrs. Hughes to approve the Site Review Advisory Committee consisting of Mr. Wischer, Ms. Buehlman, Mr. Hynes, Chief Sprinkle and Mrs. McGuire.

SECOND by Mr. Moore.

DISCUSSION: Ms. Aurand felt the council should act on the unanimous decision of the Plan Commission and by not doing so it undermines the authority of the commission.

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

The Site Review Advisory Committee will meet on January 16, 2015 at 8:00 a.m.

MOTION by Mrs. McGuire to reschedule the Public Hearing on the zoning petition presentation to the Plan Commission on the Williams property from February, 2, 2015 to March 2, 2015 at 5:30 p.m.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

4. Sewer Waiver for 3055 Southern Trace Drive

Mr. Wischer stated James Tolley appeared at the last Utility meeting to request his lot, #64, in Old Hickory, be served by the Chandler Utility; it was recommended to grant the waiver.

MOTION by Mrs. Hughes to approve the Sewer Waiver for 3055 Southern Trace Drive.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

5. Epworth Road Sanitary Sewer Encroachment Agreement with Vectren

MOTION by Mr. Moore to table the Epworth Road Sanitary Sewer Encroachment Agreement with Vectren to the next meeting.

SECOND by Mrs. Hughes.

MOTION carried: ayes 5, nays 0.

6. Ordinance 2015-01, Amending Title 3, Revision of Membership Requirements for Ex Officio members of the Park & Recreation Board

MOTION by Mrs. Hughes for the first reading of Ordinance 2015-01, Amending Title 3, Revision of Membership Requirements for Ex Officio members of the Park and Recreation Board.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Wischer read Ordinance 2015-01, Amending Title 3 of the Newburgh Code of Ordinances to change the membership requirements for ex officio members of the Park and Recreation Board.

MOTION by Mrs. Hughes to accept the first reading of Ordinance 2015-01, Amending Title 3, Revision of Membership Requirements for Ex Officio members of the Park and Recreation Board.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire for the second reading of Ordinance 2015-01, Amending Title 3, Revision of Membership Requirements for Ex Officio members of the Park and Recreation Board.

SECOND by Mrs. Hughes.

DISCUSSION: None

Mr. Wischer read Ordinance 2015-01, Amending Title 3 of the Newburgh Code of Ordinances to change the membership requirements for ex officio members of the Park and Recreation Board.

The board contains four (4) members appointed by the Town Council and one (1) ex officio member to be appointed by the Library Board which has been unfulfilled for some time. The ordinance would replace the Library Board appointment with an appointment by the governing body of the Warrick County School Corporation.

MOTION by Mrs. Hughes to adopt Ordinance 2015-01, Amending Title 3, Revision of Membership Requirements for Ex Officio members of the Park and Recreation Board.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

7. Approval of Payments for Purchase of Easements

Mr. Wischer presented a list and requested approval of payments for purchase of utility easements; the list is included with the minutes.

MOTION by Mrs. Hughes to approve the payments for purchase of utility easements totaling \$99,335.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

8. Commonwealth Engineer Contract for Meadowbrook Manhole 15-91 to 15-92

MOTION by Mrs. Hughes to approve the Commonwealth Engineer Contract for Meadowbrook Manhole 15-91 to 15-92.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

9. Commonwealth Engineer Contract for Green Springs Valley, 8268 & 8288 Oak Drive

MOTION by Mrs. Hughes to approve the Commonwealth Engineer Contract for Green Springs Valley, 8268 & 8288 Oak Drive.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

10. Commonwealth Engineer Contract Amendment #1 for 2014 Sanitary Sewer Rehab Projects

MOTION by Mrs. Hughes to approve the Commonwealth Engineer Contract Amendment #1 for 2014 Sanitary Sewer Rehab Projects.

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

Chief Campbell stated Chad Bennett and Matt Timmel retired at the end of 2014. Scott Foreman was chosen as first-assistant chief and Nick Donnan as second-assistant chief.

HISTORIC PRESERVATION - Mrs. McGuire

No report.

PARK – Mrs. Hughes

Mrs. Hughes would like to plant trees in the park between the Edgewater and Commons. Mr. Wischer will review the contract to determine what is acceptable.

PLAN – Ms. Aurand

Ms. Aurand stated a meeting was held on January 5, 2015. The Herrell – Kilinski Minor Subdivision was approved with four (4) conditions to be met. The Site Review Advisory Committee was established at this meeting. In December, there were six (6) projects totaling \$23,030.000 and six permits with \$425.00 in fees. In 2014, there were 120 projects with a total valuation of \$1,107,598.42 and 180 permits generating \$9,680.74 in fees.

POLICE – Mr. Kavanaugh

Chief Sprinkle stated the commission met on January 12, 2015. The crime report will be presented at the next Town Council meeting. The coop plans are in progress. In December, 39 citations and 100 warnings were issued. In 2014, 425 citations, 1,017 warnings and 18 ordinance violations were issued. The next commission meeting will be held on Feb. 9, 2015.

STORM WATER – Mr. Kavanaugh and Mr. Moore

Mr. Kavanaugh stated Storm Water will meet on January 26, 2015.

STREETS – Mr. Moore

Mr. Moore stated there were ice issues on Gray Street at Monroe and on Adams at East Jennings. The crew serviced all Street Department vehicles, installed a new thermostat on the F-150 truck and rotated the tires and adjusted the brakes on the John Deere. The Christmas tree was removed from the State and Water Street area. Debris was cleared on Sharon Road from State to Forest Park and from drains and ditches in the town. The railings were cleaned on Trail Head Bridge and on Jennings near the Pet Food Center. A Street Department inventory took place and pot holes continue to be filled.

UTILITY – Mrs. Hughes

MOTION by Mrs. Hughes to approve the encroachment agreement to allow Mystic Development, LLC to construct within the Town's sewer easement.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to reject the request by American Engineering to reduce the tap fee for the Meijer Store.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the request for the repair of MLS pump No. 2 at a cost not to exceed \$11,734.07 plus shipping.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the request to replace manhole No. 11-137 at a cost not to exceed \$5,909.30 from Stemaly Excavating.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage Commonwealth Engineering Inc. (CEI) to reconstruct the panel for the Victoria/Lincolnwood exposed force main project.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the change order for Deig Brothers for the Plum Street repair at a cost not to exceed \$5,113.99.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI to do further research on the sewer main running under 420 Cypress Street.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI to prepare a task order for the preparation of the annual Capacity, Management, Operation, and Maintenance (CMOM) report.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the request for the repair to the sanitary sewer at 208 State Street by Hydromax Plumbing, Inc. at a cost not to exceed \$5,820.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI to move forward to the final design phase of the Halston gravity sewer project.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow CEI to move forward on the 2014 Rehab Projects.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow CEI to bid the 2014 Sanitary Sewer Rehab Projects.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the CEI amendment to the 2014 Sewer Rehabilitation Projects at a cost not to exceed \$70,200.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the annual Storm Water Management Model (SWMM) contract at a cost not to exceed \$20,000.00 per year.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the emergency sanitary sewer lateral repair at 107 Plum Street.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

The Utility Office received a check in the amount of \$137,233.02 from the Warrick County Treasurer's Office for the money collected on sewer liens. This amount cleared 266 of the departments' outstanding liens.

Mrs. Hughes would like to form a committee to focus on economic growth in the downtown area.

MOTION by Mrs. Hughes to approve the formation of a committee on economic growth in the downtown area.

SECOND by Mr. Kavanaugh.

DISCUSSION: Ms. Aurand feels this is redundant to the work of HNI. Mrs. Hughes stated HNI does not recruit business to Newburgh.

MOTION by Mrs. Hughes to table the formation of a committee on economic growth in the downtown area until the next meeting.

SECOND by Mr. Kavanaugh.

MOTION carried: ayes 5, nays 0.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

No report.

PERSONNEL – Mr. Kavanaugh

Ms. Buehlman stated Ellie Justice resigned her position in the utility office.

MOTION by Mrs. Hughes to form an Information Technology (IT) committee chaired by Mrs. McGuire.

SECOND by Mrs. McGuire.

DISCUSSION: Mrs. McGuire would like to research and develop this idea further. Ms. Aurand stated she has confidence in PC Quest and the council should allow them to do their job.

MOTION by Mrs. Hughes to table the formation of an IT committee to the next meeting.

SECOND by Mrs. McGuire.

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

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

The Rivertown Trail Committee will meet January 20, 2015 at 4:30 p.m.

SIDEWALK – Mrs. Hughes

Bob Bullard stated the last day of work on the Safe Routes to School project was January 8, 2015. The INDOT Report of Contract Final Inspection and Recommendation of Acceptance must be signed.

MOTION by Ms. Aurand to approve the Report of Contract Final Inspection and Recommendation of Acceptance.

SECOND by Mr. Moore.

DISCUSSION: Ms. Aurand stated it was a pleasure to work with Mr. Bullard on the project.

MOTION carried: ayes 5, nays 0.

ARTS COMMISSION – Mrs. Hughes

No report.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman stated permits are being sold in spite of the cold weather.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated the Form 1782 Report was returned from Department of Local Government Finance with budget cutbacks. The report will be revised and resent.

TOWN ATTORNEY – Mr. Wischer

Mr. Wischer asked if the council was interested in adding a weekly rate to the Peddler Permit; they were not. A separate permit will be created for horse drawn carriages charging \$50.00 for the year.

MOTION by Mrs. McGuire to have Mr. Wischer prepare an ordinance for horse drawn carriage permits with a \$50.00 annual fee and allowing the Police Department to revoke the permit for any criminal activity and/or mistreatment of the animals.

SECOND by Mr. Moore.

DISCUSSION: Ms. Aurand requested clarification on the type animal allowed.

MOTION carried: ayes 5, nays 0.

Mr. Wischer stated mediation is scheduled on Monday, January 19, 2015 on the Bruce Lane condemnation case in Bloomington, Indiana.

MOTION by Mrs. Hughes to have Mrs. McGuire attend the mediation and act on the council's behalf.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

TOWN ENGINEER – Mr. Hynes

MOTION by Mrs. Hughes to allow CEI to release the shape files for geographic information system (GIS) mapping to Chandler for use by their engineer.

SECOND by Mr. Moore.

DISCUSSION: Mr. Wischer will work with Mr. Hynes on conditions and release of the information.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to reschedule the State Revolving Fund (SRF) preconstruction meeting on the Epworth Road project to January 27, 2015 at 2:00 p.m. at Town Hall.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage the services of Debbie Bennett-Stearsman as the Labor Standards Administrator.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

A labor standards administrator is required when SRF is utilized.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman stated 18 employees have signed the 'no tobacco use agreement' and will receive the benefit to their Health Savings Account.

Quotes were received from Newburgh Trucking and Doug Wolf in the amounts of \$15,965.00 and \$23,729.00 respectively to demolish the Town owned property on Polk Street. This home would qualify for the blight elimination grant.

MOTION by Mrs. Hughes to pursue the blight elimination grant as a means to demolish the Town owned property on Polk Street.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Ms. Buehlman has created folders for the council members with pertinent paperwork to eliminate the need for excess copies.

Ms. Buehlman presented a 2014 Top 10 Year-In-Review.

MISCELLANEOUS BUSINESS

Council members will contact Ms. Buehlman with possible recipients of the 2014 citizen awards.

Mr. Moore requested that any organization not paying rental fees on the Town properties pay the required refundable damage deposit.

MOTION by Mrs. Hughes to donate a one night cottage stay for the downtown business association valentine promotion; the association will pay the cleaning expense.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

The February meeting schedule calendar was reviewed.

Ms. Buehlman stated Mr. Bowser's truck is being repaired.

A council delegation will attend the Indiana Cities and Towns (IACT) Legislative Day on March 16, 2015 in Indianapolis. Mrs. McGuire, Mr. Wischer and an additional council member will attend.

Ms. Aurand requested Historic Newburgh Inc. present an itemized list of items purchased for the Town.

APPROVAL OF CLAIMS

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

Civil Town – \$254,934.53

Sewer – \$666,183.98

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

MOTION by Mrs. Hughes to adjourn.

SECOND by Mr. Moore.

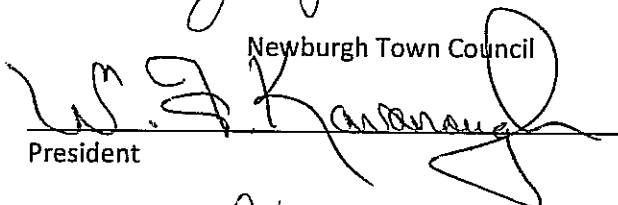
DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Kavanaugh adjourned the meeting at 8:00 p.m.

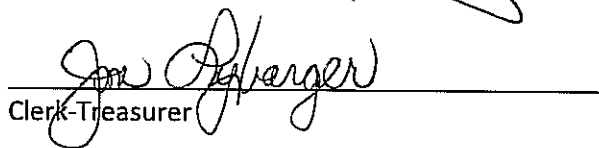
APPROVED this 28 day of January, 2015.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer

NEWBURGH SEWER UTILITY EXPANSION – EPWORTH ROAD PROJECT

REQUEST FOR APPROVAL OF PAYMENT AMOUNTS
FOR PURCHASE OF UTILITY EASEMENTS

Property Owner	Amount Due
Margaret M. Schnur, as Trustee of the Harold T. Schnur Family Trust	\$18,150.00
Joan L. Schnur, Trustee of the James A. Schnur and Joan L. Schnur Revocable Living Trust	\$ 8,250.00
Joan L. Schnur	\$ 8,250.00
Anne T. Downey	\$ 3,300.00
Beverly J. (Schnur) Newcomb	\$ 3,300.00
David C. Schnur	\$ 3,300.00
Maria D. Eisterhold	\$ 3,300.00
Dona L. Lasher	\$ 3,025.00
Jane M. Baker	\$ 6,860.00
Lois A. Mitchell	\$ 3,025.00
Michael J. Schnur	\$ 3,025.00
Susan E. Davis	\$ 3,025.00
Tony A. Schnur	\$ 3,025.00
Gayle A. Dorsey	\$ 2,000.00
Cynthia J. Robbins	\$ 2,000.00
Maurice A. Schuble	\$ 2,000.00
Lloyd N. Stahl and Mildred A. Stahl, husband and wife	\$ 19,500.00
Jeffrey Glenn Stahl and Lesley Ann Stahl, husband and wife	\$ 4,000.00
Total	\$ 99,335.00