

Newburgh Town Council Meeting
Date: Wednesday, January 28, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, January 28, 2015, at 4:30 p.m. at Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana.

CALL TO ORDER

Council President William F. Kavanaugh called the Regular Session to order at 5:31 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council and Boy Scouts from Troop 379. A moment of silence was observed for Hilda Wollum, the mother-in-law of Mr. Kavanaugh, and Jean Nowlin, the mother-in-law of Mr. Hynes. A round of Happy Birthday was sung to Carol Schaeffer.

ROLL CALL

Those present at the meeting:

District I - William F. Kavanaugh

District II - Leanna K. Hughes

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Council-at-Large - Tonya R. McGuire

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Christopher C. Wischer

APPROVAL OF MINUTES

1. January 14, 2015 ~ Executive & Regular Session

MOTION by Mr. Moore to approve the January 14, 2015 Town Council minutes.

SECOND by Mrs. Hughes.

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...tabled December 10, 2014

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

2. Epworth Road Sanitary Sewer Encroachment Agreement with Vectren...tabled January 14, 2015

Mr. Hynes stated this agreement is between Vectren and the Town of Newburgh for encroachments within the Vectren easement. Mr. Wischer feels the indemnity provisions are too broad and in Vectren's favor; he would like to continue to table until he and Mr. Hynes can speak with a Vectren representative and suggest revisions.

3. Economic Growth Committee Formation...tabled January 14, 2015

Mrs. Hughes is interested in forming a seven (7) person Ambassador Committee to focus on the vacancies in the business corridor and solicit business for the area. Mrs. Hughes would like to serve as chair. Suggestions for committee members include Mr. Kavanaugh, representatives from Historic Newburgh and downtown merchants.

MOTION by Mrs. Hughes to establish the Town of Newburgh Ambassador Committee.

SECOND by Mr. Kavanaugh.

DISCUSSION: Ms. Aurand does not feel this is in the purview of the council and the effort would be better served by another group. Mrs. Hughes feels it is their duty to grow the business area.

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

4. Information Technology Committee Formation...tabled January 14, 2015

Mrs. Hughes stated she would like to rescind the formation and remove the item from the agenda.

NEW BUSINESS

1. Historic Newburgh Incorporated (HNI) 2015 Events

Carol Schaeffer, Executive Director of HNI, presented the 2015 Event Schedule. Revisions from previous years include the Classic Car Cruise-in which will be held on Saturday mornings instead of Friday evenings and the Boot Sale will coincide with the British Car Show.

MOTION by Ms. Aurand to approve the following 2015 HNI event requests:

- Annual Meeting, February 18 from 5:00 pm to 8:30 pm, fee waiver requested for Preservation Hall;
- Historic Preservation meeting and party, May 7 from 4:00 to 8:00 pm, fee waiver requested for Preservation Hall;
- Grapes on the Grass Wine and Food Tasting Soiree, Friday, May 15 from 6:30 pm to 9:00 pm, fee waiver requested for Lock and Dam Park from May 13 through May 18;
- Wine, Art and Jazz Festival on Saturday, May 18 from noon to 9:00 pm;
- Farmers Market every Saturday morning at the Edgewater Grille parking lot from May 23 through September 26, 8:00 am to noon;
- Vintage Car Show in Town Hall parking lot on Saturday mornings from 8:00 am to noon. Dates TBD.
- Fireworks and Evening in the Park, July 3 with a rain date of July 5 beginning at 5:00 pm, fee waiver requested for Lock and Dam Park;
- Boot Sale on September 12 from 8:00 am to noon, requesting Town Hall parking lot;
- Theatre on October 3, 4 and 5, requesting Preservation Hall from September 27 through October 3 with fees waived for five (5) of the seven (7) days;
- Ghost Walks, October 16 from 6:00 pm to 9:00 pm, October 17 from 5:00 pm to 9:00 pm, October 18 from 5:00 pm to 8:00 pm requesting Town Hall lobby, Council Chambers and Preservation Hall with a fee waiver; and,
- Newburgh Celebrates Christmas on December 5 from 10:00 am to 5:00 pm and on December 6 from noon to 5:00 pm requesting use of council chambers, Town Hall lobby, requesting fee waiver for Preservation Hall on December 6 and 7.

SECOND by Mrs. McGuire.

DISCUSSION: A discussion of the use of porta-potties took place with further discussion needed.

Continuing the Farmers Markets later in the year is under consideration.

MOTION carried: ayes 5, nays 0.

The council would like to have a permanent, traditional Christmas tree on Water Street and will discuss this in greater detail. During the Farmer's Market, permission was given to allow special activities to be held under the tree on Riverfront Plaza between the condos and Lock and Dam building.

2. H.J. Umbaugh & Associates, Certified Public Accountants, LLP, Agreement for Annexation Services
MOTION by Mrs. Hughes to approve the H.J. Umbaugh & Associates, Certified Public Accountants, LLP, Agreement for Annexation Services at their standard hourly rates.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

3. Labor Standards Administrator Services Contract with the Economic Development Coalition of Southwestern Indiana

Debbie Bennett-Stearsman presented a contract for services as the Labor Standards Administrator.

MOTION by Mr. Moore to approve the Labor Standards Administrator Services Contract with the Economic Development Coalition of Southwestern Indiana not to exceed \$10,000.00 over the 300 day project completion.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Ms. Bennett-Stearsman stated tomorrow is the advertising deadline for Blight Elimination Program properties.

MOTION by Mrs. McGuire to add the Town owned property at 514 Polk Street to the Blight Elimination Program and assign the Newburgh Building Corporation as the program partner.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

There will be a public hearing on March 11, 2015 at 11:00 am in the commissioner's meeting room which Ms. Buehlman will attend and prepare the scoring matrix.

4. Ordinance 2015-02, Amend Ordinance 2014-11, Salary Ordinance for 2015

MOTION by Mrs. McGuire to table Ordinance 2015-02, Amending Ordinance 2014-11, Salary Ordinance for 2015 to the February 25, 2015 council meeting.

SECOND by Mrs. Hughes.

MOTION carried: ayes 5, nays 0.

5. State Road 261 Sanitary Sewer Relocation, Engineering Services Amendment 4 with Commonwealth Engineers Incorporated

Mr. Hynes stated this amendment is to cover ongoing litigation with INDOT and the condemnation issue, plus post construction issues as a result of videotaping the system.

MOTION by Mr. Moore to approve the State Road 261 Sanitary Sewer Relocation, Engineering Services Amendment 4 with Commonwealth Engineers Incorporated (CEI) in the amount of \$5,650.00 with INDOT and \$7,650.00 for additional coordination efforts.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

6. Annual Capacity, Management, Operations and Maintenance (CMOM) Audit, Progress Report and 550 Reports

Mr. Hynes stated an annual updated CMOM manual is needed.

MOTION by Mrs. McGuire to approve the Annual Capacity, Management, Operations and Maintenance (CMOM) Audit, Progress Report and 550 Reports.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

7. Sanitary Sewer Collection System Modeling Study performed by CEI

Mr. Hynes stated this is an annual study.

MOTION by Mrs. McGuire to approve the Sanitary Sewer Collection System Modeling Study performed by CEI at estimated standard hourly rates not to exceed \$20,000.00.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

8. Mystic Development, Country Place Drive, Encroachment Agreement

MOTION by Mrs. McGuire to table the Mystic Development, Country Place Drive, Encroachment Agreement to the February 11, 2015 council meeting.

SECOND by Mrs. Hughes.

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 distributed the December and 2014 year-end report. In 2014, the department responded to 79 calls in the Town of Newburgh, 246 in the township and 6 mutual aid runs. The department has a current roster of 40 with 5 applications under review.

HISTORIC PRESERVATION - Mrs. McGuire

Mrs. McGuire stated HPC will meet February 12, 2015.

PARK – Mrs. Hughes

Mrs. Hughes stated Park will meet on February 5, 2015.

PLAN – Ms. Aurand

Ms. Aurand stated the Plan Commission will be February 2, 2015.

POLICE – Mr. Kavanaugh

No report.

STORM WATER – Mr. Kavanaugh and Mr. Moore

Ms. Buehlman stated Storm Water did approve the Herrell – Kilinski Minor Subdivision. Drainage issues in the Forest Park subdivision were discussed. The next meeting will be held on February 23, 2015. Don Larson will advise when the MS4 report is due since it is no longer needed on an annual basis.

STREETS – Mr. Moore

Mr. Moore stated the drainage issues on Gray Street were reviewed; the Town Engineer will assist in the location of the easements. The crew serviced several pick-up trucks, repaired a broken wheel stud and tire on the Town van, and repaired a rear tire on the Gator. Several barricade legs and supports were repaired. Limbs were removed from the cemetery and from areas blocking signs. Pot holes continue to be filled and drains cleared of debris.

UTILITY – Mrs. Hughes

The Utility Committee will meet February 4, 2015 at 10:00 a.m. in Town Hall. Everything is on track with the Epworth Road project.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

No report.

PERSONNEL – Mrs. Hughes

Ms. Buehlman will advertise for the open position in the Utility Office and two (2) at the Wastewater Treatment Facility (WWTF).

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mrs. McGuire

The Rivertown Trail Committee met on January 20, 2015 to review the event policy with revisions made. The committee will not schedule regular meetings until Phase III is ready to begin. Ms. Buehlman reported many unused tombstones were dumped into a ravine during Phase II of the trail development.

SIDEWALK – Mrs. Hughes

Ms. Buehlman stated sidewalk reconstruction will begin as soon as the winter weather has passed. Mr. Hynes received an email from the Carmel, IN Street Commissioner verifying the FLEXI-PAVE material is working well around the trees allowing the rain to dissipate.

ARTS COMMISSION – Mrs. Hughes

The Arts Commission will not meet in February. A contingent from Newburgh will travel to Terre Haute to review a project.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

No report.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated the Form 1782 Report was revised and sent to the Department of Local Government Finance. There are no budget cuts to the Civil Town budget area; however, MVH will require a cut of \$26,848.00. Mr. Lybarger presented recommended cuts which will be reviewed by Finance.

MOTION by Mrs. Hughes to approve the annual renewal membership with the Indiana League of Municipal Clerks and Treasurers (ILMCT) in the amount of \$80.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

TOWN ATTORNEY – Mr. Wischer

MOTION by Mrs. Hughes to allow the payment for the Allen property easement in the amount of \$73,000.00 payable to Home Place Farms, LLC.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Wischer stated mediation was held on Monday, January 19, 2015 on the Bruce Lane condemnation case in Bloomington, Indiana. An agreement was reached on the settlement in the amount of \$20,000.00.

MOTION by Mrs. Hughes to have the Utility Committee issue a letter to Victoria indicating that there are sewer facilities available to serve their development but a waiver would be needed from Chandler as the development is located in their service area.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Wischer stated the lawsuit with INDOT is in the discovery phase and information is being prepared. Chandler has advised the Town that their water utility will no longer provide water meter readings.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated a pre-construction meeting on Epworth Road was held.

MOTION by Mr. Moore to suspend the rules and allow Mr. Hynes to proceed with the notice of award, contract approval and notice to proceed.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Moore to issue a Notice of Award to Blankenberger Brothers Inc. of Cynthiana, Indiana in the amount of \$3,738,600.00 for the Epworth Road Medical Corridor Sanitary Sewer Expansion.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Moore to approve the contract with Blankenberger Brothers Inc. of Cynthiana, Indiana in the amount of \$3,738,600.00 for the Epworth Road Medical Corridor Sanitary Sewer Expansion.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to approve the Notice to Proceed with Blankenberger Brothers Inc. of Cynthiana, Indiana for the Epworth Road Medical Corridor Sanitary Sewer Expansion.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

No report.

MISCELLANEOUS BUSINESS

Mrs. Hughes requested Preservation Hall not be rented on February 21, 2015 before 3:00 p.m. as the museum has a function that day.

State Representative Holly Sullivan sent a cordial email to Mrs. Hughes and complimented the Town.

Mrs. McGuire stated there are Town vehicles that need to be added to the emergency plan.

Roger Johnson is working with Ms. Buehlman for water service at the new property.

APPROVAL OF CLAIMS

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

Civil Town – \$175,428.26

Sewer – \$389,499.06 and State Revolving Fund (SRF) \$57,180.86

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

MOTION by Mrs. Hughes to adjourn.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Kavanaugh adjourned the meeting at 6:58 p.m.

Mr. Kavanaugh reconvened the meeting at 6:59 p.m.

Sheri Sherman stated the Warrick County Council is going to ask for the reestablishment of Innkeepers Tax, also known as Tourism Fee, and is asking for a letter of support.

MOTION by Mrs. Hughes to issue a letter of support for the Innkeepers Tax, or Tourism Fee, to be established in Warrick County.

SECOND by Mrs. McGuire.

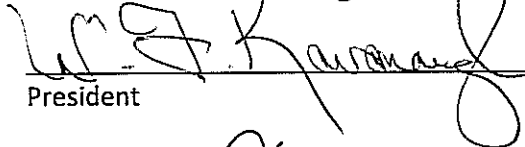
DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Kavanaugh adjourned the meeting at 7:02 p.m.

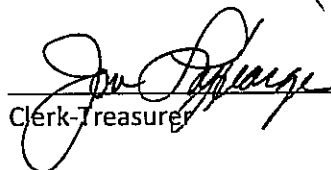
APPROVED this 11 day of February, 2015.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer