

Newburgh Town Council Meeting  
Date: Wednesday, February 11, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, February 11, 2015, at 4:30 p.m. at Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana. Those present at the meeting were Council President/District I William F. Kavanaugh, District II Leanna K. Hughes, 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 Council-at-Large Tonya R. McGuire. The purpose of the meeting was discussion of personnel matters and pending litigation.

**CALL TO ORDER**

Council President William F. Kavanaugh 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 our troops and fallen police officers.

**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

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Christopher C. Wischer

Absent: Council-at-Large - Tonya R. McGuire

**APPROVAL OF MINUTES**

1. January 28, 2015 ~ Executive & Regular Session

MOTION by Mrs. Hughes to approve the January 28, 2015 Town Council minutes.

SECOND by Mr. Moore.

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**

1. Town of Newburgh Rivertown Trail / Event Policy...tabled December 10, 2014  
Continue to table.

2. Epworth Road Sanitary Sewer Encroachment Agreement with Vectren...tabled January 14, 2015  
MOTION by Ms. Aurand to remove from table Epworth Road Sanitary Sewer Encroachment Agreement with Vectren.

SECOND by Mrs. Hughes.

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Moore to approve Epworth Road Sanitary Sewer Encroachment Agreement with Vectren.

SECOND by Mrs. Hughes.

DISCUSSION: Mr. Wischer recommends approval.

MOTION carried: ayes 4, nays 0.

3. Mystic Development, Country Place Drive, Encroachment Agreement...tabled January 28, 2015  
Continue to table.

#### NEW BUSINESS

1. St. John's Run, May 8, 2015 - Krista Haas

MOTION by Mrs. Hughes to approve the St. John's Run on May 8, 2015 beginning at 6:45 p.m.

SECOND by Mr. Moore.

DISCUSSION: Security and safety issue have been discussed with the Police Department.

MOTION carried: ayes 4, nays 0.

2. Bid Opening for Sanitary Sewer Rehabilitation Projects

MOTION by Mrs. Hughes to close the bids for Sanitary Sewer Rehabilitation Projects.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer opened the bids received.

PPMI submitted: alternate one (1) in the amount of \$31,929.00, alternate two (2) in the amount of \$27,237.00, and alternate three (3) in the amount of \$34,280.00 with a total base bid of \$432,635.00.

Deig Brothers submitted: alternate one (1) in the amount of \$35,915.80, alternate two (2) in the amount of \$24,592.00, and alternate three (3) in the amount of \$46,461.00 with a total base bid of \$364,885.50.

MOTION by Ms. Aurand to take the Sanitary Sewer Rehabilitation Projects bids under advisement for legal and engineering review.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

3. Engineering Services Agreement for South Broadview Timberwood

MOTION by Mrs. Hughes to approve the Engineering Services Agreement with Commonwealth Engineering Inc. (CEI) for South Broadview Timberwood.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

4. Engineering Services Agreement for Kenosha Hill Lift Station Elimination

MOTION by Mr. Moore to approve the Engineering Services Agreement with CEI for Kenosha Hill Lift Station Elimination.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

5. Engineering Services Agreement for 420 Cypress, Sewer under Home  
MOTION by Mrs. Hughes to approve Engineering Services Agreement with CEI for 420 Cypress.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 4, nays 0.

6. Engineering Services Agreement for Lincolnwood Victoria, Exposed Force Main  
MOTION by Mrs. Hughes to approve the Engineering Services Agreement with CEI for Lincolnwood Victoria, Exposed Force Main.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 4, nays 0.

7. Engineering Services Agreement for Lateral Connection to Trunk Line Detail  
MOTION by Mr. Moore to approve the Engineering Services Agreement with CEI for Lateral Connection to Trunk Line Detail.  
SECOND by Mrs. Hughes.  
DISCUSSION: None  
MOTION carried: ayes 4, nays 0.

#### COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand  
No report.

BOARD OF ZONING APPEALS – Ms. Aurand  
No report.

FIRE - Mr. Moore  
Mr. Moore stated construction has begun on the new fire engine.

HISTORIC PRESERVATION - Mrs. McGuire  
No report.

PARK – Mrs. Hughes  
Mrs. Hughes stated Park met on February 5, 2015 and a new commissioner was appointed.  
MOTION by Mrs. Hughes to approve the appointment of Ron Keller who replaces Vicki Nienaber.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried: ayes 4, nays 0.

There was discussion to contract out the pool's concessions for the 2015 season. A report was given on cottage usage. The school corporation appointed Kevin Reine to serve on the park board. Nancy Lybarger has been contracted to take the minutes.

PLAN – Ms. Aurand  
Ms. Aurand stated the Plan Commission met on February 2, 2015. Approximately 18 individuals attended the meeting with one speaking in opposition to the rezoning on the town's west side. In January, a total of 11 permits were issued for 8 projects amounting to \$710.00 in permit fees and a total valuation of \$30,000.00. Ms. Aurand stated that commission member Josh Claybourn has resigned.

**POLICE – Mrs. McGuire**

Chief Sprinkle stated Tonya McGuire was named chair of the commission, Leanna Hughes vice-chair and William Kavanaugh as member. Three (3) members of the police department attended the chief's conference in Indianapolis. Physical assessments were discussed and the chief will consider this offering for his department.

MOTION by Mrs. Hughes to revise the spreadsheet attached with the salary ordinance for 2015 to have the wage of the police department administrative assistant paid 75% by police and 25% by Civil Town.  
SECOND by Mr. Moore.

DISCUSSION: The revision will be made on the spreadsheet included with the ordinance.

MOTION carried: ayes 4, nays 0.

Officer Decker, the proud father of a baby boy, began his academy training on January 29, 2015. Chief Sprinkle complimented PC Quest for the assistance received in retaining their domain name. Department highlights encompassing the past ten years were presented and are included with the minutes.

MOTION by Mrs. Hughes to prepare a towing ordinance allowing for a \$25.00 administrative fee per tow deposited into the continuing education fund and allowing the tow company to charge a \$10.00 processing fee.

SECOND by Mr. Moore.

DISCUSSION: Mr. Wischer will prepare an ordinance and present to the council at the next meeting.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to adopt the Emergency Operations Plan, Emergency Action Plan for employees of the Town of Newburgh and the Continuity of Operations Plan.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

The 2014 Crime Report is available at the police department and the clerk-treasurer's office.

MOTION by Mrs. Hughes to add a ninth officer to the police force in June 2015.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

In January, 113 citations were issued and 134 warnings. The next meeting is on March 2, 2015.

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

Ms. Aurand stated favorable comments were received from a Windsor Pointe speaker regarding the drainage issues and ease of working with the town. The next meeting will be held on February 23, 2015.

**STREETS – Mr. Moore**

Mr. Moore stated the alley was graded between Gray and Section Streets. The roadsides were cleaned along Frame Road and Outer Gray and erosion repaired on French Island Trail. Debris was cleared from the ditch behind the cottages. Watch for Children signs were placed on Sycamore and a No Parking sign on State Street was replaced. Repairs were made to the bed of the 5-ton dump truck and mowers were serviced. The flag and cables were replaced on the flag pole at the maintenance shop.

UTILITY – Mrs. Hughes

MOTION by Mrs. Hughes to approve all utility motions made at the February 4, 2015 meeting; the following were unanimously approved by the Utility Committee:

FOG Discharge Permit for LaVeranda;

FOG Discharge Permit for Café Arazu;

sanitary sewer repair at 6733 Holly Drive, Ridgewood Subdivision, by contractor Hydromax at a cost not to exceed \$4,875.00;

sanitary sewer repair at 5399 Jeffries Lane by contractor Deig Bros at a cost not to exceed \$3,900.00;

sanitary sewer repair at 622 W. Jennings by contractor Stemaly Excavating at a cost not to exceed \$6,665.10;

purchase and install a new control panel for the generator at Lift Station No. 2 at a cost not to exceed \$8,987.28 plus shipping from Whayne Power Systems;

engage CEI to submit a quote package for the Acorn Drive project;

engage CEI to submit a quote package for the Copper Creek sanitary sewer repair;

Chris Wischer to send a letter to the property owner of 4671 Marble Court to inform the owner that their foundation is encroaching on the Town of Newburgh's sanitary sewer line;

engage CEI to develop a quote package for a 190 foot slip lining project from Manhole 15-118 to Manhole 15-124;

engage CEI to develop a corrective action plan, project cost estimates, and a quote package to correct a sanitary sewer located just south of MH 15-20 at 4166 Pine Drive;

engage CEI to develop a corrective action plan, project cost estimates, and a quote package to correct a sanitary sewer problem located just south of MH 15-233 in the Pecan Lane area;

engage CEI to develop a corrective action plan, project cost estimates, and a quote package to correct a sanitary sewer problem located between Manhole 09-33 and Manhole 09-180A on Main Street;

request to rehabilitate five manholes using the Mr. Manhole process by contractor Culy Contracting at a cost not to exceed \$5,500.00;

sanitary sewer repair at 8366 Outer Lincoln Avenue by contractor Hydromax at a cost not to exceed \$3,585.00;

sanitary sewer repair at 100 West Main Street by contractor Hydromax at a cost not to exceed \$8,350.00;

sanitary sewer repair at 112 West Main Street by contractor Hydromax at a cost not to exceed \$13,700.00;

sanitary sewer repair at 208 State Street by contractor Hydromax at a cost not to exceed \$8,350.00;

installation of a new fence at the Powers Lift Station by contractor Mr. Fence at a cost not to exceed \$3,355.00;

add the Halston Gravity Sewer Project to the Multi-Project PER's list of projects; and,

move forward with the 50/50 jet truck grant, contingent upon legal and Town Council final approval.

SECOND by Mr. Kavanaugh.

DISCUSSION: The Utility Committee motions are included with the minutes.

MOTION carried: ayes 4, nays 0.

Ms. Aurand does not approve of the utility motions being read as one and feels it is discourteous to the citizens. Some motions contained an abstention and were, therefore, not unanimous. Mr. Kavanaugh stated in these instances, the abstaining member was not eligible to vote.

#### STANDING COMMITTEES

FINANCE – Mrs. Hughes

No report.

PERSONNEL – Mrs. Hughes

Mrs. Hughes stated resumes are being reviewed 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

No report.

SIDEWALK – Mrs. Hughes

No report.

ARTS COMMISSION – Mrs. Hughes

The Arts Commission has not met since the last council meeting.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

No report.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated James Cameron with Umbaugh will assist the sewer department in compiling their information for the annual report. MVH budget revisions remain in review with the finance committee.

TOWN ATTORNEY – Mr. Wischer

Kristen Head, an associate with Bamberger, may attend the February 25, 2015 council meeting if Mr. Wischer is in Indianapolis.

TOWN ENGINEER – Mr. Hynes

MOTION by Mr. Moore to close the bids for Manhole Rehabilitation.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer opened the bids for Manhole Rehabilitation. Monoform, LLC submitted \$34,935.00.

Deig Brothers submitted \$56,605.00.

MOTION by Mr. Moore to take the Manhole Rehabilitation Projects bids under advisement for legal and engineering review.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Hynes stated the Jennings and State Street sidewalk project was put on hold.

MOTION by Mrs. Hughes to issue the Notice of Award to River Town Construction, LLC in the amount of \$494,782.25.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Hynes stated the Vectren trench work is 95% complete. A long punch list has been prepared and will be issued to Vectren.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

MOTION by Mrs. Hughes to approve the emergency repair on generator #1 at the sewer plant and, if necessary, secure a portable generator for standby at a cost of approximately \$15,000.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

The council was asked if they are interested in refinancing any vehicles at a lower interest rate.

MOTION by Mrs. Hughes to allow Ms. Buehlman and Mr. Lybarger to review the refinancing options on the town vehicles.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MISCELLANEOUS BUSINESS

Mr. Moore stated the manager at the senior citizens center has resigned; a replacement will be sought.

Mr. Kavanaugh stated he is receiving comments regarding the west side rezoning. The correspondence will be kept by the Town Manager.

Town offices will be closed on Monday, February 16, 2015 in observance of President's Day.

APPROVAL OF CLAIMS

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

Civil Town – \$182,802.89

Sewer – \$693,152.53 and State Revolving Fund (SRF) \$17,330.05

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Mrs. Hughes to adjourn.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

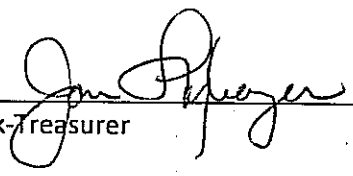
Mr. Kavanaugh adjourned the meeting at 7:03 p.m.

APPROVED this 11 day of March, 2015.

Newburgh Town Council

  
President

ATTEST:

  
Clerk-Treasurer





Some highlights of the Newburgh Police over the past 10 years:

- The conversion from a Marshall's Office to a Police Department
- Acquisition of a Humvee
- Rifles
- Thermal Imager
- Surveillance Camera System
- Created an Investigations position
- Working towards Accreditation
- Added an eighth officer
- All vehicles equipped with Stop Sticks
- In-car laptops/RMS
- Car designs/markings
- Boat
- NPD Logo – *Excellence One Contact At a Time*
- Advanced training for officers
- CVSA
- Cell phone forensic examining equipment
- ARIES – accident remote reports
- Tourniquets
- Body Worn Camera Systems
- Professional hiring process
- New handguns
- Cars on purchase rotation
- New server/email system
- Simunition training equipment
- Back-up guns

- Special Training – Hostage Negotiations, Interviewing, Child Interviewing
- Reserve Program/Training
- D.A.R.E.
- K9 Program
- Lieutenant position
- Reorganized from an Assistant Chief position to Major
- Smart phones for all officers
- Holding Cells
- Interview Room
- New Cameras
- Became members of Southwest Training Council
- New Intoxilyzer equipment
- Life vests and ropes in all vehicles
- First Aid kits in all vehicles and on station
- Fire Extinguishers in all vehicles
- Enclosed car port
- The Wall
- Body wire system
- Covert camera system
- Created Buy Money account
- Digital recorders
- TV/DVD/VCR equipment on video stand in training room
- Training projector/screen
- Website
- Facebook page
- Administrative Assistant on regular basis
- Policeman of the Year Award – Major Mitchell
- Chief's participation on many Statewide boards
- Structured Award Recognition Program
- All Command Staff graduated PELA

Utility Motions for February 4, 2015

1. Motion: Tom Bodkin moved to recommend to Council to approve the FOG Discharge Permit for LaVeranda.  
Motion seconded: Bill Kavanaugh  
Discussion: None  
Motion passes unanimously.
2. Motion: Tom Bodkin moved to recommend to Council to approve the FOG Discharge Permit for Café Arazu.  
Motion seconded: Bill Kavanaugh  
Discussion: None  
Motion passes unanimously.
3. Motion: Lori Buehlman moved to recommend to Council to approve the sanitary sewer repair at 6733 Holly Drive, Ridgewood Subdivision, by contractor Hydromax at a cost not to exceed \$4,875.00.  
Motion seconded: Tom Bodkin  
Discussion: None  
Motion passes unanimously.
4. Motion: Lori Buehlman moved to recommend to Council to approve the sanitary sewer repair at 5399 Jeffries Lane by contractor Deig Bros at a cost not to exceed \$3,900.00.  
Motion seconded: Tom Bodkin  
Discussion: None  
Motion passes unanimously.
5. Motion: Tom Bodkin moved to recommend to Council to approve the sanitary sewer repair at 622 W. Jennings by contractor Stemaly Excavating at a cost not to exceed \$6,665.10.  
Motion seconded: Lori Buehlman  
Discussion: None  
Motion passes unanimously.
6. Motion: Tom Bodkin moved to recommend to Council to approve the request to purchase and install a new control panel for the generator at Lift Station No. 2 at a cost not to exceed \$8,987.28 plus shipping from Whayne Power Systems.  
Motion seconded: David Hynes  
Discussion: None  
Motion passes unanimously.
7. Motion: Leon Key moved to recommend to Council to engage CEI to submit a quote package for the Acorn Drive project.  
Motion seconded: Bill Kavanaugh  
Discussion: None  
David Hynes abstains. Motion passes unanimously.
8. Motion: Leon Key moved to recommend to Council to engage CEI to submit a quote package for the Copper Creek sanitary sewer repair.  
Motion seconded: Bill Kavanaugh  
Discussion: None  
David Hynes abstains. Motion passes unanimously.

9. Motion: Tom Bodkin moved to recommend to Council to have Chris Wischer send a letter to the property owner of 4671 Marble Court to inform the owner that their foundation is encroaching on the Town of Newburgh's sanitary sewer line.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passes unanimously.

10. Motion: Tom Bodkin moved to recommend to Council to engage CEI to develop a quote package for a 190 foot slip lining project from MH 15-118 to MH 15-124.

Motion seconded: Bill Kavanaugh

Discussion: None

David Hynes abstains. Motion passes unanimously.

11. Motion: Leon Key moved to recommend to Council to engage CEI to develop a corrective action plan, project cost estimates, and a quote package to correct a sanitary sewer located just south of MH 15-20 at 4166 Pine Drive.

Motion seconded: Bill Kavanaugh

Discussion: None

David Hynes abstains. Motion passes unanimously.

12. Motion: Tom Bodkin moved to recommend to Council to engage CEI to develop a corrective action plan, project cost estimates, and a quote package to correct a sanitary sewer problem located just south of MH 15-233 in the Pecan Lane area.

Motion seconded: Lori Buehlman

Discussion: None

David Hynes abstains. Motion passes unanimously.

13. Motion: Tom Bodkin moved to recommend to Council to engage CEI to develop a corrective action plan, project cost estimates, and a quote package to correct a sanitary sewer problem located between MH 09-33 and MH 09-180A on Main Street.

Motion seconded: Lori Buehlman

Discussion: None

David Hynes abstains. Motion passes unanimously.

14. Motion: Tom Bodkin moved to recommend to Council to approve the request to rehabilitate five manholes using the Mr. Manhole process by contractor Culy Contracting at a cost not to exceed \$5,500.00.

Motion seconded: Lori Buehlman

Discussion: None

Motion passes unanimously.

15. Motion: Lori Buehlman moved to recommend to Council to approve the sanitary sewer repair at 8366 Outer Lincoln Avenue by contractor Hydromax at a cost not to exceed \$3,585.00.

Motion seconded: Tom Bodkin

Discussion: None

Motion passes unanimously.

16. Motion: Tom Bodkin moved to recommend to Council to approve the sanitary sewer repair at 100 West Main Street by contractor Hydromax at a cost not to exceed \$8,350.00.

Motion seconded: Lori Buehlman

Discussion: None

Motion passes unanimously.

17. Motion: Tom Bodkin moved to recommend to Council to approve the sanitary sewer repair at 112 West Main Street by contractor Hydromax at a cost not to exceed \$13,700.00.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passes unanimously.

18. Motion: Tom Bodkin moved to recommend to Council to approve the sanitary sewer repair at 208 State Street by contractor Hydromax at a cost not to exceed \$8,350.00.

Motion seconded: Lori Buehlman

Discussion: None

Motion passes unanimously.

19. Motion: Bill Kavanaugh moved to recommend to Council to approve the installation of a new fence at the Powers Lift Station by contractor Mr. Fence at a cost not to exceed \$3,355.00.

Motion seconded: Tom Bodkin

Discussion: None

Motion passes unanimously.

20. Motion: Bill Kavanaugh moved to recommend to Council to add the Halston Gravity Sewer Project to the Multi-Project PER's list of projects.

Motion seconded: Tom Bodkin

Discussion: None

David Hynes abstains. Motion passes unanimously.

21. Motion: Bill Kavanaugh moved to allow Lori Buehlman to move forward with the 50/50 jet truck grant, contingent upon legal and Town Council final approval.

Motion seconded: Leon Key

Discussion: None

Motion passes unanimously.