

Newburgh Town Council Meeting  
Date: Wednesday, May 27, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, May 27, 2015, at 4:30 p.m. at Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana. Those present at the meeting were District I William F. Kavanaugh, 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 Buehlman and Town Attorney Christopher Wischer. Absent was District II Leanna K. Hughes. 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 5:32 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was held for Joyce (Owen) Schmidt, Alberta 'Birdie' (Hartz) Jones, Barbara Gayle Hanning, our troops and for those who gave their lives in service for our freedom and country.

**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 - Tonya R. McGuire

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Kristen Head

Absent: District II - Leanna K. Hughes

**APPROVAL OF MINUTES**

1. May 13, 2015 ~ Executive & Regular Session

MOTION by Mrs. McGuire to approve the May 13, 2015 Town Council minutes.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

**SCHEDULED REQUESTS & APPEARANCES**

None requested.

**PETITIONS & COMMENTS FROM CITIZENS PRESENT**

Gary May, 2699 Briarcliff Drive, Newburgh, expressed his dismay that the new location of Vecchio's is in violation of the Americans with Disabilities Act (ADA). Mr. May contacted the business and requested the assistance of the council. Ms. Head stated that Mr. Wischer, Mr. Hynes and Mr. Kavanaugh met with Goebel Realty, the property owner, regarding the ADA matter. All ADA issues fall under the jurisdiction of the Federal Department of Justice. Ms. Head stated she will have Mr. Wischer contact Mr. May. This matter will be discussed further at the June 10, 2015 council meeting.

Carol Schaefer, executive director Historic Newburgh Incorporated (HNI), stated the Farmer's Market has additional vendors and activities planned in 2015 thanks to market master Amber Kelley. Mrs. Schaefer requested the use of the trolley at no charge on Saturday mornings through the end of September when not rented. Because the trolley has continued maintenance problems, a suggestion to utilize Go Fund Me was suggested.

MOTION by Mrs. McGuire to allow HNI to use the trolley on Saturday mornings through the end of September 2015 at no charge when it is in working order and not rented; however, HNI will be responsible for the driver's fee and fuel.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. McGuire to allow the placement of the Jim Seibert memorial plaque in the flower bed near the clock located at the southeast corner of Jennings and State Streets on June 6, 2015.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Moore to allow HNI to hold an old time farmer's market every Wednesday evening each month from 4:00 p.m. to 8:00 p.m. at the old Lock and Dam Park.

SECOND by Mrs. McGuire.

DISCUSSION: Ms. Aurand stated the market must be consistently scheduled and at a time convenient to those on their commute from work. HNI will provide portable signage. Paving is planned at the park the week of June 2, 2015.

MOTION carried: ayes 4, nays 0.

The HNI wine fest wrap-up meeting will be held on June 15, 2015. Ms. Aurand requested Mrs. Schaefer meet with Ms. Buehlman and Chief Sprinkle regarding a few concerns.

#### **UNFINISHED BUSINESS**

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

Continue to table.

2. Mystic Development, Country Place Drive, Encroachment Agreement, tabled January 28, 2015

Continue to table.

3. State Street Public Parking Lot Suggestions, Erin Morrison-Flutter...tabled May 13, 2015

Continue to table.

4. Epworth Medical Corridor Sanitary Sewer Extension, Change Order #1 with Blankenberger Brothers, Inc.,...tabled May 13, 2015

MOTION by Mrs. McGuire to remove from table Epworth Medical Corridor Sanitary Sewer Extension Change Order #1 with Blankenberger Brothers, Inc.

SECOND by Ms. Aurand.

MOTION carried: ayes 4, nays 0.

Mr. Hynes reviewed the eight items of the change order.

1. A lateral stub is being constructed on the McDowell property. (Total Additional Cost \$5,630.00; No Time Extension)

2. The 75 linear foot bore between station 73+00 and 74+00 is removed at a linear foot cost of \$520.00. (Total Deduct Cost \$39,000; No Time Extension)

3. The bore removed in Item 2 of this list will be replaced with a 75 linear feet open cut installation of the 36" casing at a linear foot price of \$370.00. (Total Additional Cost \$27,750.00; No Time Extension)

4. The 2 force main bores under Telephone Road will be lowered due to a conflict with a gas main. (Total Additional Cost \$8,919.00; 1 Day Extension)

5. Item B-8 on the bid schedule includes a lump sum price of \$6,100.00 to coat the interior of 4 manholes. ConShield will be used in the mix for these manholes in lieu of the coating. The cost to provide ConShield in the manholes is \$3,032.00. (Total Deduct Cost \$3,068; No Time Extension)

6. Manhole 08-08 is currently specified to be core drilled and connected to by a new sewer trunk line. The size of the manhole will not allow an adequate connection due to the large sewer trunk line. This manhole needs to be replaced. (Total Additional Cost \$25,934.00; 5 Day Extension)

MOTION by Mr. Moore to approve Change Order #1 for the Epworth Medical Corridor Sanitary Sewer Extension with Blankenberger Brothers, Inc. in the increased amount of \$26,165.00 bringing the new contract price to \$3,764,765.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

4. Museum use of the Monroe Street House  
Continue to table.

5. Street Light Request  
Continue to table.

#### **NEW BUSINESS**

1. Cleland Engineering – Halston Gravity Sewer Main Extension

Ms. Buehlman stated the town has an existing contract with Cleland for occasional professional services. The application checklist and requirements for the Halston Gravity Sewer Main Extension have been completed.

MOTION by Mr. Moore to approve the review of the Halston Gravity Sewer Main Extension packet with Cleland Engineering.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

2. Emergency Repair, 3755 Carmona Drive

MOTION by Mr. Moore to approve the Emergency Repair at 3755 Carmona Drive in an amount not to exceed \$4,900.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

3. Americans with Disabilities Act Compliance

Further discussion will be held at the June 10, 2015 council meeting.

4. Ordinance 2015-06 Amending Ordinance 2012-01, Fee Establishment

Mr. Kavanaugh stated this is the sign fee establishment.

MOTION by Mrs. McGuire for the first reading of Ordinance 2015-06, Amending 2012-01, Fee Establishment.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Ms. Head read Ordinance 2015-06 an ordinance amending Ordinance 2012-01.

MOTION by Mrs. McGuire to accept the first reading of Ordinance 2015-06 Amending Ordinance 2012-01, Fee Establishment.

SECOND by Ms. Aurand.

DISCUSSION: Mr. Kavanaugh stated the ordinance revises the sign permit fee from \$75.00 to \$25.00.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. McGuire for the second reading of Ordinance 2015-06 Amending Ordinance 2012-01, Fee Establishment.

SECOND by Ms. Aurand.

MOTION carried: ayes 4, nays 0.

Ms. Head read Ordinance 2015-06, an ordinance Amending Ordinance 2012-01.

MOTION by Mrs. McGuire to adopt Ordinance 2015-06 Amending Ordinance 2012-01, Fee Establishment.

SECOND by Ms. Aurand.

DISCUSSION: The new fee will take effect in 30 days.

MOTION carried: ayes 4, nays 0.

#### 5. Rivertown Trail Park Benches

Mr. Kavanaugh suggested this item be discussed by the Trail Committee.

Having an additional obligation, Ms. Buehlman departed the meeting.

#### 6. Oak Park Subdivision Sanitary Sewer Plan, Amendment a. Sanitary Sewer Construction Plans b. Indiana Department of Environmental Management (IDEM) Permit c. Developer Contract

Mr. Hynes stated the sanitary sewers in this subdivision have been under review due to wetland mitigation causing previous permits to expire and two lots added.

MOTION by Mr. Moore to approve the Oak Park Subdivision Sanitary Sewer construction plan original permit and IDEM permit amendment.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

#### 7. Pine Valley Subdivision Sanitary Sewer Plan – Approval of a. Sanitary Sewer Construction Plans b. Indiana Department of Environmental Management Permit c. Developer Contract

Mr. Hynes stated the sanitary sewers in this subdivision have been under review; a Vectren encroachment permit and easement are needed and will be discussed with the Utility Committee.

MOTION by Mr. Moore to table the Pine Valley Subdivision Sanitary Sewer Construction Plans.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

8. Ralph Wright Sanitary Sewer Plan – Approval of a. Sanitary Sewer Construction Plans b. Indiana Department of Environmental Management Permit c. Developer Contract

The developer has not returned the plans.

MOTION by Mr. Moore to table the Ralph Wright Sanitary Sewer Plan to the June 10, 2015 meeting.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

9. Metzger Construction Edit Bond Paving Projects, Pay Application #5

Mr. Hynes stated Metzger submitted a pay application of \$139,785.34 for work completed.

MOTION by Mr. Moore to approve Pay Application #5 in the amount of \$139,785.34; holding \$6,989.27 in retainage, leaving a net amount due of \$132,796.07 payable to Metzger Construction.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Kavanaugh called for a five-minute recess.

10. State Street Sanitary Sewer Rehab Project, Bid Opening

MOTION by Mrs. McGuire to close the bids for State Street Sanitary Sewer Rehabilitation Projects.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0.

Ms. Head opened bids received from Deig Bros. Lumber and Construction, Atlas Excavating and Koberstein Contracting.

Total base bids were in the amounts of: Atlas Excavating, \$254,590.00; Deig Bros., \$194,526.00; and Koberstein Contracting, \$351,819.50.

MOTION by Mr. Moore to take the State Street Sanitary Sewer Rehabilitation Projects bids under advisement for legal and engineering review.

SECOND by Mrs. McGuire.

MOTION carried: ayes 4, nays 0.

11. Sleepy Hollow Sanitary Sewer, Commonwealth Engineering Inc. (CEI) Amendment #1

Mr. Hynes stated this contract is for design of altered system #2 and consists of three elements: design, \$16,900.00; quoting and negotiation, \$2,000.00; and preparation of easements, \$4,800.00.

MOTION by Mr. Moore to approve the Sleepy Hollow Sanitary Sewer Contract Amendment #1 with CEI consisting of design in the amount of \$16,900.00; quoting and negotiation for \$2,000.00; and preparation of easements at \$4,800.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

12. Meadowbrook Manhole 15-91 to 15-92, CEI Amendment #1

Mr. Hynes stated this contract is for preparation and assistance with acquisitions and easements.

MOTION by Mrs. McGuire to approve the Meadowbrook Manhole 15-91 to 15-92 contract amendment # 1 with CEI in the amount of \$3,700.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

13. Green Springs Valley, 8277 Sycamore Drive, CEI Amendment #1

Mr. Hynes stated this contract is for design work not to exceed \$11,600.00, permitting at \$2,500.00 and easement assistance at \$8,300.00.

MOTION by Mrs. McGuire to approve the Green Springs Valley, 8277 Sycamore Drive, CEI Amendment #1 for design work not to exceed \$11,600.00, permitting at \$2,500.00 and easement assistance at \$8,300.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

14. Partial Release of Alcoa Easement for Vigo Coal Company

MOTION by Mrs. McGuire to approve the Partial Release of Alcoa Easement for Vigo Coal Company.

SECOND by Ms. Aurand.

DISCUSSION: Mr. Lybarger stated a few elements of the release were updated for accuracy.

MOTION carried: ayes 4, nays 0.

**COMMISSION REPORTS**

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

Ms. Aurand stated the commission met last evening to review several reports and discuss unfinished business. A special use permit for home occupation at 421 West Water Street was tabled.

FIRE - Mr. Moore

Mr. Moore stated the new fire truck should arrive this weekend.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

Mrs. McGuire stated the annual celebration was held on May 14, 2015. Ms. Aurand stated the speaker had a great presentation.

PARK – Mrs. Hughes

Mrs. Hughes stated there will be a pool grand opening celebration on May 30, 2015 at 11:00 a.m.

PLAN – Ms. Aurand

Ms. Aurand stated the commission will meet on June 1, 2015. The petition to rezone the southeast corner of Hwy 662 and Ellerbusch Road from agricultural to commercial will be heard. If acted upon, the public hearing will be on the June 24, 2015 council agenda.

MOTION by Ms. Aurand to accept the resignation of Matt Pressley from the Newburgh Plan Commission effective immediately.

SECOND by Mrs. McGuire.

DISCUSSION: It was requested Ms. Buehlman send a letter to Mr. Pressley thanking him for his service.

MOTION carried: ayes 4, nays 0.

POLICE – Mrs. McGuire

Mrs. McGuire stated Drew Decker will graduate from the police academy this Friday and encouraged council members to attend. Jason Daily and Timothy Huber will be sworn in on June 8, 2015.

**STORM WATER – Mr. Kavanaugh and Mr. Moore**  
The next meeting will be held on June 15, 2015.

**STREETS – Mr. Moore**

Mr. Moore stated approximately 75 Castle High School seniors participated in a work day last week planting flowers, mulching flower beds and painting the benches along the trail. The boat ramp has been cleared of mud and silt. The crew continues to mow, trim and spray weeds on the town properties and assisted with set-up and tear-down for the wine fest.

**UTILITY – Mrs. Hughes**  
No report.

**STANDING COMMITTEES**

**FINANCE – Mrs. Hughes**  
No report.

**PERSONNEL – Mrs. Hughes**

**MOTION** by Mrs. McGuire to hire Nathaniel Stratton and Nathaniel Bradley as temporary, seasonal help with no benefits for the Wastewater Treatment Facility at an hourly rate of \$8.00 pending a negative drug screen.

**SECOND** by Mr. Moore.

**DISCUSSION:** None

**MOTION** carried: ayes 4, nays 0.

**SPECIAL BOARDS/COMMITTEE REPORTS**

**SIDEWALK – Mrs. Hughes**  
No report

**ARTS COMMISSION – Mrs. Hughes**  
No report.

**ZONING ADMINISTRATOR – Commissioner Ms. Aurand**  
No report.

**CLERK-TREASURER – Mr. Lybarger**  
No report.

**TOWN ATTORNEY – Kristen Head**

Ms. Head stated the Old Country Store and former Treasurers and Pleasures buildings were inspected. The Old Country Store will be sold in the near future. Mr. Hynes stated there were not significant findings of structural integrity loss; however, perimeter areas do need to be addressed. Entrance to the former Treasurers and Pleasures building was not gained but the exterior was visually surveyed. The roof is covered with a temporary waterproof material and the interior is showing signs of roof leaks. The council will await the engineering report.

Legal counsel requested the council make a motion to return the rezoning of West SR 662, Part of Parcel 87-12-33-400-068.000-019 from C-4/A-1 to C-2 to the Plan Commission.

**MOTION** by Mrs. McGuire to return to the Plan Commission the Rezoning of West SR 662, Part of Parcel 87-12-33-400-068.000-019 from C-4/A-1 to C-2.

SECOND by Mrs. McGuire.

DISCUSSION: Ms. Aurand stated a quorum will be present at the Plan Commission on June 1, 2015.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. McGuire to send the proposed letter dated May 28, 2015 to the Chandler Town Council.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Ms. Aurand to send the Short Term Agreement for Meter Reading Services to the Chandler Town Council.

SECOND by Mrs. McGuire.

DISCUSSION: The letter will be received on Friday.

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Moore to appoint Mrs. Hughes and Mrs. McGuire to represent the Town of Newburgh for a meeting with two representatives from the Chandler Town Council.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

**TOWN ENGINEER – Mr. Hynes**

Mr. Hynes stated the paving on French Island Trail to the east of State Street is scheduled for the week of June 5, 2015 and includes the parking area in front of the Lock and Dam Building. The following week, striping will be done on French Island Trail and Water Street. Sidewalk repair should start next week on Jennings Street. Regarding the islands placed on Water Street, one resident has an issue getting to his property. The contractor is aware of the issue and will repair the island.

**TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman**

No report.

#### **MISCELLANEOUS BUSINESS**

Ms. Aurand stated school is out on Friday, May 29, 2015 and urged all to be safe when driving.

#### **APPROVAL OF CLAIMS**

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

Civil Town – \$373,702.83

Sewer – \$476,182.49

State Revolving Fund (SRF) \$153,700.44

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

#### **ADJOURNMENT**

MOTION by Mrs. McGuire to adjourn.

SECOND by Mr. Moore.



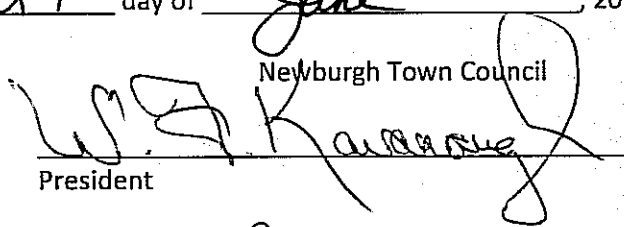
DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Kavanaugh adjourned the meeting at 7:25 p.m.

APPROVED this 24 day of June, 2015.

Newburgh Town Council

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer