

Newburgh Town Council Meeting
Date: Wednesday, September 9, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, September 9, 2015, at 4:30 p.m. at Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana. Those present at the meeting were District II Leanna K. Hughes, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Council-at-Large Tonya R. McGuire and Town Attorney Christopher Wischer. Absent were District I William F. Kavanaugh and Clerk-Treasurer Jon E. Lybarger. The purpose of the meeting was discussion of personnel matters and pending litigation.

CALL TO ORDER

Council Vice-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 held to remember the anniversary of the September 11, 2001 terrorist attack and to those who serve us on a daily basis including first responders, firemen, police officers and our troops.

ROLL CALL

Those present at the meeting:

District II - Leanna K. Hughes

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Council-at-Large Tonya R. McGuire

Deputy Clerk-Treasurer – Marilyn A. Doyle

Town Attorney - Christopher Wischer

Absent: District I - William F. Kavanaugh

APPROVAL OF MINUTES

1. August 26, 2015 ~ Executive & Regular Session

MOTION by Mr. Moore to approve the August 26, 2015 Town Council minutes.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 3, nays 0, abstain 1 (McGuire).

SCHEDULED REQUESTS & APPEARANCES

Mrs. Hughes stated while she appreciates all citizens comments, due to the amount of business to be covered on the agenda, comments must be held to a minimum.

PETITIONS & COMMENTS FROM CITIZENS PRESENT

Carol Schaeffer, Executive Director of Historic Newburgh Inc. (HNI), stated Fireworks and Evening in the Park will be sponsored by Alcoa at the \$5,000.00 level; however, additional sponsors are needed.

The bicentennial parade will be held if \$5,000.00 can be raised to cover the event expenses. The cost to staff police officers for the event is \$3,000.00. The Indiana Office of Tourism Development Grant information and application must be submitted within a month. The grant may provide funding for the trolley. The HNI office has been selected as a bicentennial passport location along the Ohio River Scenic Byway.

UNFINISHED BUSINESS

Mr. Wischer stated specifications for solid waste and recycling collection service were sent to past vendors and a bid request will be published in The Standard for a two-week period. Bids will be opened on September 23, 2015.

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

2. Museum use of the Monroe Street House, tabled May 13, 2015
Continue to table.

3. Trolley, tabled August 26, 2015
Continue to table. Mrs. McGuire stated a broker is assisting with the trolley search. Financing for a new or used trolley will be available through the broker's financing agent and through Leasing 2. November 13, 2105 is the application deadline to obtain a matching funds grant for a trolley purchase.

4. Building and Maintenance Department Committee Formation...tabled August 12, 2015
Continue to table.

5. State and Gray Residence
Mr. Wischer stated he will prepare the code enforcement raze order paperwork. The new town manager, acting as the enforcement authority, will issue the order process.

6. Plan approval recommendation for Brookstone Section 3...tabled August 26, 2015
MOTION by Mrs. McGuire to remove from table Plan Approval Recommendation for Brookstone Section 3.
SECOND by Mrs. Hughes.
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. McGuire to accept the sewer agreement and construction permit for Brookstone subdivision Section 3 sanitary sewer in the amount of \$73,789.00.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

7. Ordinance 2015-05, restating Ordinance 2015-02, Salary Ordinance for 2015...tabled August 26, 2015
MOTION by Mrs. McGuire to remove from table Ordinance 2015-05, restating Ordinance 2015-02, Salary Ordinance for 2015.
SECOND by Mrs. Hughes.
MOTION carried: ayes 4, nays 0.
Mr. Wischer stated this ordinance amends the lifeguard salaries.

MOTION by Mrs. McGuire for the first reading of Ordinance 2015-05, restating Ordinance 2015-02, Salary Ordinance for 2015.
SECOND by Mr. Moore.
MOTION carried: ayes 4, nays 0.
Mr. Wischer read Ordinance 2015-05, a restatement of Ordinance 2015-02, regarding payment of officials and employees of the Town of Newburgh for 2015.

MOTION by Mrs. McGuire to accept the first reading of Ordinance 2015-05, restating Ordinance 2015-02, Salary Ordinance for 2015.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. McGuire for the second reading of Ordinance 2015-05, restating Ordinance 2015-02, Salary Ordinance for 2015.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Ordinance 2015-05, a restatement of Ordinance 2015-02, regarding payment of officials and employees of the Town of Newburgh for 2015.

MOTION by Mrs. McGuire to adopt Ordinance 2015-05, restating Ordinance 2015-02, Salary Ordinance for 2015.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0.

8. Amend Ordinance 2015-08, Designated Depositories...tabled August 26, 2015

MOTION by Mrs. McGuire to remove from table Amend Ordinance 2015-08, Designated Depositories.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. McGuire for the first reading of Ordinance 2015-08, Designated Depositories.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Ordinance 2015-08, Designated Depositories.

MOTION by Mrs. McGuire to accept the first reading of Ordinance 2015-08, Designated Depositories.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. McGuire for the second reading of Ordinance 2015-08, Designated Depositories.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Ordinance 2015-08, Designated Depositories.

MOTION by Mrs. McGuire to adopt Ordinance 2015-08, Designated Depositories.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0.

NEW BUSINESS

Mr. Wischer stated bids for the solid waste and recycling collection service must be received by 5:00 p.m. on September 23, 2015. The bids will be opened during the council meeting that evening and will most likely be taken under advisement for legal and engineering review; the trash committee will compare the bids with the county's program.

1. State Street Sanitary Sewer Rehab Project Pay Application 2, Deig Brothers

Mr. Hynes stated the project has been completed.

MOTION by Mrs. McGuire to approve Pay Application #2 in the amount of \$70,014.00, holding 5% retainage of \$3,500.70 leaving a net amount payable of \$66,513.30 to Deig Brothers for the State Street Sanitary Sewer Rehab Project.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

2. Water Street Alley Gravity Sewer Project Pay Application 2, Blankenberger Brothers

Mr. Hynes stated the project and punch list have been completed and recommended release of retainage.

MOTION by Mrs. McGuire to approve Pay Application #2 in the amount of \$1,506.90 to Blankenberger Brothers for the Water Street Alley Gravity Sewer Project.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

3. Jennings and State Street Sidewalk Project Pay Application 3, River Town Construction, LLC

Mr. Hynes stated the project is about one month away from completion.

MOTION by Mrs. McGuire to approve Pay Application #3 in the amount of \$108,304.73, holding 5% retainage of \$5,415.24 leaving a net amount payable of \$102,889.49 to River Town Construction, LLC for the Jennings and State Street Sidewalk Project.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

4. Interstate Industrial Park #3 Sewer Plant Approval and IDEM Permit

Mr. Hynes stated the correct title is I-164 Commercial Park #3 Sanitary Sewer Extension.

MOTION by Mrs. McGuire, on the legal and engineering recommendation, to approve I-164 Commercial Park #3 Sanitary Sewer Extension Plant Approval Construction Permit and IDEM Permit in the amount of \$29,261.25.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Mrs. McGuire

The August meeting was cancelled.

FIRE - Mr. Moore

Chief Paul Campbell presented a picture of the new fire truck to the council. Chief Campbell stated the 1994 Chevy Suburban has a value of \$3,000.00 and is in need of major repairs amounting to \$8,000.00. \$2,000.00 was spent on repairs in June. A Chevy Tahoe is available through the state government purchasing website at a cost of \$38,000.00. A bid purchase Chevy Silverado is available through the City of Fort Wayne at a cost of \$31,000.00. Total cost including installation of fire equipment and graphics is not to exceed \$50,000.00. Dominic Martin, firefighter, stated the department is researching state

purchasing contracts as they include a manufacturing discount for governmental entities. The Silverado would cost \$45,000.00 retail. The state purchase vehicles are specialized for public safety use and include heavy duty braking and suspension to endure emergency type runs. The 1994 Suburban will be returned to the department. Financing for the new vehicle will be discussed at the next meeting.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

The HPC meeting was not held in September. Mrs. McGuire stated the paperwork has been completed for the demolition of the building located next to the House of White and will be sent to the Plan Commission and HPC members for approval. The building is part of the blight elimination grant and funds are ready to be released. The new owners of the building at 101 State Street are awaiting their state site plan review and intend to reinforce the south side wall and add windows.

PARK – Mrs. Hughes

Mrs. Hughes stated an insurance check in the amount of \$23,319.63 was received payable to the town and MCF Construction for roof repair on the pool house and shelter. The Park Board will meet Monday, September 14, 2015.

PLAN – Mrs. McGuire

Mrs. McGuire stated there is a lengthy detailed agenda for the meeting on Monday at 5:30 p.m. The Master Plan must be completed to obtain state funding.

POLICE – Mrs. McGuire

Mrs. McGuire stated the chief is attending a chief's conference in Indianapolis. The Police Commission will meet Monday at 4:30 p.m. The department has increased patrols on Water Street due to recent vandalism.

SITE REVIEW COMMITTEE – Mrs. McGuire

No report.

STORM WATER – Mr. Kavanaugh and Mr. Moore

No report.

STREETS – Mr. Moore

Mr. Moore stated the crew continues to mow and spray the river bank and mow and trim town properties. A stop sign on First and State Street was resituated away from the edge of the street and a sign pole at State and Sharon was replaced. A sink hole on Water Street was repaired and a tree was removed from a ditch on Locust Street. The crew is in process of removing dirt from the boat ramp and placing it along the river bank to increase stabilization. The crew constructed a ramp at 419 Water where the paving created a large gap between the street and sidewalk

On a park related issue, Mrs. Hughes stated she has received media calls regarding the overgrown trees at IHOP. The town does not own IHOP; it is leased to the town. The contract states the town is not permitted to cut or trim the trees. The trees are the responsibility of the Army Corps of Engineers. Mr. Wischer will contact the Corps. If they cannot complete the work, he will inquire if they will consider a professional company to complete the work. It has been announced that the Army Corps of Engineers will transfer IHOP to the Town's name after a new water line is installed. A separate meter is required as the current meter feeds IHOP and the Corps building. The initial quote to perform the work was in the \$25,000.00 to \$30,000.00 range; however, a new estimate was received at a cost of \$15,000.00.

UTILITY – Mrs. Hughes

Mrs. Hughes presented the motions from the September 2, 2015 Utility Committee meeting.

MOTION by Mrs. Hughes to approve issuing Bruce Miller a \$2,000.00 credit to be used towards a future sewer tap for the sewer tap previously purchased for a pool house that could not be used because Warrick County rejected the building permit.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the response drafted to IDEM regarding the Inspection Summary Violation letter.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve a letter stating there is not access to Newburgh sewer at the Chad VanZilen property at 6300 Oak Grove Road.

SECOND by Mr. Moore.

DISCUSSION: County requested a letter to prove there is not Newburgh sewer access before he is allowed to install a septic system.

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to waive the policy to allow up to four sewer taps to be issued for Pine Valley Estates after the acceptance of maintenance of sanitary sewer lines for the subdivision by the Newburgh Town Council.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to allow the \$2,000.00 attorney fees charged for the Vectren easement for the Pine Valley Subdivision that was required for the betterment of the sewer to be included in the packet that will be submitted to Commonwealth Engineering Inc. (CEI) for the betterment costs.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve waiving the bill the Town issued to Bayer Plumbing for 3067 Sandstone Court repair with the agreement that Bayer Plumbing will waive the bill they issued to the Town.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve Chris Wischer developing an encroachment agreement for the Roslin Road lift station to be sent to Warrick County for the Oak Grove Road extension.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve Chris Wischer composing a letter to WOW regarding no response from the Notice of Violation (NOV) letter concerning the buried line across the private easement owned by the Town of Newburgh.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve Chris Wischer composing a letter to the property owner at 4633 Bell Road regarding no response from NOV letter for a sanitary sewer lateral that had been installed that did not meet the Town of Newburgh Sanitary Sewer Design and Construction Standards.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve Chris Wischer composing a letter to the property owner at 10199 Kimberly Lane regarding no response from NOV letter for a sanitary sewer lateral inspection that was not done when a cleanout was installed at the above address.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the request to replace Manhole (MH) 20-09A by contractor Hydromax at a cost not to exceed \$9,866.85.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to engage CEI to develop a corrective action plan to correct the exposure of the sanitary sewer in a ditch between MH 15-139 and 15-138 located at 4655 Lenn Road.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve Chris Wischer composing a letter to the property owner at 4805 Fieldcrest Place Circle regarding the need for an encroachment agreement due to a concrete patio being placed over a Newburgh sanitary sewer line.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the request to purchase a replacement Sequential Batch Reactor (SBR) Decant Weir from Aqua Aerobics at a cost not to exceed \$7,865.83.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the request to replace the Headworks air handler/heater from Engineered Air at a cost not to exceed \$12,880.00.

SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the request to repair an SBR waste pump from ITT at a cost not to exceed \$4,202.00.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve Fats Oil and Grease (FOG) Discharge Permit No. 082515 for Pizza Chef.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the Indiana Department of Transportation (INDOT) Work Plan for the Lincoln Avenue Sewer Relocation.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to engage CEI to enter into the bid phase for the Halston Gravity Sewer Project and the Kingston Lift Station Elimination.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the contract amendment for the Chemical Containment Project at a cost not to exceed \$16,000.00.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the contract amendment for the Sanitary Sewer Rehab Project at a cost not to exceed \$18,300.00.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to approve the Certificate of Substantial Completion for the Water Street Alley project.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried: ayes 4, nays 0.

MOTION by Mrs. Hughes to deny the pool fill adjustment request for Andrew Skinner.
SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

No report.

PERSONNEL – Mrs. Hughes

Mrs. Hughes stated the Personnel Committee interviewed 12 candidates for the Town Manager position. Interviews for the Zoning Administrator begin tomorrow.

SPECIAL BOARDS/COMMITTEE REPORTS

SIDEWALK – Mrs. Hughes

Mrs. Hughes stated the new sidewalk at the corner of Jennings and Monroe stops 35' short of an area in need of repair. The cost to repair this area is \$1,500.00. Ms. Aurand stated the sidewalk on Main east of State and Main also needs repair. The sidewalks will be reviewed.

ARTS COMMISSION – Mrs. Hughes

No report.

RIVERTOWN TRAIL – Mrs. McGuire

Mrs. McGuire stated regarding Phase III, the trail path and placing a bridge over the ditch on the Mulzer property were discussed.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Tavi Wydicks is assisting customers with permits.

CLERK-TREASURER – Deputy Marilyn Doyle

No report.

TOWN ATTORNEY – Mr. Wischer

Mr. Wischer stated he has been attending the Evansville Metropolitan Planning Organization (MPO) meetings; INDOT projects throughout the region are discussed. Chandler adopted an annexation ordinance continuing the roadway at Highway 62. Mr. Wischer would like permission to file an appeal of the annexation if not resolved before the appeal deadline of September 20, 2015.

MOTION by Mrs. McGuire to allow Chris Wischer to prepare an appeal of the Chandler annexation.

SECOND by Mrs. Hughes.

DISCUSSION: The annexation law was changed in the legislative session this past year to make the annexation of a road illegal unless consent is received from all property owners.

MOTION carried: ayes 4, nays 0.

A public records request was received from the Courier & Press for seven months of email correspondence. The emails, numbering in the thousands, have been offloaded and are under review.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated the Jennings and State Street sidewalk project is progressing; however, the contractor is behind schedule. The contractor has been released to begin paving on Phelps Drive, Sycamore and Peachtree followed by Jennings then State.

The Epworth Lift Station project will open the entire corridor from Highway 66 to 62; the project is behind schedule. A meeting will be held to discuss the deadlines and completion date.

TOWN MANAGER

No report.

MISCELLANEOUS BUSINESS

None reported.

APPROVAL OF CLAIMS

MOTION by Mr. Moore that the following claim amounts are paid including sewer adjustments:

Civil Town – \$ 232,863.38

Sewer – \$582,651.47

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Mrs. Hughes to adjourn.

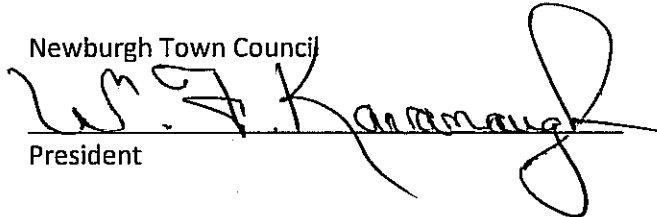
SECOND by Mrs. McGuire.

MOTION carried: ayes 4, nays 0.

Mrs. Hughes adjourned the meeting at 7:09 p.m.

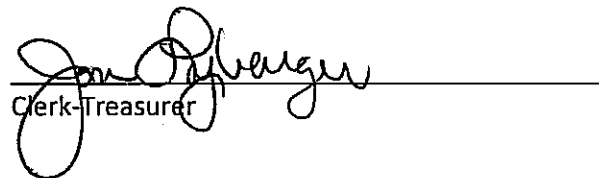
APPROVED this 23 day of September, 2015.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer