

Newburgh Town Council Meeting
Date: Tuesday, November 10, 2015

The Newburgh Town Council met in Executive Session on Tuesday, November 10, 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, Clerk-Treasurer Jon E. Lybarger, Town Attorney Kristen Head and former Town Manager Cynthia Burger. Absent were District I William F. Kavanaugh and Council-at-Large Tonya R. McGuire. 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 observed for our veterans and troops.

ROLL CALL

District II – Leanna K. Hughes

District III – Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Clerk-Treasurer – Jon Lybarger

Town Manager – Christy Powell

Town Attorney – Kristen Head: Mr. Wischer arrived after the meeting began.

Absent were District I, William F. Kavanaugh and Council-at-Large, Tonya R. McGuire.

APPROVAL OF MINUTES

1. Oct. 28, 2015 ~ Public Hearing, 2016 Budget

MOTION by Ms. Aurand to approve the minutes of the Oct. 28, 2015 Public Hearing, 2016 Budget.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

2. Oct. 28, 2015 ~ Public Hearing, Petition to Vacate a Public Way between 601 and 603 Water Street

MOTION by Ms. Aurand to approve the minutes of the Oct. 28, 2015 Public Hearing, Petition to Vacate a Public Way between 601 and 603 Water Street.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

3. Oct. 28, 2015 ~ Executive and Regular Session

MOTION by Ms. Aurand to approve the Oct 28, 2015 Executive and Regular Session minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

SCHEDULED REQUESTS & APPEARANCES

1. Al Holweger, Utility Billing

Mr. Holweger attended the Utility Committee meeting and was not in attendance tonight.

PETITIONS & COMMENTS FROM CITIZENS PRESENT

Tom Bodkin, Museum Foundation Corporation Board of Directors President, stated the heirs of Virgil Simpson would like to donate to the town an historic brick building located south of Titzer-Simpson Funeral; however, the home must be moved to a new site and then preserved. A committee consisting of Tom Bodkin, Jim Renne, Chris Wischer and Mr. Moore will research the costs to move and restore the building. The town will consider ownership of the historic building based on these estimates.

Carol Schaefer, Executive Director Historic Newburgh Inc. (HNI), in conjunction with Friends of Newburgh stated Vectren approved the HNI \$8,000.00 grant to upgrade the electrical service at the Old Lock and Dam Park and the underground trenching and backfill. Mr. Wischer stated HNI and Friends of Newburgh will provide any additional funding if the costs exceed the grant. A contract has been prepared identifying the work that will be performed, the project price and ensures that the town, HNI and Park Board have indemnity insurance and protection. HNI will be the contracting party.

MOTION by Mrs. Hughes to allow HNI to proceed, enter into the contract, and use the property to improve the property as specified in the contract.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

UNFINISHED BUSINESS

1. Museum use of the Monroe Street House, tabled May 13, 2015

Continue to table.

2. Trolley, tabled August 26, 2015

Continue to table.

3. Building and Maintenance Department Committee Formation...tabled August 12, 2015

Continue to table.

4. State and Gray Residence, tabled September 23, 2015

Continue to table.

NEW BUSINESS

1. Willow Estates Subdivision Amended Sewer Agreement

Ms. Head stated a small revision was needed.

MOTION by Mrs. Hughes to approve the Willow Estates Subdivision Amended Sewer Agreement.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

2. Additional Appropriation, Ordinance 2015-13

Mr. Lybarger stated an additional appropriation is needed for six (6) funds; general, continuing education, storm water, motor vehicle highway (MVH), local roads and street (LR&S) and EDIT in the amount of \$218,000.00.

MOTION by Ms. Aurand for the first reading of Ordinance 2015-13, Additional Appropriations in the amount of \$218,000.00.

SECOND by Mr. Moore.

MOTION carried: ayes 3, nays 0.

Ms. Head read Ordinance 2015-13, Additional Appropriation Resolution Ordinance.

MOTION by Ms. Aurand to approve the first reading of Ordinance 2015-13, Additional Appropriations in the amount of \$218,000.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Ms. Aurand for the second reading of Ordinance 2015-13, Additional Appropriations in the amount of \$218,000.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Ms. Head read Ordinance 2015-13, Additional Appropriation Resolution Ordinance.

MOTION by Ms. Aurand to adopt Ordinance 2015-13, Additional Appropriations in the amount of \$218,000.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Mrs. McGuire

No report.

FIRE - Mr. Moore

No report.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

Historic preservation will meet on Thursday and discuss the Certified Local Government (CLG) audit results.

PARK – Mrs. Hughes

Mrs. Hughes stated Oak Hill Church requested the use of Lock and Dam Building for a Christmas party with the fees waived. Several months ago the Park Board agreed that fees will be waived only for non-profit organizations whose event proceeds will benefit Newburgh. The next meeting will be held at the Lockmaster cottage on December 3rd.

PLAN – Mrs. McGuire

No report.

POLICE – Mrs. McGuire

The Police Commission meeting was rescheduled to November 16, 2015. Parking in non-designated areas on Jennings has become a problem. Mrs. Powell will contact the street department for options. Chief Sprinkle contacted the Rivertown Trail 5K committee for funding from the 5K fund for the purchase of an LED radar and message sign.

MOTION by Mrs. Hughes to purchase an LED radar and message sign at a cost of \$16,126.00 with \$13,000.00 to be funded from the Rivertown Trail 5K fund, \$1,563.00 from the Continuing Ed fund and \$1,563.00 from Local Road and Street or MVH.

SECOND by Ms. Aurand.

DISCUSSION: The sign is eight feet wide; the Chief has specific locations planned. The sign is powered by batteries charged by solar panels.

MOTION carried: ayes 3, nays 0.

Academy graduation will be held this Friday at 2:00 p.m.; two Newburgh officers will graduate.

SITE REVIEW COMMITTEE – Mrs. McGuire

No report.

STORM WATER – Mr. Kavanaugh and Mr. Moore

No report.

STREETS – Mr. Moore

Mr. Moore stated the sewer department's camera truck reviewed a culvert at 7300 French Island Trail. The street crew will make the repairs needed at an approximate cost of \$3,000.00. The crew sprayed weeds and cleared brush at Third and Fillmore, hauled limbs from Indian Hill Overlook Park (IHOP), removed debris along the trail, added dirt around a catch basin on Yorkshire Drive, opened the drain pipe on Park Street and repaired bricks on Water and Jennings Streets. The crew will review a drainage issue on Frame Road north of the apartment complex and potholes on Yorkshire Drive.

UTILITY – Mrs. Hughes

Mrs. Hughes read the motions from the Nov. 4, 2015 Utility Committee meeting.

MOTION by Mrs. Hughes to waive the fines for the Notice of Violations for the FOG Discharge Permit as outlined in the FOG Discharge to Sanitary Sewers Ordinance 2012-20 for Tristate Cheesesteaks, LLC.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to allow Wendy's until June 1, 2016 to install a new 1500 gallon interceptor and increase the frequency of cleaning of the existing grease interceptor from 90 days to 60 days till new interceptor is installed.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve FOG Discharge Permit No. 101615 for Spuds-N-Stuff that waives the installation of an external interceptor, requires the installation of a 25 gallons per minute (GPM) grease trap and waives the installation of a separate grease trap for the dishwasher. Also to approve FOG Discharge Permit for No. 102615 for Little Angelo's that waives the installation of an external interceptor, requires the installation of a 35 GPM grease trap and requires the installation of a separate grease trap for the dishwasher.

SECOND by Mr. Moore.

DISCUSSION: In the discussion at the utility meeting, Leon Key clarified that Little Angelo's will be installing a second grease trap for their dishwasher, and they also have a steam area for their pasta that they want to connect to the grease trap as well. Leon stated that generally, this would not be allowed, however the output is so minimal that he recommends allowing it to be connected. The motion passed unanimously.

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to engage CEI to develop an emergency plan for Master Lift Station force main lines.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the request to purchase a replacement pump base for Master Lift Station Pump No. 1 at a cost not to exceed \$7,826.00 plus freight from vendor BBC.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the request to repair Colonial Hills Lift Station Pump No. 1 at a cost not to exceed \$7,180.00 plus freight from contractor Mohler Technology.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the request to repair Central Towers Lift Station Pump No. 1 at a cost not to exceed \$3,454.12 plus freight from contractor Straeffler Pump and Supply.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the waiver for the following three requested items for Olde Piper and Kensington Sanitary Sewer plans: a waiver allowing the use of a private easement for the lateral installation on lot #1 in Olde Piper Subdivision; a waiver allowing the existing manhole to remain in the new right-of-way on Olde Piper Subdivision; and, a waiver to allow for the use of a private easement for the installation of the laterals on lots 12, 13, and 14.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve BBI change order #4 for the Epworth Road Medical Corridor Sanitary Sewer Expansion at a cost not to exceed \$9,111.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to formally approve the emergency repair for the Master Lift Station Force Main leak.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Mrs. Powell stated an emergency declaration was made on Sept. 21, 2015 for an emergency replacement of a laboratories autoclave at a cost of \$6,774.11 plus freight to Thomas Scientific. On September 17, an emergency sanitary sewer repair was made at 4533 Amber Drive for a broken lateral in the public utility easement. Payment was made to Hydromax in the amount of \$8,300.00.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

No report.

PERSONNEL – Mrs. Hughes

MOTION by Mrs. Hughes to appoint Christy Powell as the Town's MS4 Operator, Flood Plain Administrator, LPA-ADA Survey and ADA coordinator, building commissioner, employee of responsible charge, and Evansville Metropolitan Policy Committee (EMPO) member.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve Clyde Parker for the Wastewater Pump Station Operations and Management Specialist position, pending a negative drug screen, at the rate of \$21.50 per hour with a start date of November 30, 2015.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to appoint Chris Wischer as the Town's proxy Evansville Metropolitan Policy Committee (EMPO) member.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve intermittent FMLA for David Simon.

SECOND by Mr. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

SPECIAL BOARDS/COMMITTEE REPORTS

SIDEWALK – Mrs. Hughes

Mr. Hynes stated the project has reached substantial completion; a punch list has been prepared and dated Nov. 4, 2015 which signifies the one year warranty date. The corner at State and Gray was pulled back making the turn easier; Mr. Hynes will review additional areas of concern in this intersection.

ARTS COMMISSION – Mrs. Hughes

Regarding the Virgil Simpson's historic brick building, Ms. Aurand suggested the Simpson house be moved to the old concrete pad at the Old Lock and Dam. Mr. Bodkin mentioned the Weihe-Smith house previously in the meeting. The Weihe-Smith house, at the end of its life, was owned by St. John's. It stood partially where Mother Teresa's is today. The HNI board fought to save the house and have it moved to the concrete pad at the Old Lock and Dam. The house could have been a façade, entrance, used for storage or restrooms. Funds/grants were sought to move it, but the project was not successful.

RIVERTOWN TRAIL – Mrs. McGuire

Mrs. Powell and Mr. Wischer attended the MPO meeting today and discussed right-of-way issues. A meeting will be held regarding the approach to the bridge on Phase III.

ZONING ADMINISTRATOR – Mrs. Powell

No report.

CLERK-TREASURER – Mr. Lybarger

Ms. Aurand and Mrs. Hughes expressed concerns with the town's financial situation. Department heads will be made aware of the belt-tightening situation.

TOWN ATTORNEY – Mr. Wischer

Mr. Wischer stated Ms. Head has prepared the forms and a set of practices and instructions for code enforcement.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated the paving should be completed by tomorrow. Sealing and striping is underway. The final pay estimates and change orders will be tallied and compared to the estimates. The sidewalk project is expected to be under budget and paving over budget.

MOTION by Ms. Aurand to suspend the rules.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve the application to work in a county road right-of-way for the Kingston Lift Station Elimination Project.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve Pay Application #7 for the Epworth Medical Corridor Sanitary Sewer Expansion to Blankenberger Brothers Inc. in the amount of \$604,660.23, holding 5% retainage of \$30,233.01 leaving a net amount due to the contractor of \$574,427.22.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

MOTION by Mr. Moore to approve the change order for the 2014 Street Resurfacing Project to Metzger Construction for \$51,075.27 which includes: revision from a 30" concrete gutter to 48"; added crack and seal on Plum and Jennings; added concrete flumes around storm water inlets on Water Street; added an

asphalt gutter on Sycamore Street; added crack and seal and patch and mill work on Outer Gray; added sod on State Street; and adjustments to storm inlets on Phelps and Peachtree Drive.

SECOND by Ms. Aurand.

DISCUSSION: Mr. Hynes stated several items were removed including paving on Outer Gray at a cost of \$30,000.00 but the balance change orders have not been completed.

MOTION carried: ayes 3, nays 0.

MOTION by Mrs. Hughes to approve Pay Application #7 for the 2014 EDIT Bond Paving Project to Metzger Construction in the amount of \$317,828.05, holding 5% retainage of \$15,891.40 leaving a net amount due to the contractor of \$301,936.65.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Mr. Hynes stated the striping on Jennings at Monroe looks awkward because it was meant to maximize parking. Ms. Aurand requested he review the area and request appropriate adjustments.

TOWN MANAGER – Mrs. Powell

Mrs. Powell stated the sign retro reflectivity was discussed at the EMPO meeting. The program is 100% federally funded and the town will be moving forward soon.

MISCELLANEOUS BUSINESS

MOTION by Mrs. Hughes to allow the use of the green and white small house for Newburgh Celebrates Christmas on December 4, 5 and 6, 2015 for set-up near Cleo's by the Street Department.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

Regarding recycling, Mr. Wischer stated the town's previous recycling vendor, Republic, did not pick up glass and this item was not included in the specifications for bids nor the contract with Advanced. Mr. Wischer will prepare a contract that includes glass. All trash and recycling containers will be retrieved by Republic. Mrs. Powell will contact Advanced and Republic regarding a few problems with the container coordination.

MOTION by Ms. Aurand to have the Street Department paint the curb yellow from Town Hall to Cleo's on the south side of Jennings Street.

SECOND by Mr. Moore.

DISCUSSION: The alcove in front of Town Hall will remain open.

MOTION carried: ayes 3, nays 0.

The commission and committee open and expired positions will be reviewed.

APPROVAL OF CLAIMS

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

Civil Town – \$258,167.24

Sewer – \$531,200.17

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 3, nays 0.

ADJOURNMENT

MOTION by Mrs. Hughes to adjourn.

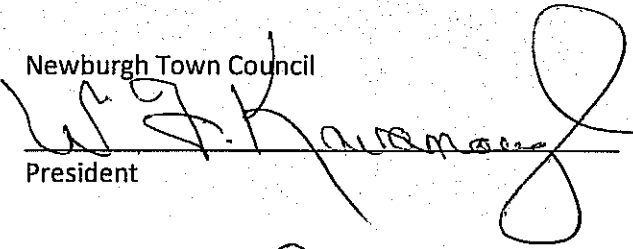
SECOND by Ms. Aurand.

MOTION carried: ayes 3, nays 0.

Mrs. Hughes adjourned the meeting at 7:15 p.m.

APPROVED this 24 day of November, 2015.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer