

Newburgh Town Council Meeting
Date: Tuesday, December 9, 2015

The Newburgh Town Council met in Executive Session on Tuesday, December 9, 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 II Leanna K. Hughes, District III Alonzo B Moore, Jr., District IV Anne Rust Aurand, Clerk-Treasurer Jon E. Lybarger, Town Attorney Chris Wischer and Town Manager Christy Powell. Absent was Council-at-Large Tonya 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 veterans and troops.

Moment of Silence; Kurt Kluger – owner of Old Country Store; Bill Jarvis of Newburgh, England. Bill was friends and a host to many people who visited our sister city.

ROLL CALL

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 Lybarger
Town Manager – Christy Powell
Town Attorney – Chris Wischer
Absent was Council-at-large Tonya R McGuire

APPROVAL OF MINUTES

Nov. 24, 2015 ~ Executive and Regular Session

MOTION by Leanna Hughes to approve the Nov 24, 2015 Executive and Regular Session minutes as presented.

SECOND by Alonzo B Moore, Jr.

DISCUSSION: None

MOTION carried: ayes 4, nays 0

SCHEDULED REQUESTS & APPEARANCES

There were no scheduled requests or appearances.

PETITIONS & COMMENTS FROM CITIZENS PRESENT

There were no petitions or comments from citizens present.

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. Jennings Street and State Street sidewalk improvements

- a. Change order #3 - New storm sewer inlets being installed along East State Street and South First Street. They are to be installed by River Town Construction at a cost of \$4,627.00.

MOTION by Leanna Hughes so that discussion could be conducted.

SECOND by Alonzo B Moore, Jr.

DISCUSSION: none

MOTION carried: ayes 4, nays 0

- b. Change order #4 – Quantity adjustment change order – This caused a reduction in charges to the town in the amount of \$48,601.77.

MOTION by Leanna Hughes Happily!

SECOND by Alonzo B Moore, Jr.

DISCUSSION: none

MOTION carried: ayes 4, nays 0.

2. Epworth Medical Corridor SS Expansion – Pay Application #8 to Blankenberger Brothers, Inc. (BBI) For payment in the amount of \$379,748.00 of which \$18,987.40 will be retained leaving a net amount to be paid of \$360,760.60.

MOTION by Anne Rust-Aurand to accept the pay application to pay a net amount of \$360,760.60 to BBI with a retainage of \$18,987.40. The total amount for the pay application was \$379,748.00.

SECOND by Leanna Hughes

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

3. Brookstone Section 3 – For Acceptance of SS System – There were certain conditions that had to be met prior to the acceptance of this system. Mr. Hynes stated that all conditions had been met and gave his recommendation for approval. The cost of this upgrade is \$73,789.00.

MOTION by Alonzo B Moore, Jr. to accept the recommendation of Mr Hynes and approve this request.

SECOND by Anne Rust-Aurand

DISCUSSION:

MOTION carried: ayes 4, nays 0

4. LS #3 Pump Base Replacement Quote – Awarded to Peyronnin Construction for a cost of \$35,753.19.

MOTION by Leanna Hughes to approve the award.

SECOND by Alonzo B Moore, Jr.

DISCUSSION: None

MOTION carried: ayes 4, nays 0

President Kavanaugh requested a suspension of rules so that a proclamation could be read and acted on.

A motion to suspend the rules was moved by Anne Rust-Aurand

Seconded by Leanna Hughes

Discussion: None

Motion Carried: ayes 4, nays 0

A motion was made by Anne Rust-Aurand to Read the proclamation

Seconded by Alonzo B Moore, Jr.

Discussion: None

Motion Carried: ayes 4, nays 0

The proclamation 2015-01 was read by Chris Wischer which stated that December 11, 2015 will be known as Indiana Statehood day. On this day the state of Indiana is officially 199 years old. A special flag was given to the town by the state and should be flown over the town during our 200th year or until December 11, 2016. The people of the state of Indiana should be proud that we are entering into our 200th year as our country celebrates its 239th year.

A motion was made by Leanna Hughes to adopt the proclamation.

Seconded by Anne Rust-Aurand

Discussion: None

Motion Carried: ayes 4, nays 0

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Mrs. McGuire

No report

FIRE - Mr. Moore

Mr. Moore mentioned that the Fire Department Christmas Party was being held this very night at 7:15 p.m. at the Firehouse. He hoped to see all council members and staff present.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

No report.

PARK – Mrs. Hughes

The meeting was held on December 3 at the West Cottage. Mrs. Wilsbacher, president of the Park Board, accepted and made note of many of the wonderful ideas that were presented at the meeting.

The recommendations would be reviewed for feasibility and possibly prioritized to develop a direction for the Newburgh Park System. The evening at the cottage was enjoyed by all.

PLAN – Mrs. McGuire

The Williams Subdivision meeting that was scheduled for December 7 was postponed until December 21.

POLICE – Mrs. McGuire

Chief Sprinkle provided an update.

D.A.R.E. graduation at Newburgh Elementary was a huge success.

Shop with a Cop was an excellent event. The kids and the officers had a wonderful time shopping.

Shopping was followed with a pizza dinner. There are hopes to expand the event next year to children from Sharon Elementary and possibly Saint Johns.

The radar trailer has been ordered with an estimated delivery date of mid January.

SITE REVIEW COMMITTEE – Mrs. McGuire

No report.

STORM WATER – Mr. Kavanaugh and Mr. Moore

No Report. Next meeting will be on January 18, 2016. (Note: That will be Martin Luther King Day. Meeting may be moved since it is a holiday.)

STREETS – Mr. Moore

The street crew cleaned the Ellerbusch ditch.

Fixed bricks at the veterans memorial park.

Erected the town merchants Christmas tree by the Edgewater Grill.

Cleaned the downtown walkways.

Replaced the stop sign at the intersection of Water and Washington streets.

Striped the parking spaces down town before the Thanksgiving shopping weekend.

Two trucks have been prepped for snow removal.

Prepared storage space for winter road salt.

Fixed the shoulder on the road on Cypress St.

Fixed rotten boards on the walkway bridge.

Fixed the timer on the decorative lights

Cut off bolt from scaffolding by Secret Garden

Cleaned various drains around town.

Town clock is in need of repair seems to be a timer issue. It will be repaired with coordination of the street departments and town maintenance.

Trash – Mrs. Hughes

Still ironing out details for trash pick-up. It was noted that trash will be picked up regardless of what containers or bags are used.

UTILITY – Mrs. Hughes

Utility motions from the Utility Commission meeting held on December 2, 2015 all were presented to council with a motion by Leanna Hughes and Seconded by William Kavanaugh. All passed by a vote of ayes 4; nays 0.

Utility Motions for December 2, 2015

1. Motion: Tom Bodkin moved to recommend to Council to approve the consent agenda.
Motion seconded: Leon Key
Discussion: None
Motion passes unanimously.
2. Motion: Tom Bodkin moved to recommend to Council to reject Mr. Newman's request to remove the sewer liens from his account.
Motion seconded: Chris Wischer
Discussion: None
Motion passes unanimously.
*discussion regarding whether this was a rental property or a primary residence. It was identified as a private residence.
3. Motion: Tom Bodkin moved to recommend to Council to allow Jeannie Miller to connect to the Newburgh sewer using a grinder pump and a private lateral provided that Mrs. Miller voluntarily annexes lot 14 in Pine Lake Estates into the Town of Newburgh, and all public and necessary private easements be acquired with copies given to the Town, and to include that the connection point will be near cleanout 10-07.
Motion seconded: Leanna Hughes
Discussion: None
Motion passes unanimously.
*this property located across from the Post Office. The property owner has decided to pursue a septic system instead of tying onto the town sewer system. Decision was continued because they may decide to change their mind and this will not have to be revisited.
4. Motion: Tom Bodkin moved to recommend to Council to reject the waiver request for standards for plumbing in basement of Mr. Mominee's new home on Cliftmeere Drive.
Motion seconded: Leon Key
Discussion: None
Motion passes unanimously.
5. Motion: Tom Bodkin moved to recommend to Council to allow Matthew Liddle at 5488 Woodlawn Drive to use their summer average rate for their November sewer bill due to reseeding lawn.
Motion seconded: Leanna Hughes
Discussion: None
Motion passes unanimously.
6. Motion: Tom Bodkin moved to recommend to Council to examine when summer averaging ends and to direct the Utility Committee as to exactly when adjustments should be granted.
Motion seconded: Leanna Hughes
Discussion: None
Motion passes unanimously.
7. Motion: Tom Bodkin moved to recommend to Council to approve billing existing Chandler Residential customers at their average from October 2014 to September 2015 and to bill new Chandler customers at the non-metered rate.
Motion seconded: Leon Key

Discussion: None

Motion passes unanimously.

*motion is being approved, but negotiations are still progress to have Chandler provide water consumption to Newburgh. Waiting on confirmation of agreement.

8. Motion: Tom Bodkin moved to recommend to Council to approve billing the existing Chandler commercial customers at their average from October 2014 to September 2015.

Motion seconded: Leon Key

Discussion: None

Motion passes unanimously.

*same comments as motion 7.

9. Motion: Bill Kavanaugh moved to recommend to Council to approve the sanitary sewer repair at 18 Williams Lane, to include the following:

- Replace eight feet of 10-inch main and 30 feet of lateral crossing the street.
- Cut the street and close one lane at a time during construction.

Motion seconded: Tom Bodkin

Discussion: None

Motion passes unanimously.

*No price needed for the request.

10. Motion: Tom Bodkin moved to recommend to Council to approve the request for approval of Wastewater Pretreatment Discharge Permit No. 112415 pending approval of the submittals and approval of a contract reverting the sanitary sewer lines servicing the Village at Hamilton Point, which were accepted by the Town of Newburgh for maintenance, back to the Newburgh Property Management, LLC for private ownership and maintenance.

Motion seconded: Christy Powell

Discussion: None

Motion passes unanimously.

11. Motion: Tom Bodkin moved to recommend to Council to approve the vacation of a portion of the PUE on lot 19A in the Estates at Victoria.

Motion seconded: Leon Key

Discussion: None

Motion passes unanimously.

12. Motion: Leon Key moved to recommend to Council to approve the following certification bonuses:

- Dana Schmitt – IWEA CS Class 2
- Edwin Hodges – IWEA CS Class 3
- James Musser – IWEA Class 3

Motion seconded: Tom Bodkin

Discussion: None

Motion passes unanimously.

*Bonuses are \$500.00 in each case.

13. Motion: Leanna Hughes moved to recommend to Council to approve reducing Ralph Wright's CEI bill that was discussed at the November 4, 2015 meeting by half due to the problems that Mr. Wright encountered with the manhole.
Discussion: None
Motion passes with 6 ayes and 2 nays. Voting aye were Leanna Hughes, Bill Kavanaugh, Christy Powell, Susan Helms, Chris Wischer, and David Hynes. Voting nay were Tom Bodkin and Leon Key.
14. Motion: Tom Bodkin moved to recommend to Council to direct CEI to present a contract to extend gravity sanitary sewer from the lift station on the McDowell parcel to the North side of Highway 62 and amend the PER appropriately to use the unused SRF funds.
Motion seconded: Leon Key
Discussion: None
David Hynes abstains. Motion passes.
*This will save the utility about \$300,000
15. Motion: Tom Bodkin moved to recommend to Council to engage CEI and Leon Key to review the quotes for the lift station #3 pump base replacement project and make a recommendation to Council.
Motion seconded: Christy Powell
Discussion: None
David Hynes abstains. Motion passes.
*already approved during new business
16. Motion: Tom Bodkin moved to recommend to Council to approve the partial late fee removal for William Greene, 8766 Hillside Drive for \$123.51.
Motion seconded: Leon Key
Discussion: None
Motion passes unanimously.
17. Motion: Christy Powell moved to recommend to Council to deny the leak adjustment for Linda Schnetzer, 4099 Triple Crown Drive due to pool fill after FireMaster, Inc. split the liner during repair.
Motion seconded: Leon Key
Discussion: None
Motion passes unanimously.
18. Motion: Bill Kavanaugh moved to adjourn the meeting.
Motion seconded: Tom Bodkin
Discussion: None
Motion passes unanimously.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

Nothing to report at this time.

PERSONNEL – Mrs. Hughes

An employee benefit meeting was held to answer questions regarding the modifications of the town medical insurance.

The employees have decided that they will begin having PAG (Personnel Advisory Group) meetings quarterly so that they will be aware of issues in advance. Meetings have already been scheduled quarterly. It was also requested that an employee benefit committee be formed with representatives from the street department, town hall and sewer works.

Legal was given permission to begin preparing an ordinance for 2016 in regards to summer sewer rates. Discussion was had during closed door and legal council is aware of what they council wishes to establish new time frame for summer averaging.

Motion by Leanna Hughes to have council draft an ordinance to prepare at an upcoming meeting. Seconded by William Kavanaugh.

Discussion: During closed door it was mentioned to update the summer averaging and extending the period for averaging to the end of October. Legal council is aware of what they council and the sewer utility wishes to establish and will base their ordinance on that discussion.

The motion was passed by a vote of 4 ayes, and 0 nays.

SPECIAL BOARDS/COMMITTEE REPORTS

SIDEWALK – Mrs. Hughes

David Hynes reported that a list has been created of minor projects that can be completed around town and that the town will negotiate with the contractor about completing these projects in lieu of liquidated damages.

ARTS COMMISSION – Mrs. Hughes

No Report

RIVERTOWN TRAIL – Mrs. McGuire

Chris Wischer is working on phase 3A of River Town Trail, working on property acquisition. Wal-Mart will be providing some access.

ZONING ADMINISTRATOR – Mrs. Powell

No Report.

CLERK-TREASURER – Mr. Lybarger

Additional appropriations have been received from the State Board of Accounts and all appropriations were approved, although the general fund was not approved for the maximum requested.

Also, interviewing people for the vacant Deputy Clerk-Treasurer position. Decision will be made on December 10th.

TOWN ATTORNEY – Mr. Wischer

Chris had nothing to report, but a question was raised regarding the public records requests that had been submitted and what would be the status of those requests. Chris responded that the research is complete and the documents are ready for the requestors to pick up. They have been notified.

Information has been distributed to Melinda Mitchell, but the Courier-Press has not made an effort to retrieve their requested information. There are approximately 17,000 pages of e-mails available. The town spent in excess of \$50,000 to extract the requested information from various systems within the Town Hall network. More than 400 hours were spent to extract the information.

Chris talked to IACT about this issue and many towns, including Evansville, have also dealt with the same situations.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated that striping is scheduled to be completed. Some turn lanes have already had the arrows painted. Also, the removable concrete curbs have been replaced at the Lock and Dam. Epworth project is progressing and soon there will be portions of the project that will be noticeable above ground.

TOWN MANAGER – Mrs. Powell

Dr. Gotti wishes to donate property, .64 acres, South of French Island trail to the town. The property is located between 662 and the Ohio River. A Motion was made by Leanna Hughes to have the property researched and have the results returned at a future council meeting. This motion was seconded by Alonzo B Moore, Jr. A vote on the motion was conducted with the results of 4 ayes and 0 nays.

MISCELLANEOUS BUSINESS

Leanna – Newburgh Celebrates Christmas was a great event this year. Good weather and good attendance. Merchants had sales.

The lighting of the Christmas trees on Sunday night went well and the Knight Sensations were here to entertain those in attendance and did a wonderful job.

Anne – Thank you to the Singing Sensations for a wonder evening. The coral group now contains 45 members and with the event being outside, all members could participate.

Thank you to Alonzo for providing a Thanksgiving dinner on Wednesday before Thanksgiving to the town employees. The dinner was held at the Newburgh Senior Center.

The Friends of Newburgh distributed funds that were raised as proceeds from the Fiddler Fest. A number of town organizations were awarded funds. A total of \$8,000 was returned to various organizations in the community.

APPROVAL OF CLAIMS

MOTION by Alonzo B Moore, Jr. that the following claim amounts are paid including sewer adjustments:

Civil Town – \$193,884.76

Sewer – \$962,005.44

SRF - \$0

SECOND by Leanna Hughes

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Alonzo B Moore, Jr. to adjourn.

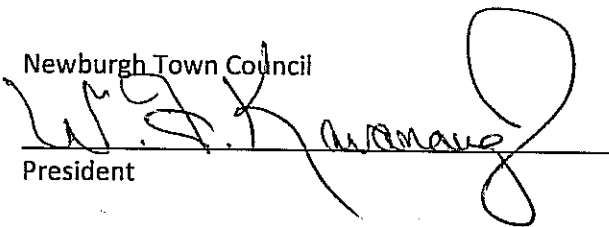
SECOND by Leanna Hughes

MOTION carried: ayes 4, nays 0.

Mr. Kavanaugh adjourned the meeting at 6:37 p.m.

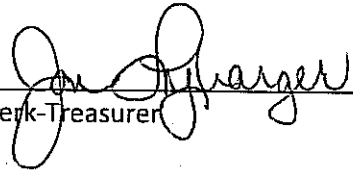
APPROVED this 23 day of December, 2015.

Newburgh Town Council



President

ATTEST:


Clerk-Treasurer