

Newburgh Town Council Meeting
Date: Tuesday, December 23, 2015

The Newburgh Town Council met in Executive Session on Tuesday, December 23, 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 IV Anne Rust Aurand, Clerk-Treasurer Jon E. Lybarger, Town Attorney Chris Wischer and Town Manager Christy Powell. Absent was District I Alonzo B Moore, Jr. The purpose of the meeting was discussion of personnel matters, agenda items and pending litigation. By approving these minutes the Newburgh Town Council certifies that no subject matter was discussed in the executive session other than the subject matter specified above.

CALL TO ORDER

Council President William F Kavanaugh called the Regular Session to order at 5:37 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. Remembering those who have passed; Donna Pleiss an old resident of Newburgh. Very fondly remembered by some of the council members. A moment of silence was observed for those mentioned and our troops.

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 Alonzo B Moore, Jr.

APPROVAL OF MINUTES

Dec 9, 2015 ~ Executive and Regular Session

MOTION by Anne Rust Aurand to approve the Dec 9, 2015 Executive and Regular Session minutes as presented.

SECOND by Leanna K Hughes

DISCUSSION: None

MOTION carried: ayes 3, nays 0, and abstention 1

SCHEDULED REQUESTS & APPEARANCES

Thomas R Bodkin addressed the council and presented a number of bits of information to the council members present. First, during 2015 the town museum had between 1000 and 1500 guests who toured the facility. The town should be proud that so many people are learning more about our town and community. It is expected that more persons will visit the museum in the coming years. The museum will be closed during the month of January while the displays will be changed. Variety is the spice of life and there is much spice in Newburgh to be shared with our guests.

Simpson house relocation between \$40 -\$56 thousand to relocate. May be more if other options are explored. It is expected that the sale of the property will be closing within the next couple weeks so a solution needs to be found.

The museum has been doing so well and it has been receiving donations of furniture and other items, they are out of space and he was requesting the use of the old Nix garage (aka. Aurand Trailhead) for storage of items for the museum. The museum currently rents a place where some items are stored in a climate controlled environment. The current lease on the storage is to expire in 2016 and it would be the ideal time to re-negotiate the building for storage. The furnace and air conditioning would have to be fixed in the building to facilitate the storage of some items. The furnace could be

Motion by Leanna K Hughes to let the museum use the space for storage
Second by Tonya R McGuire

Discussion: the cost of heating the building may be an item of contention. Could heating and cooling be contained only to the partitioned area where items could be stored. The log that is in the bay with the firetruck is not just a log, but a portion of the original dam that was here in Newburgh. This storage would be in lieu of using the Monroe Street. There are issues with vandalism that need to be addressed as well as building repair and cleaning. Looking at a better way to display the firetruck and also place an manikin that can be dressed in turnout gear.

Vote: Ayes 4, Nays 0

PETITIONS & COMMENTS FROM CITIZENS PRESENT

JM Young from the Evansville Courier-Press was present to give the town a check for \$879.65 which was a negotiated settlement amount for the requested public records request. It was then suggested by President Kavanaugh that the town have a motion to accept the reduced compensation for the request. The original amount sent to the Courier-Press for their payment was \$1,759.30.

Motion by Leanna K Hughes to accept the reduced amount from the Courier-Press.

Second by Tonya R McGuire

Discussion: Leanna was of the opinion that the monies should go to the law firm which conducted the public record search and provided the results. Ms. Hughes was informed by Mr. Wischer that the law firm will charge the town and the he suggested that the check be made payable to the town.

Vote: Ayes 4, Nays 0

Mr. Young presented the town with another public records request. This request is asking for copies of bills presented to the town in regard to the original records request. The request was passed from Mr. Kavanaugh to Mr. Wischer for review and comment. Mr. Young commented about making sure the town was not billed from our council regarding the new request. (Chuckle from Mr. Young.)

Mr. Wischer responded to Mr. Young that the public records search was above board and within the bounds of the request and law. There were two parts to the original request. The first item was to determine if there was any wrong doing on the part of Town Council in regards to the decision for the rezoning for the proposed Wal-Mart. The second item, which came to light later, was to determine from the E-mail's if there was any kind of conspiracy to rid the town of Lori Buehlman as town manager. One item that was brought up by counsel was that there are approximately 35 items or subject matter which cannot be divulged in a public records search. With that in mind, it becomes an issue that someone familiar with the law should be conducting the records search and review.

Mr. Young expressed that it is not his organizations intention to cause financial hardship upon the municipality in making records requests. He also suggested that it is the function of government to provide this information when asked.

There was intense conversation between Mr. Wischer, counsel, and Mr. Young, representing the Courier-Press regarding who was at fault regarding the costs incurred by the town. Was it the request

or the search of records which actually caused the expense? Mr. Wischer expressed that the requestor bears some responsibility to make the request as concise as possible. Mr. Young on the other hand believe that it would have been in the best interest of the town to have local staff perform the search. It was suggested that the Clerk's office should have conducted the records search. The clerk treasurer responded that it would not be right for that office to conduct the search since they were also one's who were being investigated. The clerk believes that the town made the right, although costly, decisions of having the counsel perform the search.

As a final comment Mr. Young wished that the town and the Courier-Press could work together without contention.

Melinda Mitchell – Given three minutes to talk. She started by stating how much the town paid counsel last year. The Council President asked that this line of discussion be ended and no cross examination of the counsel would be tolerated. Melinda continued to ask her questions of counsel and was gaveled by President Kavanaugh and asked to sit down. Counsel stated that he didn't mind responding to this line of questioning and said that she should continue. As she continued again she was gaveled again by President Kavanaugh and asked that she be removed from the podium. Ms. Mitchell stated that she had a right to ask questions and that by stopping her was not right. President Kavanaugh gaveled her for a third time and asked the police to remove her. Chief Sprinkle asked that she please sit down and that the Council President has all right to stop her from presenting.

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. Aigner Construction will be asking for lane closures on Jennings Street for January 4th and 5th while they raze a structure owned by Chris Lunn.

This razing was requested by the owners. Permits have been issued and all things are in order to proceed. This would also be part of the blight elimination initiative currently being reviewed by the town and council.

The street would be scheduled to be closed while school is in session and after morning rush hour. The entire street will not be closed, just lane closure so traffic could still flow.

MOTION by Anne Rust Aurand to allow for the lane closures while the house is being demolished and for cleanup of the property.

SECOND by Tonya R McGuire

DISCUSSION: Anne asked that the 4th being the 1st day back to school they wait until the busses have run. Also notify the neighbors regarding the demolition of the residence. Flaggers will be provided by Aigner.

MOTION carried: ayes 4, nays 0

2. Matt Melfi who chairs the Economic Progress Committee for HNI would like to make a request for the use of Town Hall in January.

Mr. Melfi was not present so Leanna Hughes stated her support of Mr Melfi's use of the facility. He helps business people meet each other for purposes of support in their ventures. He is hoping to use the facility on the 21st of January. There will be snacks and information available in the lobby, with meetings being held in chambers. This would be an after business hours event.

MOTION by Leanna K Hughes to allow the activity. No charge would be made for the use of the facility.

SECOND by Anne Rust Aurand

DISCUSSION: No food or beverage will be allowed in chambers.

MOTION carried: ayes 4, nays 0.

3. Newburgh Fire Department contract renewal.

It was suggested that this item be tabled until a later time.

Motion by Tonya R McGuire to table this item.

Second by Anne Rust Aurand

Discussion: none

Vote: Ayes 4; Nays 0.

4. Commonwealth Engineering, Inc. 2016 retainer and other contracts.

It was suggested that this item be tabled until a later time.

Motion by Tonya R McGuire to table this item.

Second by Anne Rust Aurand

Discussion: none

Vote: Ayes 4; Nays 0

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Mrs. McGuire

No report

FIRE - Mr. Moore

In Mr. Moore's absence Chief Paul Campbell provided a report. During the month of November a total of 26 runs were made by the fire department. Two of these runs were in town with 22 being in the township. Two registered runs were also noted as being public relations events. The total volunteer man hours logged for the month were 252.

Mr. Campbell also commented that the light bulbs are being changed out the outside lights and some internal lights from regular bulbs to LED type bulbs. The LED bulbs are more energy efficient and will hopefully help reduce the electrical cost at the firehouse. Payback will be about 6 to 8 months. They are also repurposing part of Squat 15 to save money. To improve response time for water emergencies, some dive equipment is being mounted on other trucks in available space. Currently,

Newburgh Town Council Meeting
Date: Tuesday, December 23, 2015

equipment is stored in the boat and when needed, the boat needs to be unloaded before it can be deployed. BY moving this equipment, response time may be improved.

Chief Campbell thanked the member of Town Council and staff for their support over the past year and he is looking forward to a great 2016. There was also a personal comment made by Chief Campbell to Alonzo B Moore, Jr. for all that he has done for the fire department for the past 7 years as the fire Commissioner.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire
No report. Meeting cancelled.

PARK – Mrs. Hughes
No Report

PLAN – Mrs. McGuire
There was a meeting on December 21 and it was decided that the zoning maps should be updated. Also, it was noted that the verbatim minutes are needed and should be acquired as soon as possible. Approved Newburgh Village subdivision the vote was 6 to 1. Loftin Manor was also approved. Mr. Bodkin was asked for his input, but I could not understand what was said.

POLICE – Mrs. McGuire
Chief Sprinkle provided an update.
A total of 136 tickets were issues during the month of November, 72 citations, 63 warnings and 1 ordinance violation.
Reworded SOP for reserve officers regarding the Training of officers
Definition of Lateral transfers, promotion procedures
Issues with St. Marys processing drug screening and the commission asked if they change to Deaconess instead. This was approved by the commission.

SITE REVIEW COMMITTEE – Mrs. McGuire
No report.

STORM WATER – Mr. Kavanaugh and Mr. Moore
No Report. Next meeting January 11th, 2016

STREETS – Mr. Moore
Report provided by Christy Powell.
Happenings around town by the street department. There was a tree removed by Vectren at Jefferson and Water, weeded on several of the town properties and picked-up leaves, and trash from the flower beds at town hall and around town.

Trash – Mrs. Hughes
Things seem to be smoothing out with the new contract. The pickup schedule never changed, but the biggest issue was getting the citizens used to using the new containers. The number of problem calls has reduced from 5 per day to about 5 per week and it is expected to go even better. Some old recycle containers are still around town. Who should they contact? They should contact either the Town Manager or Advanced Disposal. The contract with Advanced Disposal is completed and signed.

UTILITY – Mrs. Hughes

No Meeting. Next meeting January 6, 2016

STANDING COMMITTEES

FINANCE – Mrs. Hughes

Just a note that transfers will be covered in the Year-end Resolution that will be presented on the 30th.

PERSONNEL – Mrs. Hughes

No Report.

SPECIAL BOARDS/COMMITTEE REPORTS

SIDEWALK – Mrs. Hughes

No Report.

ARTS COMMISSION – Mrs. Hughes

No Report.

RIVERTOWN TRAIL – Mrs. McGuire

No Report.

ZONING ADMINISTRATOR – Mrs. Powell

COA for Chris Lunn

13 Projects for November with a projected value of \$150,520. Fees collected for permits was \$770.

CLERK-TREASURER – Mr. Lybarger

Swearing in of new council members will be on January 1st at 11:00 a.m. Clerk-Treasurer will be sworn in at 2:00 p.m. at Boonville Town Hall.

New Employee Lydia B Johnson has started and appears to be fitting in quite well.

TOWN ATTORNEY – Mr. Wischer

No Report.

TOWN ENGINEER – Mr. Hynes

NSRF submitted to state for processing. Several hoops needing to be jumped through to get the final approval. Currently in PER stage (Preliminary Engineering Review) to continue, a resolution will need to be processed and signed in order to continue in the PER state. This will be an Authorized Representative Resolution number 2015-02 this should be completed at this meeting.

Motion by Tonya R McGuire for the reading of Resolution 2015-02 Authorized Representative Resolution.

Second by Leanna K Hughes

Discussion:

Vote: Ayes 4; Nays 0

Motion read by Chris Wischer

Motion by Tonya R McGuire for the adoption of Resolution 2015-02
Second by Leanna K Hughes
Discussion: None
Vote: Ayes 4; Nays 0

No other business to bring forward.

TOWN MANAGER – Mrs. Powell
No Report.

MISCELLANEOUS BUSINESS

Merry Christmas wishes from all town council members.

-Bill Jarvis from Newburgh, England has passed. He was one of the individuals who supported the joining of the sister cities.

-Alma Crebbins-Dobbs who was on the council in Newburgh, England and since retired and moved away and married her old high school sweetheart. Her husband has passed away, his name was John.

-The weather in Newburgh England is stormy with flooding. They lost a bridge in the lake district which has isolated a number of villages. Keep them in our prayers.

APPROVAL OF CLAIMS

Claims presented to town council by the Clerk-Treasurer as follows:

Civil Town – \$338,232.14

Sewer – \$519,734.14

SRF - \$397,767.65

MOTION by William F Kavanaugh that the claim amounts be paid including any sewer adjustments.

SECOND by Leanna Hughes

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Leanna K Hughes to adjourn.

SECOND by Tonya R McGuire

MOTION carried: ayes 4, nays 0.

Mr. Kavanaugh adjourned the meeting at 6:36 p.m.

APPROVED this 13 day of January, 2016

Newburgh Town Council

Leanna K Hughes
President

ATTEST:

John Ganger
Clerk-Treasurer