

Newburgh Town Council Meeting
April 14, 2010

The Newburgh Town Council met in Executive Session on Wednesday, April 14, 2010, at 4:30p.m. Those present were Anne Rust Aurand, Eric Ellsperman, Bill Kavanaugh, Alonzo Moore, Shari Sherman, Becky Gentry, and Tom Bodkin. Ms. Burger was not present. The purpose of the meeting contract negotiations and was held in accordance with Indiana Code 5-14-1.5-6.

CALL TO ORDER

President Sherman called the Regular Session to order at 5:30p.m.

PLEDGE OF ALLEGIANCE

Members from St. John's Catholic School led the Pledge of Allegiance. Those students were as follows:

Brycen Moore
Kieran Burkhardt
Rachel DeLanci
Nora Nolte

A moment of silence was observed for the passing of Rev. Roland Westervelt and Elvin Key.

Resolution 2010-01
Walk in Newburgh Day

Students at St. John's Catholic School requested the passage of Resolution 2010-01

MOTION by Mr. Kavanaugh for the first reading of Resolution 2010-01.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin read Resolution 2010-01 (see attached).

MOTION by Mr. Kavanaugh to adopt Resolution 2010-01.

SECOND by Ms. Aurand.

DISCUSSION: Council members agreed that St. John's was deserving of the resolution.

Ms. Sherman requested a roll call vote.

District I – Mr. Kavanaugh – aye
District II – Mr. Ellsperman – aye
District III – Mr. Moore – aye
District IV – Ms. Aurand – aye
Council-at-Large – Ms. Sherman – aye

Ms. Sherman called for a two (2) minute recess. The meeting reconvened at 5:42p.m.

ROLL CALL

District I ~ Mr. Kavanaugh – present
District II ~ Mr. Ellsperman – present
District III ~ Mr. Moore – present
District IV ~ Ms. Aurand – present
Council-at-Large ~ Ms. Sherman - present

APPROVAL OF MINUTES

1. Executive & Regular Session ~ Wednesday, March 24, 2010

MOTION by Mr. Ellsperman to approve the March 24, 2010, minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 4, nays 0, abstentions 1 (Kavanaugh).

COMMISSION REPORTS

AIR BOARD ~ Mr. Ellsperman

No report.

FIRE ~ Alonzo Moore

No report.

PLAN ~ Anne Rust Aurand

The commission met on April 5, 2010, and voted to expand the riverfront development district, allowing the Crickets complex, the recycle center and two (2) properties to the east, to be included in the district.

The commission also discussed paved parking areas and banners but no action was taken.

POLICE ~ Bill Kavanaugh

Chief Sprinkle stated the department was still being considered for the COPS First Grant. Communities will be notified of awards by June 10, 2010.

A new law will go into effect in July that will require interviews, with any individual who has a felony arrest, to be recorded. Chief Sprinkle is applying for a grant for video equipment that would include a DVR recorder and two (2) cameras. Funds are available in Police Continuing Education for the 10% (\$572.00) match.

MOTION by Mr. Kavanaugh to move forward with the grant for the police equipment.

SECOND by Mr. Ellsperman.

DISCUSSION: Mr. Bodkin reiterated that it was necessary to have this equipment to insure confessions or data obtained from subjects would be admissible in court.

Chief Sprinkle attended training on the new computer equipment that was recently obtained by the Warrick County Sheriff's Department. The new system will enable

officers to scan a driver's license and obtain information such as previous warning tickets, previous tickets, previous arrests, etc. Reports will also be more detailed than those generated by Pro-Cop.

STREET ~ Alonzo Moore

The crew has been busy with spring mowing.

PARK ~ Eric Ellsperman

A pool manager has been tentatively hired, pending a negative drug screen. Applications are being accepted for life guards and concession workers with interviews to begin in the near future. The pool opening is scheduled for May 29, 2010. No preseason passes will be sold this year.

The YMCA will be utilizing the tennis courts at Newburgh Community Park for league play.

The Pub Crawl was a success again this year. Trolley donations will be given to the Park Board. Approximately \$842.00 was collected.

Repairs are being done to the Fortress of Fun along with routine maintenance to the park area.

UTILITY ~ Shari Sherman

MOTION by Ms. Sherman to purchase two (2) upsized impellers for the Deaconess/Epworth Lift Station at a cost not to exceed \$3,600.00 from KM Specialty Pumps, Inc.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to allow the additional expense of \$600.00 plus freight for the replacement pump at Epworth/Deaconess Lift Station that was approved at the March 10, 2010, Council meeting.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to authorize ITT to repair the KSB pump for the Triple Crown Lift Station at an amount of \$3,901.03.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman that the Utility make contact with INDOT to determine the State's share of the (Highway 662 Relocation) project. If it is determined that the State's

portion of the project is above \$350,000.00, the Utility should proceed with the larger proposed project.

SECOND by Mr. Ellsperman.

DISCUSSION: Mr. Bodkin explained that the statute provides INDOT to share in a project over \$350,000.00.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve the Notice of Violation for Spectronics.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve the Non Disclosure and Confidentiality Agreement required for the software being installed at Lift Station #1.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to declare an emergency and for the Utility to perform the necessary repair work at Plum and SR662 in an amount not to exceed \$30,000.00.

SECOND by Mr. Ellsperman.

DISCUSSION: Ms. Sherman declared the emergency last weekend.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to engage Commonwealth Engineers, Inc. to assist in creating a containment area for the chemical feeds at the Old Plant Lift Station.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to engage Commonwealth Engineers, Inc. to provide a proposal to relocate Central Towers Lift Station.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve Change Order No. 1 for the Colonial Hills Lift Station project in the amount of \$7,028.80 plus an additional thirty (30) days on the contract.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to recommend Change Order #2 for the Wastewater Treatment Plant Expansion project in a deduct amount of \$6,537.21 and an additional twenty-three (23) days.

SECOND by Mr. Ellsperman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to engage Webster Environmental Associates, Inc. to perform an independent study on the odor issues from the Master Lift Station at a lump sum cost of \$9,800.00.

SECOND by Mr. Ellsperman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve Exhibit K, amendment 2010-1 to the Wastewater Treatment Plant engineering agreement in the amount of \$20,000.00 to be utilized on an hourly basis.

SECOND by Mr. Ellsperman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to deny the claim for Mr. Driskell at 7200 Woods Drive.

SECOND by Mr. Ellsperman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to deny the request for additional credit on the sewer bill for Jamie Herring at 10077 Bourbon Street.

SECOND by Mr. Ellsperman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.

STANDING COMMITTEES

FINANCE ~ Anne Rust Aurand

No report.

PERSONNEL ~ Bill Kavanaugh

MOTION to hire Kyle Krantz, as a temporary employee of the Town of Newburgh, as defined by the Town of Newburgh Personnel Policy, to work in building and park maintenance at a pay rate of \$8.25 per hour, pending a negative drug screen.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to hire Paul Dobrynski, as a temporary employee of the Town of Newburgh, as defined by the Town of Newburgh Personnel Policy, to work in the street department at a pay rate of \$9.75 per hour, pending a negative drug screen.

Paul's start date will be May 28, 2010.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to hire Adam Underhill, as a temporary employee of the Town of Newburgh, as defined by the Town of Newburgh Personnel Policy, to work in the street department at a pay rate of \$9.00 per hour, pending a negative drug screen. Adam's start date will be May 13, 2010.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION for Logan Warren to work as a temporary employee at a rate of \$8.50 per hour from May 10 until August 27, 2010. He is currently employed as a part time employee at the Wastewater Treatment Facility.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

SPECIAL BOARDS/COMMITTEE REPORTS

HISTORIC PRESERVATION ~ Anne Rust Aurand

No report.

The Newburgh Building Corporation held their annual meeting on April 6, 2010. A financial report was presented. Certificates of Good Standing for 2010 were signed. Officers for 2010 are as follows:

President ~ Randy Wheeler

Vice ~ Steve Franke

Secretary ~ Mae Mason

Discussion was held regarding additional marketing for Preservation Hall. Discussion was also held regarding Town Council replacing NBC members as it becomes necessary.

RIVERTOWN TRAIL ~ Eric Ellsperman

Phase II construction is now underway. A "substantial" change order will be required due to the condition of the old highway (which will become part of the trail). There were some apparent oversights along with three (3) slide areas that were not addressed.

SIDEWALKS ~ Anne Rust Aurand

Safe Routes to School – The committee reviewed brick alternatives that include historic brick, rubber brick, rubber sidewalks, and concrete. Concrete will be used as all other alternatives are cost prohibitive.

STORM WATER ~ Bill Kavanaugh

The next meeting is scheduled for April 21, 2010.

DIRECTOR OF PLANNING & DEVELOPMENT ~ Frank Hijuelos

No report.

CLERK TREASURER ~ Becky Gentry

MOTION by Mr. Kavanaugh to suspend the rules for the reading of Resolution 2010-02.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the reading of Resolution 2010-02.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin read Resolution 2010-02.

MOTION by Mr. Kavanaugh to adopt Resolution 2010-02.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

TOWN ATTORNEY ~ Tom Bodkin

MOTION by Mr. Bodkin to withdraw the objection regarding the Force Main No. 1. and No.2 condemnation issue provided the defense withdraws their objection.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

TOWN ENGINEER ~ David Hynes

No report.

UNFINISHED BUSINESS

1. 1977 Fund...taken under advisement on March 10, 2010

MOTION by Mr. Ellsperman to remove from table.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin explained that, if the Council moves forward with Ordinance 2010-05, the 1977 Fund will need to be created for the Newburgh Police Officers. If the current Town Marshall Service is converted to the Newburgh Police Department, two document need to be addressed at the next meeting. The town will also need to designate a physician and psychologist to complete the necessary testing required by the 1977 fund.

NEW BUSINESS

1. Ordinance 2010-05 ~ Creating Newburgh Board of Metropolitan Police

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2010-05.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin read Ordinance 2010-05 (see attached).

MOTION by Mr. Kavanaugh to accept the first reading.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the second reading.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin read Ordinance 2010-05.

MOTION by Mr. Kavanaugh to adopt Ordinance 2010-05.

SECOND by Mr. Ellsperman.

DISCUSSION: Mr. Bodkin stated there would still be a Police Commissioner and that the Police Metropolitan Board will sit as the Safety Board. Ms. Sherman stated the department has always been well respected but this will provide additional benefits for the officers. Officer Chad Bailey was recognized for his outstanding presentation regarding the 1977 fund at a previous meeting.

Ms. Sherman requested a roll call vote.

District I ~ Mr. Kavanaugh – aye

District II ~ Mr. Ellsperman – aye

District III ~ Mr. Moore – aye

District IV ~ Ms. Aurand – aye

Council-at-Large ~ Ms. Sherman – aye

MOTION by Mr. Kavanaugh for the following appointments to the Police Metropolitan Board:

Anne Rust Aurand ~ 1 year appointment

Bill Kavanaugh ~ 2 year appointment

Alonzo Moore ~ 3 year appointment

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Police Chief Sprinkle requested a meeting with the board in the near future. He added that there were several reserve openings. Both Chief Sprinkle and Officer Bailey thanked the Council for creating the Newburgh Board of Metropolitan Police which will allow officers to become part of the 1977 fund. Officer Bailey stated this action would have a positive impact on the department and thanked the Council for the adoption of the ordinance.

2. Pay Application #8 ~ Wastewater Treatment Facility Plant Expansion Project

MOTION by Mr. Ellsperman to approve Pay Application #8 to Reynolds, Inc. in the amount of \$1,030,810.96.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

3. Pay Estimate No. 5 ~ Powers Place Lift Station to PPMI

MOTION by Mr. Ellsperman to approve Pay Estimate No. 5 payable to PPMI in the amount of \$31,350.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

4. Pay Estimate No. 9 ~ Lift Station 1 Upgrade to Infrastructure Systems, Inc.

MOTION by Mr. Ellsperman to approve Pay Estimate No. 9 payable to Infrastructure Systems, Inc. in the amount of \$7,000.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

5. Contract ~ Commonwealth Engineers, Inc. –Amendment No. 2010-1 – Exhibit K
Addressed under utility motions.

6. Change Order No. 004 ~ Colonial Hills Lift Station & Force Main
Addressed under utility motions.

7. Change Order No. 2 ~ Plant Expansion Project
Addressed under utility motions.

8. Nate Mominee ~ Re: 6690 Heritage Drive Sanitary Sewer

Mr. Mominee stated he attended the last Utility Board meeting to discuss ongoing sewer issues at 6690 Heritage Drive. Lengthy discussion was held regarding funding needed to resolve the problem. Mr. Mominee stated Habitat would be willing to pay more than ½ of the funds needed providing the Town of Newburgh, Warrick County, and Bayer Plumbing would assume responsibility for the balance.

MOTION by Mr. Kavanaugh to send back to the Utility Board for direction. Mr. Mominee and Town Engineer David Hynes will also meet prior to the next (Utility) meeting to discuss alternative solutions.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MISCELLANEOUS BUSINESS

A census worker will be at Town Hall to assist with census forms until April 19, 2010.

The Solid Waste Committee will meet on Monday, April 19, 2010, at 4:15p.m.

Preservation Week is May 3 thru 7, 2010.

Ms. Aurand submitted her resignation, with regret, from the Sidewalk Committee.

MOTION by Ms. Sherman to accept, with regret, Ms. Aurand's resignation from the Sidewalk Committee and appoint Mr. Kavanaugh to serve on the Sidewalk Committee.

SECOND by Mr. Ellsperman.

DISCUSSION: None
MOTION carried ayes 5, nays.

Mrs. Gentry presented a report for Town Manager Burger in her absence.
The INDOT LPA quarterly reports will be submitted Monday, April 19, 2010
The spring newsletter was mailed on Tuesday, April 13, 2010.

MOTION by Mr. Ellsperman to approve the extension of the Army Corps of Engineers temporary license until July 23, 2011.

SECOND by Mr. Moore

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Clark-Dietz presented Ms. Burger with the following information regarding the HES grant project:

- Over the past week structures have been staked and utilities have been cleared.
- Waiting on IN-American to relocate one of the water services
- Sewer structures have been ordered and will be delivered soon
- Construction will begin behind the Pet Food Center and move toward Plum Street

MOTION by Mr. Moore to approve the following expenditure requests:

Fire Department – tire for Engine 11 in the amount of \$905.20

Fire Department – garage door repair in the amount of \$117.00

Boat Ramp – tire maintenance (fill with foam) in the amount of \$1,000.00

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

None

APPROVAL OF CLAIMS

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

Civil Town ~ \$252,174.50

Sewer ~ \$334,236.46

Plant Expansion ~ \$497,151.78

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

ADJOURNMENT

MOTION by Mr. Moore to adjourn.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

APPROVED this 12 day of May, 2010.

Newburgh Town Council

Shirley Shenan
President

ATTEST:

Bevelia J. Gentry
Clerk-Treasurer