

Newburgh Town Council Minutes
January 27, 2010

The Newburgh Town Council met in Executive Session on Wednesday, January 27, 2010, at 4:30p.m. Those present at the meeting were Anne Rust Aurand, Eric Ellsperman, Bill Kavanaugh, Alonzo Moore, Shari Sherman, Becky Gentry, Cynthia Burger, and Chris Wischer. The purpose of the meeting was discussion of personnel issues and was held in accordance with Indiana Code 5-14-1.5-6.

CALL TO ORDER

The Regular Session was called to order at 5:30p.m. by President Sherman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed for the passing of Ronnie Larkins, Charlie Straeffler, Rick Lester, and Mrs. Bice.

ROLL CALL

Those present at the meeting were as follows:

- District I ~ Bill Kavanaugh
- District II ~ Eric Ellsperman
- District III ~ Alonzo Moore
- District IV ~ Anne Rust Aurand
- Council-at-Large ~ Shari Sherman

APPROVAL OF MINUTES

MOTION by Ms. Aurand to approve the January 13, 2010, minutes.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Public Meeting ~ Newburgh Redevelopment Commission

The Newburgh Town Council, acting as the Newburgh Redevelopment Commission, opened their meeting. Mr. Hijuelos stated that the Plan Commission reviewed Resolution 2009-09 at their last meeting and recommended changing the boundaries of the district.

MOTION by Mr. Ellsperman to adopt the revised map (see attached) as recommended by the Plan Commission.

SECOND by Ms. Aurand.

DISCUSSION: Jerry Jackson, 109 W. Main Street, asked why changes were made. Ms. Aurand stated some areas were inadvertently left off the map. Jim Seibert, 7311 E SR662, didn't understand why all areas weren't included as originally discussed. There was also discussion regarding the process for obtaining a liquor license. Mr. Wischer explained that the process will remain the same, regardless of a development district. Discussion continued.

MOTION carried ayes 5, nays 0.

The meeting of the Redevelopment Commission was closed.

COMMISSION REPORTS

AIR BOARD – Eric Ellsperman

No report.

FIRE ~ Alonzo Moore

Chief Campbell provided the annual report for the department (see attached).

PARK ~ Eric Ellsperman

The new board has been appointed and will meet on Thursday, February 4, 2010.

MOTION by Mr. Ellsperman to place an ad in the newspaper for a pool manager for the 2010 season.

SECOND by Mr. Kavanaugh.

DISCUSSION: The ad will be modified this year.

MOTION carried ayes 5, nays 0.

PLAN ~ Anne Rust Aurand

No report.

POLICE ~ Bill Kavanaugh

No report.

STREET ~ Alonzo Moore

The crew has been busy patching the snow plows, cleaning IHOP, and reinforcing the bank at Gray and Sycamore. Ditch work has also been completed in Forest Park and Outer Gray.

UTILITY ~ Shari Sherman

The next meeting is scheduled for February 3, 2010.

STANDING COMMITTEES

FINANCE ~ Anne Rust Aurand

MOTION by Ms. Aurand that the town's financial contribution to HNI be cut by 20% and allocate \$4,800.00 for HNI, with \$3,000.00 placed in the police budget for payment of overtime for officers working the July 4, 2010 fireworks. The remaining \$1,800.00 will be paid in two (2) installments. In the event the July 4 fireworks are cancelled, the \$3,000.00 will remain in the civil town budget.

SECOND by Mr. Kavanaugh.

DISCUSSION: Blake Larson, 8799 Whirlaway, stated HNI appreciates the financial support during these difficult economic times.

MOTION carried ayes 5, nays 0.

PERSONNEL ~ Bill Kavanaugh

No report.

SPECIAL BOARDS/COMMITTEE REPORTS

HISTORIC PRESERVATION ~ Anne Rust Aurand

Tonya McGuire will serve as president of the commission.

RIVERTOWN TRAIL ~ Eric Ellsperman

MOTION by Mr. Ellsperman to approve the corrected public roadway and walkway easement for parcel 6 (Nugent property) for Phase II of the Rivertown Trail.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

The pre-construction meeting for Phase II A & B (east end of the old Lock & Dam to new Locks & Dam parking area) was held Wednesday, January 27, 2010. Contractors will mobilize in mid to late February. This phase of the trail is scheduled for completion in October 2010. The trailer will be set up at the site of the old maintenance shop (across from the old Lock & Dam Control Building).

The pre-final punch list for Phase I is scheduled for February 5, 2010.

SIDEWALK ~ Anne Rust Aurand

The committee will reconvene after Green 3 and Commonwealth Engineers, Inc. coordinate the Section 106 efforts.

STORM WATER ~ Bill Kavanaugh

The committee will meet on February 22, 2010.

CLERK-TREASURER ~ Becky Gentry

No report.

DIRECTOR OF PLANNING & DEVELOPMENT ~ Frank Hijuelos

MOTION by Mr. Kavanaugh for the reading of Proclamation 2010-01 – National Kazoo Day.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Monte Williams, 4122 Count Fleet, read the proclamation.

MOTION by Mr. Kavanaugh to so proclaim.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

TOWN ENGINEER ~ David Hynes

MOTION by Mr. Kavanaugh to approve pay request no. 3 for the Colonial Hills Lift Station project in the amount \$70,844.37 (\$3,542.22 to escrow and \$67,302.15 to the contractor) payable to BMB, Inc.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Warrick County Commissioners approved sharing their recent aerial fly over maps for Warrick County with the Town provided the Town provide an exterior hard drive. Mr. Hynes will coordinate the technical personnel.

The zoning map for the Town of Newburgh is currently being updated by Commonwealth Engineers, Inc. and is expected to be complete by March 1, 2010.

TOWN ADMINISTRATIVE MANAGER – Cynthia Burger

Ms. Burger presented the legislative summary update.

HES Safety Grant preconstruction meeting is scheduled for February 18, 2010, at the Spry Road INDOT Field Office.

MOTION by Mr. Ellsperman to approved the following department expenditures for each department:

Civil Town ~ Miscellaneous Office Supplies - \$200.00

Building Maintenance ~ Trash Bags - \$120.00

Building Maintenance ~ Misc. Supplies for work at Preservation Hall - \$50.00

Fire ~ Repairs to Engine 11 & Oil Dry - \$160.00

Police ~ Vehicle Maint., Office Supplies, meals for Eric Mitchell - \$3,200.00

Street ~ Salt & Sand, Misc. Street & Shop Supplies - \$2,100.00

SECOND by Ms. Aurand

DISCUSSION: None

MOTION carried ayes 5, nays 0.

UNFINISHED BUSINESS

1. Resolution 2009-08 ~ Riverfront Redevelopment District...tabled November 23, 2009
Continue to table.

2. Contract ~Vectren Fee Calculation for Colonial Hills...cont. from January 13, 2010
MOTION by Mr. Ellsperman to approve the Vectren contract to relocate lines for the Colonial Hills project.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

NEW BUSINESS

1. Bid Opening ~ Towing & Storage

MOTION by Mr. Kavanaugh to close the bids.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Please see attachment for submitted bids.

MOTION by Mr. Kavanaugh to take bids under advisement for legal review.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

2. Caitlin Poe ~ Request for Use of Preservation Hall

MOTION by Mr. Kavanaugh to waive the fee for the use of Preservation Hall on February 17 for the HNI annual membership meeting.

SECOND by Ms. Aurand.

DISCUSSION: HNI will be responsible for set up, tear down, trash removal, etc.

MOTION carried ayes 5, nays 0.

3. Carol Young ~ HNI Requests

MOTION by Mr. Ellsperman to waive the fee for the use of the Lock & Dam Building and trolley on May 14 and May 15 for the Wine Festival. HNI will be responsible for fuel and payment of an approved driver. The town also agrees for the town crew to assist with set up for the event.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

4. Ordinance 2010-04 ~ Designated Depositories

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2010-04.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Wischer read Ordinance 2010-04.

MOTION by Mr. Kavanaugh to accept the first reading.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the second reading of Ordinance 2010-04.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Wischer read Ordinance 2010-04.

MOTION by Mr. Kavanaugh to adopt Ordinance 2010-04.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

5. Ordinance 2010-02 ~ Park Board Waiver Requirements

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

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Wischer read Ordinance 2010-02.

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 of Ordinance 2010-02.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Wischer read Ordinance 2010-02.

MOTION by Mr. Kavanaugh to adopt.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

6. Ordinance 2010-03 ~ Establishing an Additional Historic District – 4 Gray Street

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2010-03.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Wischer read Ordinance 2010-03.

MOTION by Mr. Kavanaugh to accept the first reading.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the second reading.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Wischer read Ordinance 2010-03.

MOTION by Mr. Kavanaugh to adopt Ordinance 2010-03.

SECOND by Mr. Ellsperman.

DISCUSSION: Inclusion of the Burns House into the district was passed unanimously by the Newburgh HPC.

MOTION carried ayes 5, nays 0.

7. Ordinance 2010-04 ~ Establishing an Additional Historic District – 1001 State Street

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2010-04.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Wischer read Ordinance 2010-04.

MOTION by Mr. Kavanaugh to accept the first reading.

SECOND by Ms. Aurand.

DISCUSSION: A public hearing was held on January 14, 2010; however, Mr. Wischer was notified today that Mr. Scales had not received the notice. Mr. Scales added that there is a pending petition with Warrick County Superior Court II for guidance as to the disposition of the property. Ken Schaaf, guardian of the estate, has obtained estimates to repair the property. Those estimates are in excess of \$300,000.00. Since statutory notice was apparently not received, Mr. Scales requested a hearing be held before the HPC so this information can be presented. Mr. Wischer stated that the HPC, at the public hearing, also moved (and adopted) to place the property in interim protection. Interim protection will still be in place while this matter is continued. Mr. Wischer added that it looked as if notices were mailed but he could not determine if they'd been received by the intended parties.

MOTION by Ms. Aurand to table.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

8. Contract ~ Rivertown Trail, Phase II A&B – Construction Inspection Contract – R.W. Armstrong

MOTION by Mr. Kavanaugh to approve the construction inspection contract for Phase IIA&B for the Rivertown Trail in an amount not to exceed \$324,200.00 payable to R.W. Armstrong.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

9. Cancellation of Warrants

MOTION by Mr. Kavanaugh approve the cancellation of warrants.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

10. U.S. Census Bureau Request

MOTION by Ms. Aurand to grant the request from the U.S. Census Bureau to utilize the lobby of the Newburgh Town Hall for questions and assistance in completing the census form. Space will be needed from March 19 until April 19.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MISCELLANEOUS BUSINESS

Ms. Aurand stated a BZA meeting was recently held with a finding and fact for the bed and breakfast on E. Jennings.

Letters will be sent to thirty-six (36) residents (within the corporate limits) by the U.S. Postal Service stating that mailboxes can be moved to their original location.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Blake Larson stated that HNI will assist in anyway to bring the Delta Queen back to the river.

APPROVAL OF CLAIMS

MOTION by Mr. Kavanaugh that all claims, including any sewer adjustments, be paid.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 01

ADJOURNMENT

MOTION by Mr. Ellsperman to adjourn.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

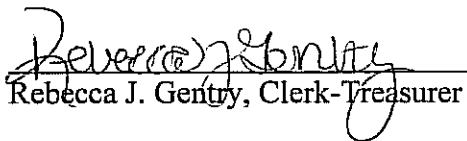
APPROVED this 10 day of FEBRUARY, 2010.

Newburgh Town Council



Shari E. Sherman, President

ATTEST:



Rebecca J. Gentry, Clerk-Treasurer

Newburgh Fire

TOWN

2009

Incident Type Report (Summary)

Alarm Date Between {1/1/2009} And {12/31/2009}
and Station = "1 "

TOTAL -383

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
111 Building fire	3	3.26%	\$5,800	100.00%
131 Passenger vehicle fire	1	1.08%	\$0	0.00%
140 Natural vegetation fire, Other	1	1.08%	\$0	0.00%
162 Outside equipment fire	1	1.08%	\$0	0.00%
	<u>6</u>	<u>6.52%</u>	<u>\$5,800</u>	<u>100.00%</u>
3 Rescue & Emergency Medical Service Incident				
311 Medical assist, assist EMS crew	30	32.60%	\$0	0.00%
321 EMS call, excluding vehicle accident with	1	1.08%	\$0	0.00%
322 Motor vehicle accident with injuries	2	2.17%	\$0	0.00%
324 Motor Vehicle Accident with no injuries	2	2.17%	\$0	0.00%
360 Water & ice-related rescue, other	1	1.08%	\$0	0.00%
	<u>36</u>	<u>39.13%</u>	<u>\$0</u>	<u>0.00%</u>
4 Hazardous Condition (No Fire)				
41 Gasoline or other flammable liquid spill	1	1.08%	\$0	0.00%
415 Oil or other combustibile liquid spill	1	1.08%	\$0	0.00%
424 Carbon monoxide incident	5	5.43%	\$0	0.00%
444 Power line down	6	6.52%	\$0	0.00%
445 Arcing, shorted electrical equipment	9	9.78%	\$0	0.00%
	<u>22</u>	<u>23.91%</u>	<u>\$0</u>	<u>0.00%</u>
5 Service Call				
500 Service Call, other	1	1.08%	\$0	0.00%
522 Water or steam leak	1	1.08%	\$0	0.00%
531 Smoke or odor removal	3	3.26%	\$0	0.00%
551 Assist police or other governmental agency	1	1.08%	\$0	0.00%
	<u>6</u>	<u>6.52%</u>	<u>\$0</u>	<u>0.00%</u>
6 Good Intent Call				
600 Good intent call, Other	2	2.17%	\$0	0.00%
611 Dispatched & cancelled en route	2	2.17%	\$0	0.00%
651 Smoke scare, odor of smoke	1	1.08%	\$0	0.00%
	<u>5</u>	<u>5.43%</u>	<u>\$0</u>	<u>0.00%</u>
7 False Alarm & False Call				
700 False alarm or false call, Other	9	9.78%	\$0	0.00%

Newburgh Fire

Incident Type Report (Summary)

Alarm Date Between {1/1/2009} And {12/31/2009}
and Station = "1 "

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
7 False Alarm & False Call				
731 Sprinkler activation due to malfunction	1	1.08%	\$0	0.00%
733 Smoke detector activation due to	2	2.17%	\$0	0.00%
735 Alarm system sounded due to malfunction	2	2.17%	\$0	0.00%
743 Smoke detector activation, no fire -	1	1.08%	\$0	0.00%
744 Detector activation, no fire -	1	1.08%	\$0	0.00%
745 Alarm system activation, no fire -	1	1.08%	\$0	0.00%
	17	18.47%	\$0	0.00%

Total Incident Count: 92

Total Est Loss:

\$5,800

Newburgh Fire

Incident Type Report (Summary)

Township

Alarm Date Between {1/1/2009} And {12/31/2009}
and Station = "2 "

TOTAL - 383

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
Fire				
100 Fire, Other	5	1.71%	\$0	0.00%
111 Building fire	4	1.37%	\$0	0.00%
112 Fires in structure other than in a building	1	0.34%	\$0	0.00%
113 Cooking fire, confined to container	1	0.34%	\$0	0.00%
114 Chimney or flue fire, confined to chimney	5	1.71%	\$0	0.00%
130 Mobile property (vehicle) fire, Other	1	0.34%	\$0	0.00%
131 Passenger vehicle fire	3	1.03%	\$0	0.00%
140 Natural vegetation fire, Other	2	0.68%	\$0	0.00%
142 Brush or brush-and-grass mixture fire	6	2.06%	\$0	0.00%
143 Grass fire	3	1.03%	\$0	0.00%
154 Dumpster or other outside trash receptacle	2	0.68%	\$0	0.00%
	33	11.34%	\$0	0.00%
Overpressure Rupture, Explosion, Overheat (no fire)				
140 Explosion (no fire), Other	1	0.34%	\$0	0.00%
	1	0.34%	\$0	0.00%
Rescue & Emergency Medical Service Incident				
100 Rescue, EMS incident, other	1	0.34%	\$0	0.00%
111 Medical assist, assist EMS crew	75	25.77%	\$0	0.00%
122 Motor vehicle accident with injuries	19	6.52%	\$0	0.00%
123 Motor vehicle/pedestrian accident (MV Ped)	5	1.71%	\$0	0.00%
124 Motor Vehicle Accident with no injuries	2	0.68%	\$0	0.00%
152 Extrication of victim(s) from vehicle	2	0.68%	\$0	0.00%
160 Water & ice-related rescue, other	4	1.37%	\$0	0.00%
	108	37.11%	\$0	0.00%
Hazardous Condition (No Fire)				
100 Hazardous condition, Other	1	0.34%	\$0	0.00%
112 Gas leak (natural gas or LPG)	3	1.03%	\$0	0.00%
113 Oil or other combustible liquid spill	2	0.68%	\$0	0.00%
122 Chemical spill or leak	1	0.34%	\$0	0.00%
124 Carbon monoxide incident	9	3.09%	\$0	0.00%
1241 Carbon monoxide alarm	2	0.68%	\$0	0.00%
140 Electrical wiring/equipment problem, Other	1	0.34%	\$0	0.00%
141 Power line down	12	4.12%	\$0	0.00%
145 Arcing, shorted electrical equipment	12	4.12%	\$0	0.00%
151 Biological hazard, confirmed or suspected	1	0.34%	\$0	0.00%
163 Vehicle accident, general cleanup	2	0.68%	\$0	0.00%

Newburgh Fire

TOWNSHIP 2009

Incident Type Report (Summary)

Alarm Date Between {1/1/2009} And {12/31/2009}
and Station = "2 "

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
	46	15.80%	\$0	0.00%
Service Call				
531 Smoke or odor removal	12	4.12%	\$0	0.00%
551 Assist police or other governmental agency	4	1.37%	\$0	0.00%
554 Assist invalid	2	0.68%	\$0	0.00%
561 Unauthorized burning	2	0.68%	\$0	0.00%
571 Cover assignment, standby, moveup	5	1.71%	\$0	0.00%
	25	8.59%	\$0	0.00%
Good Intent Call				
600 Good intent call, Other	3	1.03%	\$0	0.00%
611 Dispatched & cancelled en route	16	5.49%	\$0	0.00%
631 Authorized controlled burning	1	0.34%	\$0	0.00%
650 Steam, Other gas mistaken for smoke, Other	1	0.34%	\$0	0.00%
655 Smoke scare, odor of smoke	1	0.34%	\$0	0.00%
655 Steam, vapor, fog or dust thought to be	2	0.68%	\$0	0.00%
671 HazMat release investigation w/no HazMat	1	0.34%	\$0	0.00%
	25	8.59%	\$0	0.00%
False Alarm & False Call				
700 False alarm or false call, Other	24	8.24%	\$0	0.00%
710 Malicious, mischievous false call, Other	1	0.34%	\$0	0.00%
730 System malfunction, Other	1	0.34%	\$0	0.00%
731 Sprinkler activation due to malfunction	3	1.03%	\$0	0.00%
733 Smoke detector activation due to	3	1.03%	\$0	0.00%
735 Alarm system sounded due to malfunction	3	1.03%	\$0	0.00%
736 CO detector activation due to malfunction	1	0.34%	\$0	0.00%
743 Smoke detector activation, no fire -	5	1.71%	\$0	0.00%
745 Alarm system activation, no fire -	5	1.71%	\$0	0.00%
746 Carbon monoxide detector activation, no CO	1	0.34%	\$0	0.00%
	47	16.15%	\$0	0.00%
Severe Weather & Natural Disaster				
800 Severe weather or natural disaster, Other	3	1.03%	\$0	0.00%
811 Lightning strike (no fire)	2	0.68%	\$0	0.00%
	5	1.71%	\$0	0.00%

Newburgh Fire

Incident Type Report (Summary)

Alarm Date Between {1/1/2009} And {12/31/2009}
and Station = "2 "

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
Special Incident Type				
900 Special type of incident, Other	1	0.34%	\$0	0.00%
	1	0.34%	\$0	0.00%

Total Incident Count: 291

Total Est Loss: \$0

- 2010

TOWN OWNED VEHICLES

	S G	DECKER'S TOWING	HAMRICKS	TRI-STATE TOWING
Towing of automobiles, pickup truck passenger vans		\$45	5 Free Tows, then: \$30	N/C
Towing of motorcycles		\$45	\$30	N/C
Towing of truck (over 1 ton)		\$120/hr	\$30	N/C
Towing of semi-truck (without trailer)		\$160/hr	\$30	N/C
Towing of semi-truck (with trailer)		\$190/hr	\$30	N/C
Towing of bus & large RV		\$160/hr	\$30	N/C
Towing of ATV		\$45	\$30	N/C
Towing of tractors, backhoes & trail		\$100/hr	\$30	N/C
Per hour charge for recovery				
Per mile charge for towing outside 1				
Jump starts at scene		\$25		N/C
Jump starts at storage		\$25		N/C
Changing flat tires		\$25		N/C
Delivery of gas	gas	\$25 + gas cost		N/C
Clean up and disposal of fluids leak from vehicle at scene				
Clean up of leaky fluid at storage				
Storage per day		\$20/day		N/C
Other fees:				