

Newburgh Town Council Meeting
Wednesday, August 27, 2008

The Newburgh Town Council met in Executive Session on Wednesday, August 27, 2008, at 4:30p.m. Those present at the meeting were Anne Rust Aurand, Eric Ellsperman, Bill Kavanaugh, Alonzo Moore, Shari Sherman, 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 OR ORDER

The Regular Session was called to order by President Kavanaugh at 5:32p.m. on Wednesday, August 27, 2008.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Kavanaugh. A moment of silence was observed for the passing of Tony Kraft.

ROLL CALL

Those present were Anne Rust Aurand, Eric Ellsperman, Bill Kavanaugh, Alonzo Moore, Shari Sherman, Susan Helms, Cynthia Burger, and Chris Wischer.

APPROVAL OF MINUTES

1. August 13, 2008 ~ Executive & Regular Session

MOTION by Ms. Sherman to table.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Joe Schitter, representing HNI, addressed the Council regarding the upcoming Fiddler Fest.

MOTION by Ms. Aurand to allow HNI use of the Old Lock & Dam Park for the Fiddler Fest on September 26, 27, and 28, 2008. Additionally, the town crew will assist in setting up and tearing down equipment used for the festival.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Aurand to amend the motion to include excise approval.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

COMMISSION REPORTS

AIR BOARD ~ Eric Ellsperman
No report.

FIRE ~ Alonzo Moore
No report.

PARK ~ Eric Ellsperman
Mr. Hijuelos reported that the electrical project at Lock & Dam Park will be substantially complete by next week.

PLAN ~ Anne Rust Aurand
The next meeting is scheduled for September 8, 2008, at 5:30p.m.

POLICE ~ Bill Kavanaugh
The e-Citation equipment has been received by the department. A representative from the state will assist in completing necessary training for the equipment.

Chief Sprinkle met with members of the Castle Knight Sensations committee regarding the street dance to be held on September 13, 2008. Sgt. Mayse will be working the event. Numerous volunteers will assist with traffic control wearing NPD supplied orange vests. Chief Sprinkle will also be monitoring the event.

STREET ~ Alonzo Moore
River bank spraying has been completed.

UTILITY ~ Shari Sherman
Joe Pavoni, GRW Engineers, provided a brief update on the obsolete water main replacement project for IN-American Water. Work is currently being completed (in the county) on Frame Road. Mr. Pavoni anticipates work to resume within the town limits by September 19, 2008.

STANDING COMMITTEES

FINANCE ~ Anne Rust Aurand
The 2009 budget adoption is scheduled for September 10, 2008.

PERSONNEL ~ Bill Kavanaugh
No report.

SPECIAL BOARDS/COMMITTEE REPORTS

ARTS PAVILION ~ Eric Ellsperman
No report.

HISTORIC PRESERVATION ~ Alonzo Moore

Thoughts and ideas for the betterment of Newburgh were reviewed at the meeting held on August 14, 2008. Tonya McGuire and Jim Seibert provided a report on a conference they recently attended in New Orleans. The committee will be completing an application (received at the conference) to apply for grant money.

PRESERVATION HALL ~ Anne Rust Aurand

Ms. Aurand stated the project is officially complete. Museum items are currently being accepted for the display area located on the ground floor.

RIVERTOWN TRAIL ~ Eric Ellsperman

Bid letting for Phase I is scheduled for October with construction to begin by November. Environmental work is complete for Phase II. Design and permitting work continue with bid letting anticipated for the fall of 2009.

STORM WATER ~ Anne Rust Aurand

The Council attended the last meeting to review both storm water and street issues.

The 2007 annual MS4 report was filed on August 18, 2008.

MOTION by Ms. Aurand to remove the Preservation Hall committee from the agenda.

(The NBC will continue to meet annually)

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

CLERK-TREASURER ~ Susan Helms, Deputy

No report.

DIRECTOR OF PLANNING & DEVELOPMENT ~ Frank Hijuelos

No report.

TOWN ATTORNEY ~ Chris Wischer

No report.

TOWN ENGINEER ~ David Hynes

MOTION by Ms. Sherman to remove Blue Lake Lift Station FM Replacement ~ Partial Pay Est. #2 to Quality Craft from table.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve Change Order #1 for the Blue Lake Force Main replacement project in the amount of \$2,170.92 payable to Quality Craft.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve Pay Request #2 for the Blue Lake Force Main replacement project in the amount of \$61,544.48 (\$58,476.26 to contractor and \$3,077.22 to retainage) payable to Quality Craft.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

TOWN ADMINISTRATIVE MANAGER ~ Cynthia Burger

Ms. Burger reported that the Army Corps of Engineers is accepting comments regarding the Cash Creek Power Plant.

The town currently has twenty (20) tons of salt stored; however, an average of sixty (60) tons of salt is typically used during the winter months. Several vendors have been contacted but, to date, none are able to supply any salt.

A Safe Route To School scoping meeting was held with INDOT on August 14, 2008. INDOT has since agreed to a limited design standard and limited right-of-way issues.

MOTION by Ms. Aurand to move forward on the sidewalk project on Jefferson, Fourth, and Gray Street; to move forward on the design for the park projects which include the Lock & Dam exterior restrooms; interior work at the Lock & Dam Control Building, the Lock Master cottages, and the skate park.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

UNFINISHED BUSINESS

1. Sr. Citizen Contract...tabled June 11, 2008

Continue to table.

2. Discussion Re: Bonding of Contractors Prior to Working in Town Limits...tabled August 13, 2008

Continue to table.

3. Ordinance 2008-13 ~ Stop Sign West Bond on Gray Street...tabled August 13, 2008

MOTION by Ms. Sherman for the first reading of 2008-13.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Wischer read Ordinance 2008-13.

MOTION by Ms. Sherman to accept the first reading 2008-13.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman for the second reading of Ordinance 2008-13.
SECOND by Mr. Ellsperman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.
Mr. Wischer read Ordinance 2008-13.
MOTION by Ms. Sherman to adopt Ordinance 2008-13.
SECOND by Mr. Moore.
DISCUSSION: The title should read "west bound", not south bound.
Mr. Wischer stated the body of the ordinance referred to west bound.
MOTION carried ayes 5, nays 0.

NEW BUSINESS

1. Public Hearing ~ Proposed 2008 Budget

MOTION by Ms. Aurand to open the public hearing.
SECOND by Ms. Sherman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.
There were no comments regarding the proposed budget.
MOTION by Ms. Aurand to close the public hearing.
SECOND by Ms. Sherman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.

2. Transfer Veterans Park to Park Board

MOTION by Ms. Sherman to transfer the maintenance of Veterans Park to the Newburgh Park Board with the stipulation that the agreements put in place with abutting property owners during the design process will remain in place (includes that no other structures be placed at the site, including benches).
SECOND by Mr. Ellsperman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.

3. Bill Bivins ~ Re: Paradise Gardens Force Main

Attorney Charles Martin addressed the Council regarding the issue of substantial completion regarding the Paradise Gardens Force Main. Per Town of Newburgh standards, the project is not substantially complete, and is not available to be utilized as intended. Mr. Martin offered his client post a bond and insert a clause in the contract with property buyers that no water could be turned on and no sewer connected. Mr. Wischer stated that this could not be enforceable by the Town since the Town would not be party to the contract.

Ms. Sherman stated it was determined this project was not substantially complete and the committee cannot deviate from the established standards. The committee did, however, agree to the use of temporary pumps.

In order to receive a building permit from the Warrick County Area Plan Commission, the Town must, according to Warrick County policy, assert that sewer is ready to be utilized.

MOTION by Mr. Ellsperman to refer back to the Utility Committee since new information has been provided.

SECOND by Mr. Moore.

DISCUSSION: Mr. Bivins was instructed to call the Utility Office to be placed on the agenda at the next utility meeting.

MOTION carried ayes 5, nays 0.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

None

APPROVAL OF CLAIMS

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

Civil Town ~ \$169,399.17

Sewer ~ \$513,598.02

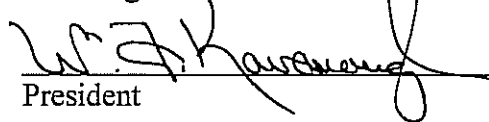
SECOND by Mr. Ellsperman.

DISCUSSION: None

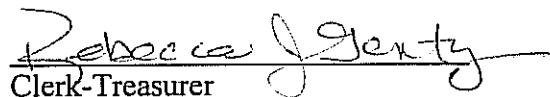
MOTION carried ayes 5, nays 0.

APPROVED this 10th day of September, 2008.

Newburgh Town Council


President

ATTEST:


Clerk-Treasurer