

Newburgh Town Council Minutes  
February 27, 2008

The Newburgh Town Council met in Executive Session on Wednesday, February 27, 2008, at 4:30p.m. Those present were Anne Rust Aurand, Eric Ellsperman, Bill Kavanaugh, Alonzo Moore, Shari Sherman, Becky Gentry, Cynthia Burger, and Tom Bodkin. 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 meeting was call to order at 5:30p.m. by President Kavanaugh.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council.

ROLL CALL

Those present at the meeting were Anne Rust Aurand, Eric Ellsperman, Bill Kavanaugh, Alonzo Moore, Shari Sherman, Becky Gentry, Cynthia Burger, and Tom Bodkin.

APPROVAL OF MINUTES

1. February 19, 2008 ~ Executive & Regular Session

MOTION by Ms. Aurand to approve to February 19, 2008, minutes, as submitted.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

COMMISSION REPORTS

AIR BOARD ~ Eric Ellsperman

No report.

FIRE ~ Alonzo Moore

Mr. Moore presented the January run report (see attached).

Work continues on the fire protection contract.

PARK ~ Eric Ellsperman

No report.

PLAN ~ Anne Rust Aurand

The next meeting is scheduled to be held on Monday, March 3, 2008.

POLICE ~ Bill Kavanaugh

Asst. Chief Williams requested that the Council surplus the boat currently utilized by the department. He stated that the Warrick County Sheriff's Department was willing to donate a boat for use in the department in the near future.

MOTION by Ms. Sherman to declare surplus and auction a 1974 boat currently used by the Newburgh Police Department.

SECOND by Mr. Ellsperman.

DISCUSSION: Asst. Chief Williams stated the boat leaked and had motor issues.

MOTION carried ayes 5, nays 0.

Asst. Chief Williams stated that an individual has volunteered to donate funds to make any needed repairs/maintenance on the new boat.

### STREET

Mr. Moore stated the crew has been busy removing ice, snow, and tree limbs due to recent winter storms. They have also been busy installing snow route signage. Many at the meeting were in agreement that the department has done a remarkable job this winter.

### UTILITY ~ Shari Sherman

No report.

### STANDING COMMITTEES

#### FINANCE ~ Anne Rust Aurand

No report.

#### PERSONNEL ~ Bill Kavanaugh

The Personnel Committee met on Saturday and interviewed fourteen (14) potential individuals for the Police Department hiring pool.

MOTION by Ms. Sherman to place the following individuals in a hiring pool for the Newburgh Police Department (listed in alphabetical order):

- Sean Brockmole
- Bryan DeLuca
- Mark Dimmett
- Aaron Kennedy
- Eric Mitchell
- Jay Michael Perry
- Jacob Ritchie
- Adam Silva
- Anthony Thomas
- John Wade

SECOND by Mr. Moore.

DISCUSSION: Ms. Sherman stated these individuals would remain in the hiring pool for two (2) or three (3) years.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to appoint Adam Silva and Eric Mitchell as Reserve Officers with the Newburgh Police Department pending a negative drug test and successful completion of the voice stress test.

SECOND by Ms. Aurand.

DISCUSSION: The department would then have three (3) Reserve Officers.  
MOTION carried ayes 5, nays 0.

SPECIAL BOARDS/COMMITTEE REPORTS

ARTS PAVILION ~ Eric Ellsperman

No report.

HISTORIC PRESERVATION ~ Alonzo Moore

No report.

PRESERVATION HALL ~ Anne Rust Aurand

The punch list walk-through is scheduled for Tuesday, March 4, 2008, at 3:00p.m. The current, new, outside lights will soon be replaced with ones that are the same style but somewhat larger.

The next NBC meeting is scheduled for Monday, March 10, 2008.

RIVERTOWN TRAIL ~ Eric Ellsperman

The committee recently met and reviewed possible benches, "combo" trash units, etc. for the trail.

STORM WATER MANAGEMENT ~ Anne Rust Aurand

The next meeting is scheduled on Monday, March 17, 2008.

VETERANS MONUMENT ~ Shari Sherman

The project remains on "hold" until the weather improves.

CLERK-TREASURER ~ Becky Gentry

Copies of the 2007 CTAR were distributed. The State Board of Accounts Field Auditor is currently reviewing 2006 and 2007 financial records.

Mrs. Gentry requested the total amount (for sewer and civil town) of the register of claims be included in the motion at the time claims are approved.

DIRECTOR OF PLANNING & DEVELOPMENT ~ Frank Hijuelos

The Plan Commission will be meeting on March 3, 2008. One of the agenda items will be a request to rezone 5455 Highway 261 from R-1 to C-1. If approved, this rezoning will be brought before the Council on March 12, 2008.

Mr. Hijuelos encouraged participation in the LEPC (Local Emergency Planning Committee) 101 presentation on March 10, 2008.

TOWN ATTORNEY ~ Tom Bodkin

Mr. Bodkin, Ms. Burger, along with Umbaugh & Associates, have completed preliminary work for the purpose of obtaining an EDIT bond. He stated it was time for the Council to

determine whether staff should move forward with this effort. It has been determined that approximately \$900,000.00 could be available (through a bond) for sidewalks, both the east and west lockmaster houses, electrical work at lockmaster building, and other projects.

MOTION by Ms. Sherman for staff to develop a project list that included associated costs for the purpose of securing an EDIT bond.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Once the list has been prepared and costs associated with each project have been determined, the Council will determine whether to move forward with the bond.

Mr. Bodkin will soon be filing (for the Town of Newburgh and Warrick County) the Section 126 petition. Sierra Club will be filing separately due to statute requirements.

A draft of the Senior Citizen Center contract, as it relates to the management of the center, will be presented to the Council for consideration.

TOWN ENGINEER ~ David Hynes

Mr. Hynes is hopeful that "Shirley's Wall" (the lock and dam wall) will be under construction as early as next week.

TOWN ADMINISTRATIVE MANAGER ~ Cynthia Burger

Ms. Burger reported that the title work for the Evansville trolley has been located and ready to be accepted.

MOTION by Ms. Sherman accept the trolley from the City of Evansville and have it transferred to Ruxer Truck Center who will complete the necessary engine work in an amount not to exceed \$11,100.00.

SECOND by Mr. Ellsperman.

DISCUSSION: Ms. Burger was unsure as to the time required for the needed repairs.

MOTION carried ayes 4, nays 1 (Aurand).

UNFINISHED BUSINESS

1. Change Order No. 2 ~ SR 66 Relocation Project ~ BMB, Inc...tabled February 19, 2008

Continue to table.

NEW BUSINESS

1. Ordinance 2008-1 ~ Vacation of a Public Way or Place

MOTION by Ms. Aurand to table.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

2. Ordinance 2008-2 ~ Designated Depositories

MOTION by Ms. Sherman for the first reading of Ordinance 2008-2.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin read Ordinance 2008-02.

MOTION by Ms. Sherman to accept the first reading of Ordinance 2008-02.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman for the second reading of Ordinance 2008-02.

SECOND by Mr. Ellsperman.

DISCUSSION: It was clarified that Lynnville National Bank is the “parent” bank for Newburgh National Bank.

MOTION carried ayes 5, nays 0.

Mr. Bodkin read Ordinance 2008-02.

MOTION by Ms. Sherman to accept Ordinance 2008-02.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

### 3. Action Pest Control Mosquito Contract

MOTION by Ms. Sherman to approve the 2008 mosquito control contract with Action Pest Control in the amount of \$9,300.00.

SECOND by Mr. Ellsperman.

DISCUSSION: This amount represents an increase of \$300.

MOTION carried ayes 5, nays 0.

### 4. Application to Work in County Right-of-Way ~ Blue Lake Force Main

Mr. Hynes stated the Blue Lake Force Main project has been designed and is in the easement acquisition phase. The application to work in the county right-of-way is needed so that the contractor is able to complete the needed work.

MOTION by Ms. Sherman to approve the county right-of-way application for the Blue Lake Force Main project.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin stated two (2) easements necessary for the Blue Lake Force Main project have been acquired. The remaining easements are being negotiated, one of which belongs to the Warrick County park system. Mr. Bodkin reported that the park board has demanded \$10,000.00 plus two (2) free sewer taps in exchange for the easement. After having two (2) appraisals, Mr. Bodkin stated \$5,000.00 was offered. He also informed the board’s attorney that easements were purchased for fair market value based on appraised value. Mr. Bodkin added that he may need to request the Council’s authority to condemn the property if an agreement cannot be reached.

### MISCELLANEOUS BUSINESS

Newburgh Fire

Incident Type Report (Summary)

Alarm Date Between {01/01/2008} And {01/31/2008}

and Station = "1 "

TOWN

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
<b>3 Rescue &amp; Emergency Medical Service Incident</b>				
311 Medical assist, assist EMS crew	2	25.00%	\$0	0.00%
	<u>2</u>	<u>25.00%</u>	<u>\$0</u>	<u>0.00%</u>
<b>4 Hazardous Condition (No Fire)</b>				
412 Gas leak (natural gas or LPG)	1	12.50%	\$0	0.00%
444 Power line down	1	12.50%	\$0	0.00%
	<u>2</u>	<u>25.00%</u>	<u>\$0</u>	<u>0.00%</u>
<b>7 False Alarm &amp; False Call</b>				
744 Detector activation, no fire -	4	50.00%	\$0	0.00%
	<u>4</u>	<u>50.00%</u>	<u>\$0</u>	<u>0.00%</u>

Total Incident Count: 8

Total Est Loss: \$0

Newburgh Fire

Incidents by Unit by District

Alarm Date Between {01/01/2008} And {01/31/2008}  
and Station = "1 "

TOWN

District	Count
10 Battalion 10	
TOWN Town of Newburgh	<u>2</u>
	2
11 Engine 11	
TOWN Town of Newburgh	<u>4</u>
	4
12 Truck 12	
TOWN Town of Newburgh	<u>1</u>
	1
15 Squad 15	
TOWN Town of Newburgh	<u>2</u>
	2
17 Engine 17	
TOWN Town of Newburgh	<u>1</u>
	1
Total Units Responded:	10

Newburgh Fire

Incident Type Report (Summary)

Alarm Date Between {01/01/2008} And {01/31/2008}  
 and Station = "2 "

*Township*

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
<b>1 Fire</b>				
100 Fire, Other	1	4.76%	\$0	0.00%
111 Building fire	1	4.76%	\$0	0.00%
113 Cooking fire, confined to container	1	4.76%	\$0	0.00%
114 Chimney or flue fire, confined to chimney	1	4.76%	\$0	0.00%
118 Trash or rubbish fire, contained	1	4.76%	\$0	0.00%
131 Passenger vehicle fire	1	4.76%	\$0	0.00%
	<u>6</u>	<u>28.57%</u>	<u>\$0</u>	<u>0.00%</u>
<b>3 Rescue &amp; Emergency Medical Service Incident</b>				
311 Medical assist, assist EMS crew	4	19.04%	\$0	0.00%
322 Motor vehicle accident with injuries	1	4.76%	\$0	0.00%
	<u>5</u>	<u>23.80%</u>	<u>\$0</u>	<u>0.00%</u>
<b>4 Hazardous Condition (No Fire)</b>				
4 Overheated motor	1	4.76%	\$0	0.00%
4 Power line down	1	4.76%	\$0	0.00%
	<u>2</u>	<u>9.52%</u>	<u>\$0</u>	<u>0.00%</u>
<b>6 Good Intent Call</b>				
611 Dispatched & cancelled en route	1	4.76%	\$0	0.00%
	<u>1</u>	<u>4.76%</u>	<u>\$0</u>	<u>0.00%</u>
<b>7 False Alarm &amp; False Call</b>				
744 Detector activation, no fire -	4	19.04%	\$0	0.00%
745 Alarm system activation, no fire -	1	4.76%	\$0	0.00%
746 Carbon monoxide detector activation, no CO	2	9.52%	\$0	0.00%
	<u>7</u>	<u>33.33%</u>	<u>\$0</u>	<u>0.00%</u>

Total Incident Count: 21

Total Est Loss: \$0

Newburgh Fire

Incidents by Unit by District

Alarm Date Between {01/01/2008} And {01/31/2008}  
 and Station = "2 " (

*TOWNSHIP*

District	Count
1 Engine 11	1
HIO Ohio Township	8
	<u>9</u>
2 Truck 12	
HIO Ohio Township	5
	<u>5</u>
5 Squad 15	
HIO Ohio Township	4
	<u>4</u>
7 Engine 17	
HIO Ohio Township	1
	<u>6</u>
	7
cancelled enroute	
HIO Ohio Township	1
	<u>1</u>
PERSONAL VEHICLE	
HIO Ohio Township	1
	<u>1</u>
	1

Total Units Responded: 27



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
*We make Indiana a cleaner, healthier place to live.*

Mitchell E. Daniels, Jr.  
Governor

Thomas W. Easterly  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
(800) 451-6027  
www.IN.gov/idem

February 19, 2008

RECEIVED

FEB 26 2008

TOWN OF NEWBURGH

Ms. Melinda Mitchell  
101 Yorkshire Drive  
Newburgh, IN 47630

Dear Ms. Mitchell:

Re: **Proposed Rivertown/Greenway Trailhead**  
**Former Nix Sunoco**  
715 W. Highway 662  
Newburgh, IN 47360  
FID#17897  
LUST#199206504

The Indiana Department of Environmental Management (IDEM) received correspondence from Representative Phil Hoy and Senator Vaneta Becker regarding the proposed Rivertown/Greenway Trailhead located at the site of the former Nix Sunoco in Newburgh, Indiana. You expressed concerns about the site due to the fuel tanks.

IDEM staff reviewed information about the property and inspected the site and the wooded area known as "The Great Ravine." On June 16, 1999, IDEM granted a "no-further-action" letter based on the following file information:

- removal and disposal of five underground storage tanks;
- removal and disposal of contaminated soil;
- confirmation samples tested by a laboratory showing that the contaminated soil was removed; and
- since the source was removed and no groundwater was encountered during the removal activities, no groundwater samples were required.

You can view these files by visiting the following website:  
<http://www.in.gov/idem/resources/records/index.html> and selecting "Document Search" then selecting "FID" under "Index." The FID (facility identification) is 17897.

On February 7, 2008, in response to your inquiries, an IDEM inspector conducted a physical inspection of the site and the neighboring wooded area. Based on the results of the inspection, IDEM made the following conclusions:

- some clean fill is being stored at the former gas station site;
- a small amount of solid waste is visible in the area of the ravine indicating that the area was at one time used as a dump;
- there is no evidence of any waste materials such as paint or other industrial wastes;
- there is no evidence of any current dumping.

Based on the results of the inspection, no additional actions are planned. A copy of the inspection report is attached to this letter. You may contact the Warrick County Health Department with your concerns about the solid waste.

IDEM has no information about whether a Phase I or II Environmental Site Assessment was ever performed at the site. It is the responsibility of the property owner or prospective purchaser of a property to perform "All Appropriate Inquiries" prior to purchase of a property as well as perform "Due Diligence" after purchase to ensure that care is taken to prevent potential movement or exposure to people or the environment should contamination be present.

If you have additional questions, please do not hesitate to contact me at 317-234-3386 or via e-mail at [mtretter@idem.in.gov](mailto:mtretter@idem.in.gov).

Sincerely,

Megan Tretter  
Legislative Liaison

Attachment

cc: State Representative Phil Hoy  
State Senator Vaneta Becker  
Warrick County Health Department  
Town of Newburgh  
Joe von der Lieth, IDEM Southwest Regional Office  
Billy Giles, IDEM Site Investigation Section  
Kevin Davis, IDEM Brownfields Section  
Susan Tynes Harrington, Indiana Finance Authority

Ms. Aurand asked Ms. Burger to contact Allied Waste to see if yard waste pickup could begin earlier than scheduled due to winter storms. She also requested the street crew begin repairs to potholes throughout town.

Ms. Aurand stated she was not in favor of investing nearly \$12,000.00 on an unattractive, unusable, characterless trolley (before it can ever be used) in lieu of using the same money on Mr. Bus.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Melinda Mitchell, 101 Yorkshire, asked if a phase 1 and 2 environmental study would be conducted at the gas station and the great ravine. Mr. Bodkin explained that old gas station has already had a phase 1 and 2 study with no contamination found. He added that the Council was not authorized to conduct a study on private property (the great ravine). Ms. Mitchell stated there could be contamination and believed testing should be completed "to insure" contamination did not exist. (please see attached letter from IDEM) Discussion continued.

APPROVAL OF CLAIMS

MOTION by Mr. Moore that all claims, including any sewer adjustments, be paid with the following totals:

Newburgh Sewer Department ~ \$413,958.28

Newburgh Civil Town ~ \$99,425.20

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

ADJOURNMENT

MOTION by Ms. Sherman to adjourn.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

APPROVED this 12<sup>th</sup> day of March, 2008.

Newburgh Town Council

Shari Sherman  
1<sup>st</sup> Vice President

ATTEST:

Rebecca J. Gentry  
Clerk-Treasurer