

Newburgh Town Council Meeting
May 28, 2008

The Newburgh Town Council met in Executive Session on Wednesday, May 28, 2008, at 4:30p.m. The purpose of the meeting was contract negotiations and discussion of personnel issues and was held in accordance with Indiana Code 5-14-1.5-6.

CALL TO ORDER

President Kavanaugh called the Regular Session to order at 5:45p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed for the passing of Jan Risley and Tip Trainer.

ROLL CALL

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

APPROVAL OF MINUTES

1. May 14, 2008 ~ Executive & Regular Session

MOTION by Ms. Aurand to approve the May 14, 2008, minutes, with the addition of Ms. Aurand arriving at the meeting at the beginning of the utility report.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Dwayne Grabbert addressed the Council regarding flooding due to heavy rains on Tuesday, May 27, 2008. Mr. Kavanaugh stated the volume and velocity of the rain caused flooding throughout town. He added that storm drains had just been cleaned/maintained by the street crew and believed nothing could have prevented the flooding. Discussion continued with the decision to forward all information to the Storm Water Management Board.

COMMISSION REPORTS

AIR AUTHORITY ~ Eric Ellsperman

No report.

FIRE ~ Alonzo Moore

The fire contract (between the Town of Newburgh and the Ohio Township Trustee) was approved on May 27, 2008, however; a signed copy of the contract has not yet been received by the town.

Several new members have recently joined the department. Mandatory state training will begin within the next two (2) weeks.

PARK ~ Eric Ellsperman

The 2008 pool season is underway with passes still available.

PLAN ~ Anne Rust Aurand

The next meeting will be held on Tuesday, June 2, 2008.

POLICE ~ Bill Kavanaugh

MOTION by Ms. Sherman to prohibit parking on the north side of Jennings from Middle Street to the end of Jennings, on July 4, 2008. Additionally, there will be no parking on either side of Sycamore Street south of Jennings on July 4, 2008.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

HNI President Byron Sherman, 635 Forest Park Drive, (on behalf of the HNI Board of Directors) presented Chief Sprinkle with a check in the amount of \$1,000.00 for the DARE program.

STREET ~ Alonzo Moore

Mr. Moore reported that all the storm water drains were cleaned prior to the heavy rain that fell on Tuesday, May 27, 2008.

Fourth Street and Monroe Street has been closed due to a culvert failure. It was reported that the street crew is able to make all the needed repairs (other than street paving), saving significant dollars.

MOTION by Mr. Moore to purchase two (2) new mowers: one (1) riding mower in the amount of \$8,274.00; and one (1) walk behind mower in the amount of \$675.00.

SECOND by Ms. Sherman.

DISCUSSION: Four (4) quotes were received for the riding mower and two (2) for the walk behind. The mowers will be purchased out of the general fund.

MOTION carried ayes 5, nays 0.

UTILITY ~ Shari Sherman

No report.

STANDING COMMITTEES

FINANCE ~ Anne Rust Aurand

No report.

PERSONNEL ~ Bill Kavanaugh

Items to be addressed later in the meeting.

SPECIAL BOARDS/COMMITTEE REPORTS

ARTS PAVILION ~ Eric Ellsperman

No report.

HISTORIC PRESERVATION ~ Alonzo Moore

No report.

PRESERVATION HALL ~ Anne Rust Aurand

MOTION by Ms. Aurand to release retainage to ARC Construction in the amount of \$52,915.25 plus accrued interest.

SECOND by Ms. Sherman.

DISCUSSION: Debbie Bennett-Stearnsman and David Wills are in agreement that retainage should be released as the project is 100% complete. The shelving has been repainted and replacement fabric has been ordered.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Aurand to initiate the close-out of the Community Focus Fund Grant for Preservation Hall.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

RIVERTOWN TRAIL ~ Eric Ellsperman

A preliminary meeting was held regarding the inspection phase of the trail. Each committee member (Tom Bodkin, Cynthia Burger, Eric Ellsperman, Bobby Howard, and Mary Ann Wilsbacher) was given a copy of the engineering proposals along with a scoring form. The committee ranked the firms as follows:

R.W. Armstrong

Commonwealth and American StructurePointe tied for second place

M.D. Wessler & Associates

Chicago Testing

Mr. Ellsperman stated he made a scoring error which did not affect the outcome.

MOTION by Mr. Ellsperman that R.W. Armstrong be recommended to INDOT as the construction and inspection firm for the Rivertown Trail, pending INDOT approval and successful contract negotiations.

SECOND by Ms. Sherman.

DISCUSSION: ayes 4, nays 1 (Ellsperman)

STORMWATER ~ Anne Rust Aurand

Forest Park phase I and II was discussed at the meeting held on May 19, 2008. IDEM would require individual permits if the project proceeds as currently planned. However, if the project was divided into two (2) parts, IDEM permitting would not be necessary. A

motion was approved to split the project. Phase II will be completed first and is expected to take approximately two (2) weeks for completion.

The addition at Mother Teresa's (as presented in its new form) was approved pending engineering approval.

Mr. Bodkin explained that the town cannot afford a storm sewer design that would accommodate every storm (referring to the storm on May 27, 2008).

VETERANS MONUMENT ~ Shari Sherman

The dedication of the monument will be held on July 26, 2008, at 9:00a.m.

CLERK-TREASURER ~ Becky Gentry

The 2006-2007 audit is complete with an exit interviewed scheduled on Thursday, June 5, 2008, at 2:30p.m.

DIRECTOR OF PLANNING & DEVELOPMENT ~ Frank Hijuelos

No report.

TOWN ATTORNEY ~ Tom Bodkin

Mr. Bodkin congratulated the Finance Committee for their work on the 2008 budget.

TOWN ENGINEER ~ David Hynes

Mr. Hynes reported the Waste Water Treatment Facility experienced no bypassing during the recent storm.

A report was presented regarding the old Lock & Dam bank failure (see attached). The soils consultant recommends a drilled pier retaining wall be installed at the top of the slope. Mr. Hynes stated this was their minimum recommendation. The consultant also suggested additional borings be done, including borings into the bedrock along with an updated topographic survey. Based on the current information, ballpark figures for the repair could run between \$150,000.00 and \$350,000.00. Discussion continued.

Fill dirt is being placed at the ditch crossing on Jefferson Street. The area around the guard rail will be landscaped at the same time the Veterans Monument landscaping work is done.

Mr. Hynes reported that the SR 66 sanitary sewer relocation project is near completion.

Mr. Moore, Mr. Hynes, and Ms. Burger have reviewed the list of potential streets to be paved this fall. Mr. Hynes will present the list, along with a corresponding map, at the next meeting for Council consideration. Each of the twenty-four (24) projects was prioritized as either a one (1), two (2), or three (3) priority.

TOWN MANAGER ~ Cynthia Burger

Ms. Burger clarified (from the May 28, 2008, meeting) that Street Superintendent John Heck's position is salary non-exempt. Additionally, she noted that Paul Rohrscheib resigned effective May 16, 2008, not May 18, 2008, as previously reported.

IN-American Water Co. will be replacing water lines on W. Jennings from Monroe Street to State Street, Darby Hills, and Frame Road from at SR 662 north. Utilities will be notified prior to any street paving.

UNFINISHED BUSINESS

1. Ordinance 2008-01 ~ Petition to Vacate a Street or Alley...tabled April 9, 2008
MOTION by Ms. Sherman to remove from table.
SECOND by Mr. Ellsperman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.
MOTION by Ms. Sherman to withdraw Ordinance 2008-01.
SECOND by Mr. Ellsperman.
DISCUSSION: The petitioner has requested that no action be taken on Ordinance 2008-01 at this time.
MOTION carried ayes 5, nays 0.

NEW BUSINESS

1. Resolution 2008-02 ~ Transfer of Property
MOTION by Ms. Sherman for the reading of Resolution 2008-02.
SECOND by Ms. Aurand.
DISCUSSION: None
MOTION carried ayes 5, nays 0.
Mr. Bodkin read Resolution 2008-02.
MOTION by Ms. Sherman to adopt Resolution 2008-02.
SECOND by Ms. Aurand.
DISCUSSION: This resolution accepts the transfer of a boat, motor, and trailer, from the Warrick County Sheriff's Department to the Newburgh Police Department.

2. Ordinance 2008-07 ~ EDIT Bond (Income Economic Development Bond)
MOTION by Ms. Sherman for the first reading of Ordinance 2008-07.
SECOND by Mr. Ellsperman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.
Mr. Bodkin read Ordinance 2008-07.
MOTION by Ms. Sherman to open the public hearing.
SECOND by Mr. Moore.
DISCUSSION: None
MOTION carried ayes 5, nays 0.
MOTION by Ms. Sherman to accept the first reading of Ordinance 2008-07.
SECOND by Mr. Moore.

DISCUSSION: Byron Sherman, 635 Forest Park Drive, asked how the funds would be utilized. Mr. Bodkin stated any of the projects named in the Town of Newburgh's capital improvement plan could be included such as Lock and Dam Park, Lockmaster houses, and sidewalks.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to close the public hearing.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman for the second reading.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin read Ordinance 2008-07.

MOTION by Ms. Sherman to adopt Ordinance 2008-07.

SECOND by Mr. Ellsperman.

DISCUSSION: If adopted, Mr. Bodkin anticipates the bond closing would occur in early July.

MOTION carried ayes 5, nays 0.

3. Ordinance 2008-08 ~ Creating Newburgh Redevelopment Commission

MOTION by Ms. Sherman for the first reading of Ordinance 2008-08.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin read Ordinance 2008-08.

MOTION by Ms. Sherman to accept the first reading of Ordinance 2008-08.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman for the second reading.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin read Ordinance 2008-08.

MOTION by Ms. Sherman to adopt.

SECOND by Mr. Ellsperman.

DISCUSSION: Appointments will be made to the committee at the next meeting.

MOTION carried ayes 5, nays 0.

4. Ordinance 2008-09 ~ Amended 2008 Salary Ordinance

MOTION by Ms. Sherman for the first reading of Ordinance 2008-09.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin read Ordinance 2008-09.

MOTION by Ms. Sherman to accept the first reading.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman for the second reading of Ordinance 2008-09.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Bodkin read Ordinance 2008-09.

MOTION by Ms. Sherman to adopt Ordinance 2008-09.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

5. Blue Lake Lift Station Owner-Contractor Agreement

A meeting was held on Tuesday, May 27, 2008, and the preconstruction agenda was addressed with Quality Craft Construction. The contractor signed both the owner-contractor agreement and the Notice to Proceed.

MOTION by Ms. Sherman to enter into a contract with Quality Craft Construction in the amount of \$230,619.95.

SECOND by Mr. Ellsperman.

DISCUSSION: Mr. Hynes stated the contractor has completed several like projects for several southern Indiana communities. Construction is scheduled to be completed October 25, 2008.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve the Notice to Proceed with Quality Craft Construction dated May 28, 2008. (The contractor has one hundred fifty (150) days from today to complete the work with a substantial completion date of October 25; an additional thirty (30) days is allowed to complete a punch list).

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

6. Bellmoore Sewer Extension ~ Change Order #2, Final Payment Application to BMB, Inc.

MOTION by Ms. Sherman to approve Change Order #2 and Final Payment (retainage) to BMB, Inc. in the amount of \$21,837.40.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Hynes stated this was not release of retainage, only a partial payment.

7. Veterans Monument ~ Partial Payment Application #4 to Republic Companies, Inc.

MOTION by Ms. Sherman to approve partial pay application #4 to Republic Companies, Inc. in the amount of \$13,469.65 (\$12,796.17 to the contractor and \$673.48 to escrow).

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

8. Encroachment Agreement ~ Tippecanoe Drive
MOTION by Ms. Sherman to approve the encroachment agreement at 5066 Tippecanoe Drive.
SECOND by Mr. Moore.
DISCUSSION: There is a fence encroachment.
MOTION carried ayes 5, nays 0.

PERSONNEL ~ Bill Kavanaugh
MOTION by Mr. Kavanaugh to move Leroy Goldsberry from the position of Assistant Collection System Supervisor for the Newburgh Waste Water Treatment Facility to the position of Assistant Plant Supervisor.
SECOND by Ms. Sherman.
DISCUSSION: This would be effective immediately.
MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to hire Jose Moling to the position of Waste Water Treatment Facility Collection System Operator at an hourly rate of \$13.00 will full employee benefits, pending a negative drug screen with a start date of June 3, 2008.
SECOND by Ms. Sherman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to hire Timothy Miley to the position of Waste Water Treatment Facility Collection System Operation at an hourly rate of \$13.00 with full employee benefits, pending a negative drug screen with a start date of June 3, 2008.
SECOND by Ms. Sherman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.

MOTION by Mr. Kavanaugh to hire Brian Reising to the position of Waste Water Treatment Facility Collection System Operator at an hourly rate of \$11.00 with full employee benefits, pending a negative drug screen. Brian must be able to respond within a reasonable response time for on call duties. Start date June 16, 2008.
SECOND by Ms. Sherman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.

MISCELLANEOUS BUSINESS

Ms. Sherman thanked the Newburgh Street Department for their help in making the Wine Festival a huge success. She also thanked the Newburgh Police Department and all those involved employees involved in the event.

Ms. Aurand noted a recent news article regarding an effort to keep the Delta Queen on the river. She encouraged the Town of Newburgh also to support the effort.

MOTION by Ms. Aurand that the Town of Newburgh support the effort to keep the Delta Queen on the river by extending her an exemption.

SECOND by Ms. Sherman.

DISCUSSION: Mr. Bodkin suggested the town enlist Senator Brad Ellsworth for assistance. He also encouraged a contact be made to Historic Landmarks Foundation in addition to HNI and local merchants.

MOTION carried ayes 5, nays 0.

Mr. Ellsperman requested a study at the curve on Gray Street by the Nazarene Church. He stated that traffic continues to drive on the wrong side of the street, creating the potential for an accident. He suggested is to place a double yellow line on Gray. Mr. Moore and Chief Sprinkle will look into this issue (with a focus on Wednesday evening and Sunday morning) and report their findings at the next meeting.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

HNI representative Leanna Hughes, 3 W. Jennings, stated HNI has planned for several events for the July 4 weekend. They include a queen contest, a parade, a talent show, and various other events. She also requested street closures for the July 5, 2008, celebration.

MOTION by Ms. Sherman to close all of Water Street, Jennings from Main to French Island Trail to Westervelt. Monroe, Madison, Market, and Jefferson, Washington, and State, all south of Jennings, would also be closed on Saturday, July 5, 2008, for the parade.

SECOND by Mr. Moore.

DISCUSSION: The parade will be held beginning at 10:00a.m. Detours will be in place during the approximate hours between 8:00a.m. and 12:00 noon.

MOTION carried ayes 5, nays 0.

The queen contest will be held at the Senior Citizen Center with the seniors serving as judges.

APPROVAL OF CLAIMS

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

Civil Town ~ \$112,257.87

Sewer ~ \$347,962.23

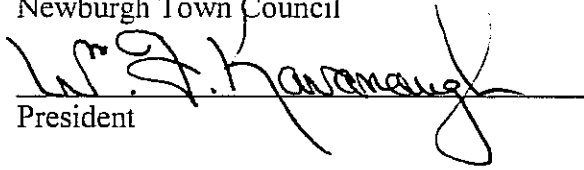
SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

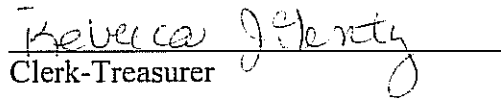
APPROVED this 11th day of June, 2008.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer