

July 8, 2009  
Newburgh Town Council Minutes

The Newburgh Town Council met in Executive Session on Wednesday, July 8, 2009, 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 contract negotiations and was held in accordance with Indiana Code 5-14-1.5-5.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scouts representing Troop 305 and included the following:

Isaiah Seibert  
Cody Moore  
Sanjeeu Chilukuri  
Garrett Seibold  
Brian Aker  
Matt Groff  
Sam Bilderback  
Grant Ellington

A moment of silence was observed for the passing of George Ryan

ROLL CALL

Those present were as follows:

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

APPROVAL OF MINUTES

1. June 24, 2009 ~ Executive & Regular Session

MOTION by Ms. Sherman to table.

SECOND by Ms. Aurand.

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. Ellsperman stated that the pool season is going well with revenue slightly above last season. Family movie night is scheduled at the pool on July 21. The pool will remain open on August 12 to allow senior citizens the use of the pool. The Newburgh Volunteer Fire Department will utilize the pool that evening for training purposes.

PLAN ~ Anne Rust Aurand

No report.

POLICE ~ Bill Kavanaugh

Chief Sprinkle reported the July 4 fireworks celebration was successful with no problems noted.

STREET ~ Alonzo Moore

Along with regular responsibilities, the crew assisted with cleanup after the fireworks. They also assisted Mr. Moore in repairing a washout located at the 200 block of W. Main and a bridge in Jefferson Park. Flowable fill was used for the repair.

UTILITY ~ Shari Sherman

MOTION by Ms. Sherman to engage Spectra Tech to repair the eight manholes as represented in the quote in an amount not to exceed \$38,000.00.

SECOND by Mr. Ellsperman.

DISCUSSION: The materials and service provided by Spectra Tech are proprietary.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to declare trees on the recently acquired ALCOA property as surplus and of no value.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve the document entitled Waiver of Liability and Release.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to allow individuals to cut fire wood off the recently acquired ALCOA property. Individuals would be restricted to cut for their own use and not for resale. A waiver and liability release will be required.

SECOND by Mr. Ellsperman.

DISCUSSION: Leon Key is the contact person.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to purchase nine hundred ninety-five (995) membranes in an amount not to exceed \$4,800.00 for tank maintenance.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman that the developer of Lexington Subdivision be advised that an immediate tap ban is being placed on Lexington Subdivision until the past due amount of \$6,548.96 is paid in full. If the balance is not paid in full by July 17, 2009, the balance will be forwarded to a collection agency.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

#### STANDING COMMITTEES

FINANCE ~ Anne Rust Aurand

The committee will meet next week to review the proposed 2010 budget.

#### PERSONNEL

MOTION by Mr. Kavanaugh to hire Paul Sink 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 \$8.00 per hour to begin work the week of July 13, 2009, pending a negative drug screen.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

#### SPECIAL BOARDS/COMMITTEE REPORTS

HISTORIC PRESERVATION ~ Anne Rust Aurand

No report.

MYRTLE RIDGE CEMETERY ~ Eric Ellsperman

Ms. Burger talked with the Ohio Township Trustee who indicated \$7,000.00 is budgeted annually for mowing, maintenance, and improvement of four (4) cemeteries. She indicated that funds are not available to maintain any additional cemeteries. It is unclear as to the ownership of the property. The committee will continue to investigate and report back to the Council.

RIVERTOWN TRAIL ~ Eric Ellsperman

Work on Phase I continues. Asphalt will be installed by the bridge on Thursday.

MOTION by Mr. Ellsperman to approve an amount not to exceed \$11,000.00 for additional engineering work required by INDOT.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Land acquisition for Phase II is moving forward despite ongoing issues with INDOT.

SIDEWALKS ~ Anne Rust Aurand

INDOT has required a Section 106 for the Safe Routes to School project. Green3 will be completing the report. It will take approximately one hundred twenty (120) days to complete the required process.

The Jefferson Street sidewalk project (Jefferson Street from the Rivertown Trail to the entrance of Jefferson Park Subdivision) is moving forward. Mr. Hynes and Ms. Burger will be meeting with any involved property owners next week to discuss the project.

STORM WATER ~ Bill Kavanaugh

No report.

CLERK-TREASURER ~ Becky Gentry

The Finance Committee will meet next week to discuss the proposed 2010 budget. The budget is scheduled for advertisement on July 23 and 30 with the public hearing scheduled for August 26, 2009.

DIRECTOR OF PLANNING & DEVELOPMENT ~ Frank Hijuelos

No report.

TOWN ATTORNEY ~ Tom Bodkin

Mr. Bodkin stated an individual is acquiring land adjacent to the town and will be submitting a petition for annexation later this summer.

TOWN ENGINEER ~ David Hynes

MOTION by Ms. Sherman to approve two (2) authorizations for Army Corps Section 404 Permits for the Lift Station I and II projects.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve the INDOT right-of-way permit for the Lift Station I and II project (SR66 and River Ridge intersection).

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve the application to work in the county right-of-way for the Lift Station I and II project (Vanada Road by the Wastewater Treatment Facility).

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve pay application #1 for the Lift Station I project in the amount of \$97,530.50 (\$4,876.50 to escrow and \$92,653.50 to Infrastructure Systems, Inc.).

SECOND by Mr. Ellsperman.

DISCUSSION: The project is 21% complete.

MOTION carried ayes 5, nays 0.

TOWN MANAGER ~ Cynthia Burger

The Local Public Agency quarterly reports required by INDOT are being compiled. The report includes all town projects financially supported by INDOT.

MOTION by Ms. Sherman to approve the APA (Appraisal Problem Analysis) for Phase II of the Rivertown Trail for land acquisition.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

A follow up meeting will be held on Tuesday, July 14 to assess the July 4 fireworks celebration. The meeting will be held at Town Hall at 4:00p.m.

MOTION by Ms. Aurand to allow Ohio Township Library use of the trolley on July 21, 2009, in conjunction with the summer reading program.

SECOND by Mr. Ellsperman.

DISCUSSION: The fee will be waived. The route will run from Jennings to the Lock & Dam, then returning on Water Street.

MOTION carried ayes 5, nays 0.

### NEW BUSINESS

#### 1. Barbara Ulrich ~ Re: Downtown Zoning

Mrs. Ulrich voiced concern to the Council regarding the types of businesses permitted to operate in the downtown historic district. Mr. Bodkin explained that the Plan Commission would need to make a recommendation to the Council before any changes in zoning could be considered. Mr. Bodkin encouraged Mrs. Ulrich to meet with Frank Hijuelos and asked to be placed on the next Plan Commission agenda. A request could then be presented to the commission that would change the zoning code and specifically prohibit certain kinds of uses in particular districts. If changes are proposed, a public hearing would be required.

Gina McAllister, owner of Mulberry Jeans Accents, asked that the Council work with local merchants to promote shops in Newburgh. Council members expressed various ways the Town contributes to the downtown and its promotion.

#### 2. Dave Perigee ~ Re: Trolley

MOTION by Mr. Ellsperman to approve the request to use the trolley (and waive the fee) on July 19, 2009, between the hours of 1:00p.m. and 7:30p.m. for the Newburgh Pub

Crawl. Local restaurants/bar owners will be responsible for providing an approved driver and fuel.

SECOND by Mr. Moore.

DISCUSSION: Mr. Perigee stated businesses will be showcased during the event and include Roca Bar, Knob Hill, Crickets, Edgewater, State Street Tavern, Beef O'Brady's and Hootie Hoot. Donations for participating in the event are optional. Any proceeds will be given to the Newburgh Park Board.

MOTION carried ayes 5, nays 0.

### 3. Personnel Policy Changes

MOTION by Ms. Sherman to amend the Town of Newburgh Personnel Policy.

SECOND by Mr. Moore.

DISCUSSION: Changes include the following:

- No smoking in any town owned vehicle
- Clarification regarding prescription safety glasses
- Holidays that fall on Saturday will be observed on Friday; holidays that fall on a Sunday will be observed on Monday
- Five (5) bereavement days will be allowed in the event of the death of a step-mother or step-father

MOTION carried ayes 5, nays 0.

### 4. Acceptance of Sleepy Hollow Sewer Extension

MOTION by Ms. Sherman to accept for sewer maintenance Sleepy Hollow sewer extension. The value is \$15,322.40.

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

### MISCELLANEOUS BUSINESS

Discussion was held regarding the role the town plays in supporting local business. Ms. Aurand stated the HNI receives financial support annually from the town. The town has helped promote the area by allowing different organizations use of the trolley, free of charge. The Rivertown Trail, the renovation of two (2) Lockmaster Cottages, and the two (2) sidewalk projects will all make the town more attractive, thus promoting businesses. The town leases ground in order to maintain a public parking lot. The Newburgh Town Council created the Historic Preservation Commission in order to help maintain the quaintness of the area. Ms. Burger added that the Council has committed the man power for nearly every event held in Newburgh. The Police Department, Fire Department, and street crew all work, at the expense of the town, to make each event a success. Discussion continued. It was decided that Mr. Ellsperman will serve as liaison between the merchants and the Council.

### PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Phillip Fields made observations about the operation of the Town Council. He stated it is difficult to hear the council members if they do not speak directly into the microphone.

Mr. Fields voiced concern regarding lack of signing on Jennings Street going west at the curve. He indicated that it's difficult to see, especially after dark and on rainy evenings.

Mr. Fields inquired about the status of the condominiums east of the Edgewater Grille. Mr. Bodkin stated the owner of the property has been advised that the foundation of the building on the west is too close to the street. A new foundation will be required in the event a structure is built. The property owner has also been advised to cap the rebar on the undeveloped lot.

Judy Morton, 100 Water, No.2, stated it was difficult for the audience to hear. Ms. Burger will notify the sound technician.

The Council was invited to attend VIP/Grand Opening at Walmart on August 18, 2009, at 6:00p.m.

#### APPROVAL OF CLAIMS

MOTION by Ms. Sherman to pay all claims, including any sewer adjustments, in the following amounts:

Sewer ~ \$616,841.53

Civil Town ~ \$184,733.53

SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

#### ADJOURNMENT

MOTION by Mr. Moore to adjourn.

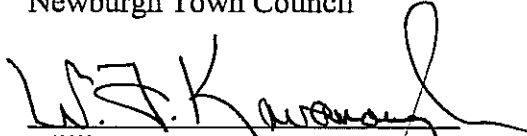
SECOND by Mr. Ellsperman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

APPROVED this 22 day of July, 2009.

Newburgh Town Council



William F. Kavanaugh, President

ATTEST:



Rebecca J. Gentry, Clerk-Treasurer