

December 27, 2006  
Newburgh Town Council Meeting

The Newburgh Town Council met in Executive Session on Wednesday, December 27, 2006, at 4:30p.m. Those present were Anne Rust Aurand, Ken Hughes, 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

President Kavanaugh called the meeting to order at 5:30p.m.

PLEDGE OF ALLEGIANCE

The Newburgh Town Council led the Pledge of Allegiance.

A moment of silence was observed for Newburgh resident Paul Mitchum, former President Gerald Ford, and the U.S. Troops.

CONVENE AS SAFETY BOARD

MOTION by Ms. Sherman to convene as the Safety Board at 5:34p.m.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Members of the Safety Board are as follows: Anne Rust Aurand, Kenneth E. Hughes, William F. Kavanaugh, Alonzo B. Moore, and Shari E. Sherman. Attorney Jean Blanton served as Counsel.

MOTION by Ms. Sherman to read the letter of determination (see attached).

SECOND by Mr. Hughes.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Ms. Jean Blanton read the letter of determination.

MOTION by Ms. Sherman to adopt the letter of determination.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Mr. Kavanaugh called for a five (5) minute recess at 5:38p.m.

MOTION by Ms. Sherman to close the Safety Board.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

ROLL CALL

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

APPROVAL OF MINUTES

MOTION by Ms. Sherman to table the minutes.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

COMMISSION REPORTS

UTILITY ~ Shari Sherman

No report.

STREET ~ Ken Hughes

The crew continues to work on the St. John's project and re-rocking alleys throughout town.

FIRE ~ Anne Rust Aurand

The year end report will be presented at the January 10, 2007, meeting.

PARK ~ Alonzo Moore

No report.

PLAN ~ Shari Sherman

No report.

POLICE ~ Bill Kavanaugh

Chief Sprinkle stated \$2,200.00 was needed to equip the canine vehicle. Those funds are available in the (canine) specific donations fund.

Discussion was held regarding whether an existing police vehicle should be repaired or if it should be replaced by purchasing a new vehicle.

MOTION by Mr. Kavanaugh to lease and equip a new police vehicle in the amount of \$22,500.00.

SECOND by Mr. Hughes.

DISCUSSION: The lease will be in the amount of \$21,961.25 with the remainder to equip the vehicle with a siren, cage, decals, etc. The first lease payment will be due in September 2007 in the amount of \$4,091.00.

MOTION carried ayes 5, nays 0.

AIR AUTHORITY ~ Alonzo Moore

No report.

COMMITTEE REPORTS

PERSONNEL ~ Bill Kavanaugh

No report.

FINANCE ~ Anne Rust Aurand

No report.

HISTORIC PRESERVATION ~ Ken Hughes

No report.

STORM WATER ~ Anne Rust Aurand

No report.

BICENTENNIAL ~ Anne Rust Aurand

No report.

RIVERTOWN TRAIL ~ Anne Rust Aurand

No report.

TOWN HALL ~ Anne Rust Aurand

No report.

ARTS PAVILION ~ Bill Kavanaugh

No report.

VETERANS MONUMENT ~ Shari Sherman

No report.

KIWANIS FIELD ~ Anne Rust Aurand

No report.

ZONING ADMINISTRATOR ~ Frank Hijuelos

No report.

CLERK-TREASURER ~ Becky Gentry

No report.

TOWN ATTORNEY ~ Tom Bodkin

MOTION by Ms. Aurand to approve the BFOH contract for 2007.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

TOWN ENGINEER ~ David Hynes

No report.

TOWN ADMINISTRATIVE MANAGER ~ Cynthia Burger

Ms. Burger and Ms. Bennett will be attending the CFF grant award ceremony in Indianapolis on January 4, 2007.

UNFINISHED BUSINESS

1. Bellmoore Landing Sewer Agreement

MOTION by Ms. Sherman to table.

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

2. Bellmoore Landing Sewer Permit  
MOTION by Ms. Sherman to table.  
SECOND by Mr. Hughes.  
DISCUSSION: None  
MOTION carried ayes 5, nays 0.

3. Resolution 2006-05 ~ 2006 Transfers  
MOTION by Ms. Sherman for the reading of Resolution 2006-05.  
SECOND by Mr. Moore.  
DISCUSSION: None  
MOTION carried ayes 5, nays 0.  
Mr. Bodkin read Resolution 2006-05.  
MOTION by Ms. Sherman to adopt Resolution 2006-05.  
SECOND by Ms. Aurand.  
DISCUSSION: None  
MOTION carried ayes 5, nays 0.

#### MISCELLANEOUS BUSINESS

Mr. Kavanaugh presented Mr. Hughes with an Outstanding Citizen Award for his service on the Newburgh Town Council and to the community over the past years. Leanna Hughes was also presented with an Outstanding Citizen Award for her dedication to the community. Mr. Moore presented Mr. Hughes with a framed picture and thanked him for his service to the Town of Newburgh. Mr. Hughes stated it had been an honor to serve on the Council.

Ms. Aurand presented the Council with postcards from the Newburgh Parish Council in Newburgh, England.

#### PETITIONS AND COMMENTS FROM CITIZENS PRESENT

None.

#### APPROVAL OF CLAIMS

MOTION by Ms. Sherman that all claims be paid.  
SECOND by Mr. Hughes.  
DISCUSSION: None  
MOTION carried ayes 5, nays 0.

#### SWEARING IN OF POLICE RESERVE OFFICERS

Mr. Willard James and Mr. Jonathan Scully were sworn in as Newburgh Police Reserve Officers by Clerk-Treasurer Becky Gentry, effective January 1, 2007.

#### SWEARING IN OF COUNCIL MEMBERS ~ Terms to begin January 1, 2007

COPY

TOWN OF NEWBURGH SAFETY BOARD'S  
DETERMINATION ON THE DISCIPLINARY ACTION  
OF SERGEANT ED VAN HOOSIER

The disciplinary action initiated by the Town of Newburgh Police Chief was heard by the Safety Board on August 29, 2006, with a continuation on September 28, 2006. The Town of Newburgh Police Department was represented by attorney Tom Bodkin and Sgt. Ed Van Hoosier was represented by attorney Anthony Long. The disciplinary hearing, including the presentation of the evidence, testimony, findings and action undertaken by the Safety Board, was recorded and a transcript of the same prepared.

Findings and Final Action

Subsequent to February 1, 2006, Sgt. Van Hoosier failed to timely and adequately complete required reports, paperwork and/or computer entries on numerous occasions.

Subsequent to February 1, 2006, Sgt. Van Hoosier failed to comply with orders from Chief of Police Brett Sprinkle and Assistant Chief of Police Williams to timely and adequately complete required reports, paperwork, and/or computer entries, to provide a list of goals, to tag certain abandoned vehicles in Sgt. Van Hoosier's district, and to interview a witness concerning an incident on March 13, 2006.

On March 24, 2006, Sgt. Van Hoosier, while on duty, failed to backup another officer on a call regarding a fight.

As to Charge 1, Neglect of Duty, and based upon the evidence submitted, Sgt. Van Hoosier's actions and inactions constitute a neglect of duty.

As to Charge 2, Neglect or Disobedience of Orders, and based upon the evidence submitted, Sgt. Van Hoosier's actions and inactions constitute neglect and disobedience of orders.

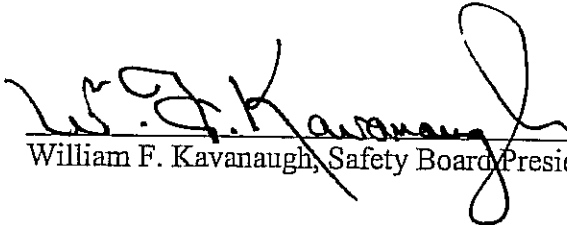
As to Charge 3, Incapacity, and based upon the evidence submitted, Sgt. Van Hoosier's actions and inactions do not constitute incapacity.

As to Charge 4, Conduct Injurious to the Public, Peace or Welfare, and based upon the evidence submitted, Sgt. Van Hoosier's actions and inactions do not constitute conduct injurious to the public, peace or welfare.

As to Charge 5, Conduct Unbecoming an Officer, and based upon the evidence submitted, Sgt. Van Hoosier's actions and inactions do not constitute conduct unbecoming an officer.

As a result of the affirmative findings that Sgt. Van Hoosier's actions and inactions constitute a neglect of duty and a neglect or disobedience of orders, Sgt. Van Hoosier is demoted from sergeant to patrolman effective November 1, 2006.

As determined by the Board of Safety on September 28, 2006.

  
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William F. Kavanaugh, Safety Board President

District II representative Eric Ellsperman and Council-at-Large representative Shari Sherman were sworn in by Clerk-Treasurer Becky Gentry.

ADJOURNMENT

MOTION by Mr. Hughes to adjourn.

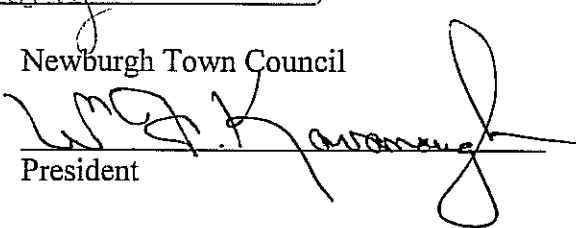
SECOND by Ms. Sherman.

DISCUSSION: None

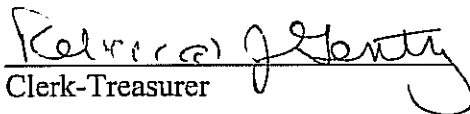
MOTION carried ayes 5, nays 0.

APPROVED this 10<sup>th</sup> day of January, 2007.

Newburgh Town Council

  
\_\_\_\_\_  
President

ATTEST:

  
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Clerk-Treasurer