

June 14, 2006
Newburgh Town Council Minutes

The Newburgh Town Council met in Executive Session on Wednesday, June 14, 2006, at 4:30p.m. Those present were Bill Kavanaugh, Anne Rust Aurand, Ken Hughes, Bob Seibert, Shari Sherman, Becky Gentry, Cynthia Burger, and Fred Folz. The purpose of the meeting was discussion of litigation and personnel issues and was held in accordance with Indiana Code 5-14-1.5-6.

CALL TO ORDER

The meeting was called to order at 5:40p.m. by Council President Bill Kavanaugh.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Kavanaugh. A moment of silence was observed for Roberta "Bert" Probus and the U.S. Troops.

ROLL CALL

Those present at the meeting were Bill Kavanaugh, Anne Rust Aurand, Ken Hughes, Bob Seibert, Shari Sherman, Becky Gentry, Cynthia Burger, and Fred Folz.

APPROVAL OF MINUTES

MOTION by Mr. Hughes to approve the May 24, 2006 minutes.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

STREET CLOSURES

Mrs. Schen requested permission to close Water Street on June 21, 2006 for a Boys & Girls Club Fundraiser.

MOTION by Mr. Seibert to allow the closure of Water Street at State Street to the alley on June 21, 2006 from 4:30p.m. until 12 midnight. A hydroplane boat will also be permitted to park in front of the Edgewater Grill during that time.

SECOND by Mr. Hughes.

DISCUSSION: It was clarified that the intersection at State & Water will remain open. Chief Sprinkle stated he had no problems with this road closure provided Mr. Baker has access to the alley. Mrs. Schen stated she will notify Mr. Baker of the street closure.

MOTION carried ayes 5, nays 0.

Mr. Tim Hambidge requested street closures for the July 4, 2006 parade.

MOTION by Ms. Sherman to close First Street, Second Street, Third Street, Fourth Street, Park Drive, Jefferson, Jennings, and State Street closed from 3:00p.m. until 5:00p.m. on July 4, 2006.

SECOND by Mr. Seibert.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

Nancy Lybarger requested streets be closed for the July 4, 2006 fireworks.
MOTION by Ms. Aurand to close Water Street from French Island Trail west to the east end of the intersection of Water and Market, except to allow the owners, workers, and patrons access to the Edgewater Grille. (The Jennings Street entrance to the Edgewater Grille will be the only access for the parking lot.) Other street closures will include State Street south from Jennings to Water; Sycamore Street south of Jennings to French Island Trail; western end of the lower level of the Old Lock & Dam parking area and French Island Trail east to the Old Lock & Dam park once Chief Sprinkle determines it is necessary.

SECOND by Mr. Hughes.

DISCUSSION followed.

MOTION carried ayes 5, nays 0.

MOTION by Mr. Hughes to allow (not-for-profit) food booths to use the park area, at “the point” east of the condos, beginning at 3:00p.m. The sidewalks will not be blocked.

SECOND by Mr. Seibert.

DISCUSSION: Ms. Aurand clarified that the boundary would begin at Sycamore and French Island Trail. Letters have been sent to surrounding property owners.

MOTION carried ayes 5, nays 0.

The Ohio River Sweep will be held Saturday, June 17, 2006, from 8:00a.m. until 11:00a.m. Eric Rausch requested to utilize the park east of the Water Street condos (next to the Edgewater Grille) to the Old Lock & Dam building for the clean-up. Gloves, trash bags, bug spray, and release forms will be provided. It was decided that Ms. Burger will contact Allied Waste and request a forty (40) cubic yard dumpster for the clean-up with a pick up date scheduled for Monday, June 19, 2006.

MOTION by Ms. Aurand for the Town of Newburgh to participate in June 17, 2006 Ohio River Sweep from 8:00a.m. until 11:00a.m.

SECOND by Mr. Seibert.

DISCUSSION: Mr. Folz stated the Town of Newburgh should be listed as an additional insured by Orsanco. The Warrick County Red Cross has been requested to attend in the event there is an injury.

MOTION carried ayes 5, nays 0.

COMMISSION REPORTS

UTILITY ~ Shari Sherman

MOTION by Ms. Sherman to recommend a consent letter between the Town of Newburgh and Arbor Development, LLC, regarding crossing Newburgh easements with right-of-way.

SECOND by Mr. Hughes.

DISCUSSION: Ms. Sherman stated this was for a new development north of Hwy. 66, across from Rabbit Run.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to pay Joyce Tyler, 619 Bartlett Street, \$621.71 for damages for a sewer backup problem.

SECOND by Mr. Hughes.

DISCUSSION: Ms. Sherman reported there was a problem while completing preventative maintenance work.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to allow River Ridge IV B to place a manhole on the property line between lots 95 and 96.

SECOND by Mr. Hughes.

DISCUSSION: Ms. Sherman stated this design change would extend the sewer right-of-way through Windstone Court.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to retain Commonwealth Engineering under Authorization 2006-4 in an amount not to exceed \$21,000.00 to complete a preliminary engineering report for the Lynch Road project.

SECOND by Mr. Hughes.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to pay the plumber's bill at 205 Phelps Drive in the amount of \$99.00.

SECOND by Mr. Hughes.

DISCUSSION: Ms. Sherman stated the Sewer Department was responsible for this call out.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve Stemaly's low bid in an amount not to exceed \$12,500.00 for an emergency force main connection at lift station no. 2.

SECOND by Mr. Hughes.

DISCUSSION: Ms. Sherman stated this allows for future repairs.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve the removal of Sodium Dimethyl Dithio Carbamate from Spectronics Pretreatment Permit.

SECOND by Mr. Hughes.

DISCUSSION: Spectronics is no longer using this chemical; therefore, testing is not necessary.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve the revised Sanitary Sewer Design and Construction Standards.

SECOND by Mr. Hughes.

DISCUSSION: Ms. Sherman stated there were numerous reviews with developers contacted for input.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve the low quote from Stemaly Excavating in the amount of \$59,131.00 for the Birch Drive sewer relocation.

SECOND by Mr. Hughes.

DISCUSSION: None

MOTION by Ms. Sherman to table.

SECOND by Mr. Hughes.

MOTION carried ayes 5, nays 0.

Discussion of this item will be referred to the Utility Committee.

MOTION by Ms. Sherman to authorize Aiken Management LLC to transfer six (6) sewer tap certificates to be identified, one (1) in Seaton Place, one (1) in Halston Manor, two (2) in Wyngate, and two (2) in Lake Newburgh.

SECOND by Mr. Hughes.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

An emergency repair was made on June 2, 2006 at the Powers Lift Station. Mr. Key contacted Ms. Sherman who then contacted President Kavanaugh regarding the needed repair. An emergency was declared and the repair followed.

MOTION by Ms. Sherman to approve the emergency repair made at the Powers Lift Station in the amount of \$13,667.00.

SECOND by Mr. Hughes.

DISCUSSION: A rental pump is now in place and the new pump has been ordered.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve the SRF application for the Lynch Road project.

SECOND by Mr. Hughes.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve the SRF application for the Waste Water Plant expansion.

SECOND by Mr. Hughes.

DISCUSSION: Ms. Sherman stated this may not be needed for several years but the application process needs to begin now.

MOTION carried ayes 5, nays 0.

MOTION by Ms. Sherman to approve a \$500.00 bonus for both Earl Wayne Bradley and James R. Powell.

SECOND by Mr. Hughes.

DISCUSSION: Both Mr. Bradley and Mr. Powell passed the CS2 Operator License Exam. Ms. Sherman explained the policy states employees are entitled to a \$500.00 bonus for additional training.

MOTION carried ayes 5, nays 0.

STREET ~ Ken Hughes

Mr. Hughes stated the crew has finished intersection cleanup. The riverbank has also been resprayed.

FIRE ~ Anne Rust Aurand

In preparation for the 2007 budget, Ms. Aurand reported that Chief Lueken has inquired about obtaining specifications for the replacement of Engine 19. Mr. Kavanaugh recommended that he and Ms. Aurand meet with Chief Lueken to discuss options.

PARK ~ Bob Seibert

Mr. Seibert stated that the sales of pre-season pool passes are down from 2005. The mural has been completed at a cost of \$1,000.00 plus an additional \$100 for supplies.

Water has been turned on at the East and West Lockmaster Houses. The hole next to the steps has been filled in.

The next Park Board meeting is scheduled for July 5, 2006.

PLAN ~ Shari Sherman

The next meeting is scheduled for July 6, 2006. Ms. Sherman requested the Council table Ordinance 2006-11 (sign ordinance).

POLICE ~ Bill Kavanaugh

Chief Sprinkle presented the May 2006 statistics (see attached).

The grant for the bullet proof vests should be awarded in September 2006.

John Locke will be sworn in on Friday, June 30, 2006 at 10:00a.m. A reception will follow.

AIR ~ Bob Seibert

No report.

COMMITTEE REPORTS

PERSONNEL ~ Bill Kavanaugh

Mr. Kavanaugh stated an employee inadvertently failed to restart a pump at a lift station, resulting in problems. The committee has recommended a written reprimand and a one (1) day suspension without pay without any interruption in benefits.

MOTION by Mr. Hughes to issue a written reprimand to the employee along with a one (1) day suspension without pay without any interruption in benefits.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

FINANCE ~ Anne Rust Aurand

No report.

HISTORIC PRESERVATION ~ Ken Hughes

Mr. Hijuelos stated the commission made a motion at their last meeting to recommend to Council the adoption of a demolition by neglect ordinance. The commission also recommended the acceptance of the HPC guidelines. Mr. Hijuelos pointed out the significant changes in the guidelines. A public hearing will be held at the next meeting.

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

Ms. Aurand reported that the church pews are in the process of being refinished. Some will be used at the new building; others will be utilized at the existing Town Hall.

A construction update meeting was held on June 8, 2006. (see attached)

MOTION by Ms. Aurand to accept the low quote from Lee Company to purchase 36" lateral files at a cost of \$575.00 per unit. Civil Town's cost would be \$2,457.30 and the Sewer Department's share would be \$7,822.10.

SECOND by Mr. Hughes.

DISCUSSION: Ms. Aurand stated the Riverboat Gaming money would be used to purchase the civil town file cabinets. Many files and documents are currently being stored off site and additional filing cabinets will enable those documents to be located in storage areas at the New Town Hall.

MOTION carried ayes 5, nays 0.

ARTS PAVILION ~ Bill Kavanaugh

No report.

VETERANS MONUMENT ~ Shari Sherman

Ms. Sherman stated the committee has recommended "the point" at Bell Road and State Street as the site for the monument. It was decided to place this item on the June 28, 2006, agenda for debate. Fundraising will not begin until placement of the monument has been decided.

KIWANIS FIELD ~ Anne Rust Aurand

Ms. Aurand reported that the current Kiwanis property has been sold to the Warrick County School Corporation. The committee has requested from members of the Kiwanis a more realistic plan for the proposed building.

ZONING ADMINISTRATOR ~ Frank Hijuelos

Mr. Hijuelos stated the Newburgh Elementary School drainage project will go out for bid on July 17, 2006. Architectural and engineering drawings for the improvements/additions are scheduled to go out for bid on June 21, 2006. Mr. Hynes is currently reviewing storm water management plans to insure everything is in compliance. A site review meeting will then be scheduled prior to going before the Plan Commission. (That meeting has been rescheduled to July 10, 2006)

Mr. Hijuelos acknowledged Tonya McGuire for her assistance on the HPC guidelines.

CLERK-TREASURER ~ Becky Gentry

Mrs. Gentry requested permission to purchase a fire proof file cabinet for her office. MOTION by Ms. Aurand to approve the purchase of a fire proof file cabinet from Lee Company, Inc. in the amount of \$2,139.00. SECOND by Ms. Sherman. DISCUSSION: None MOTION carried ayes 5, nays 0.

Mrs. Gentry and Ms. Burger will be attending a budget meeting in Evansville on Friday, June 16, 2006.

TOWN ATTORNEY ~ Fred Folz

No report.

TOWN ENGINEER ~ David Hynes

The Master Lift Station Project is nearly complete. Division "B" has reported they have completed punch list items. Division "A" is also moving along.

TOWN ADMINISTRATIVE MANAGER ~ Cynthia Burger

The quarterly Safety Meeting was recently held with all the MSDS (material safety data sheets) up to date other than the Fire and Park Departments. All departments have completed quarterly building safety status reports.

Mr. Hynes, Mr. Fischer, and Ms. Burger will be driving the streets to compile the street paving specifications.

Ms. Burger recently attended the Lynch Road ribbon cutting ceremony. INDOT District Representative Calvin Evans reported that proposed timeline for Phase II of the Hwy. 66 widening project (east of Hwy. 261) is scheduled for 2008. Phase II would extend from Hwy. 261 to French Island Trail. Phase III, scheduled for 2009, and would extend from French Island Trail to Yankeetown Road. Mr. Evans stated he would provide definitive dates to Ms. Burger within a week.

The Town of Newburgh website is scheduled to be online the week of June 18, 2006.

UNFINISHED BUSINESS

NEW BUSINESS

1. Tim Hambidge ~ Re: Street Closure for July 4, 2006 Parade
Addressed earlier in the agenda.
2. Nancy Lybarger ~ Re: Street Closure for July 4, 2006 Fireworks
Addressed earlier in the agenda.
3. Encroachment Agreement ~ Jeffrey & Denise Elmore
MOTION by Ms. Sherman to approve the encroachment agreement between the Town of Newburgh and Jeffrey and Denise Elmore.
SECOND by Mr. Hughes.
DISCUSSION: This property is located at 8000 Ridgemont, lot 142 Broadview Subdivision, and has legal and engineering approval.
MOTION carried ayes 5, nays 0.
4. Ordinance 2006-10 ~ Demolition by Neglect
MOTION by Mr. Seibert to table until June 28, 2006.
SECOND by Ms. Sherman.
DISCUSSION: None
MOTION carried ayes 5, nays 0.
5. Ordinance 2006-11 ~ Sign Ordinance
MOTION by Ms. Sherman to table.
SECOND by Ms. Aurand.
DISCUSSION: None
MOTION carried ayes 5, nays 0.
6. Sanitary Sewer Construction Permit ~ Birch Drive Relocation
MOTION by Ms. Sherman to table until July 19, 2006.
SECOND by Mr. Hughes.
DISCUSSION: None
MOTION carried ayes 5, nays 0.
7. Sanitary Sewer Construction Permit ~ Morningside Drive Extension
MOTION by Ms. Sherman to approve the sanitary sewer construction permit for the Morningside Drive extension.
SECOND by Mr. Hughes.
DISCUSSION: This has received legal and engineering approval.
MOTION carried ayes 5, nays 0.
8. Bid Opening for Powers Place Lift Station Renovation

MOTION by Mr. Seibert to close the bids.

SECOND by Ms. Sherman.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

There were no bids to open. Mr. Hynes stated there was interest by contractors who ran out of time to prepare the bids.

MOTION by Ms. Sherman to readvertise bids for the Powers Place Lift Station renovation.

SECOND by Mr. Hughes.

DISCUSSION: It was clarified that the bidding process cannot be extended but must be re-bid.

MOTION carried ayes 5, nays 0.

9. Encroachment Agreement ~ Zachariah L. Duggins

MOTION by Ms. Sherman to approve the encroachment agreement between the Town of Newburgh and Zachariah L. Duggins.

SECOND by Mr. Hughes.

DISCUSSION: This property is located at 5311 E. Esche Drive, lot 374 Broadview Subdivision III, Section B.

MOTION carried ayes 5, nays 0.

MISCELLANEOUS BUSINESS

Mr. Seibert reported that the Newburgh Senior Citizen Center is hosting a fundraiser on Wednesday, June 21, 2006, at 11:30a.m. Shyler's Barbeque will be served. Tickets are \$6.50 each.

Ms. Aurand stated a public hearing for the Old Town Hall will be held on June 28, 2006

Sister City, Newburgh, England's website is now on line and can be accessed at newburgh.lancs.co.uk.

APPROVAL OF CLAIMS

MOTION by Ms. Aurand that all claims, properly signed, be paid.

SECOND by Mr. Seibert.

DISCUSSION: None

MOTION carried ayes 5, nays 0.

ADJOURNMENT

MOTION by Mr. Kavanaugh to adjourn.

APPROVED this ____ day of _____, 2006.

Newburgh Town Council

Wm. F. Kavanaugh, President

ATTEST:

Rebecca J. Gentry, Clerk-Treasurer