

Newburgh Town Council Meeting
Date: Wednesday, October 14, 2015

The Newburgh Town Council met in Committee and Regular Session on Wednesday, October 14, 2015, at 4:30 p.m. at Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana. Those present at the meeting were District I William F. Kavanaugh, District II Leanna K. Hughes, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Council-at-Large Tonya R. McGuire, Clerk-Treasurer Jon E. Lybarger and Town Attorney Christopher Wischer. The purpose of the meeting was discussion of personnel matters and pending litigation.

CALL TO ORDER

Council President William F. Kavanaugh called the Regular Session to order at 5:44 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was held to remember Norman Pecka and our troops.

ROLL CALL

Those present at the meeting:

District I - William F. Kavanaugh

District II - Leanna K. Hughes

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Council-at-Large - Tonya R. McGuire

Deputy Clerk-Treasurer - Jon E. Lybarger

Town Attorney - Christopher Wischer

Mr. Kavanaugh recognized Christy Powell, the new town manager who will begin employment on Monday, October 19, 2015.

APPROVAL OF MINUTES

1. Sept. 23, 2015 ~ Public Hearing 2016 Budget

MOTION by Mrs. McGuire to approve the minutes of the Sept. 23, 2015, 2016 Budget Public Hearing.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0, abstain Ms. Aurand.

2. Sept. 23, 2015 ~ Executive & Regular Session

MOTION by Mrs. McGuire to approve the Sept. 23, 2015 Executive & Regular Session minutes.

SECOND by Mrs. Hughes.

MOTION carried: ayes 4, nays 0, abstain Ms. Aurand.

3. Sept. 25, 2015 ~ Regular Session

MOTION by Mrs. McGuire to approve the Sept. 25, 2015 Regular Session minutes.

SECOND by Mrs. Hughes.

MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None requested.

PETITIONS & COMMENTS FROM CITIZENS PRESENT

Carol Schaefer, Executive Director Historic Newburgh Inc. (HNI) stated the Ghost Walks will take place this weekend. Mrs. Schaefer and Bryon Sherman have prepared a plan of action for the \$8,000.00 Vectren grant to modify the electrical service at the Old Lock and Dam Park.

Next weekend is the Ghostly Stroll Halloween Parade, Harvest Festival and Free Movie Night. 39 vendors will participate and two (2) food trucks with an estimated 2,000 people expected.

UNFINISHED BUSINESS

1. Mystic Development, Country Place Drive, Encroachment Agreement, tabled January 28, 2015
Continue to table.

2. Museum use of the Monroe Street House, tabled May 13, 2015
Continue to table.

3. Trolley, tabled August 26, 2015
Continue to table.

4. Building and Maintenance Department Committee Formation...tabled August 12, 2015
Continue to table.

5. State and Gray Residence, tabled September 23, 2015
Continue to table.

NEW BUSINESS

1. Solid Waste and Recycling Collection Service Bid Award

Mrs. Hughes stated the bids were opened at the last meeting and taken under advisement.

MOTION by Mrs. Hughes to award the Solid Waste and Recycling Collection Service contract to Advanced Disposal.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Wischer stated the current contract for solid waste is with Advanced Disposal and the recycling contract is with Republic. A coordinated recycling transition will be needed as the contract ends on October 31, 2015. Mr. Wischer reviewed the options presented by Advanced Disposal.

MOTION by Mrs. McGuire to accept Option Two (2) with Advanced Disposal.

SECOND by Mrs. Hughes.

DISCUSSION: Mrs. McGuire stated the town does not have a firm commitment from the county for additional charges to receive recyclables. Scott Bradshaw, general manager with Advanced Disposal, stated the county's recycle facility is not yet open and, therefore, a rate has not been established. Should the county's recycle rate be revised, the town will review the Advanced Disposal contract. Mr. Bradshaw stated Republic has recycling carts in place and Advanced has ordered new bins. He will work with Republic to make the transition as seamless as possible, doing what is best for the residents.

Advanced will provide 65 gallon carts for trash and recycling plus an option for a 95 gallon cart. Mr. Wischer stated Advanced is providing more services than the county's proposal at a more affordable price and will include fall leaf pick-up, Christmas tree pick-up in January and a heavy trash day in the spring. The current trash and street sweeping fee is \$10.23 per person. The county's new program fee is \$14.50 per person; the town's new program with Advanced will cost \$11.90 per person.

MOTION carried: ayes 5, nays 0.

Per Household

2. Jennings and State Street Sidewalk Improvements, Payment #4 to River Town Construction, LLC
MOTION by Mrs. Hughes to approve the Jennings and State Street Sidewalk Improvements Payment #4 to River Town Construction, LLC in the amount of \$95,893.45, holding 5% retainage of \$4,794.67 with a net amount due of \$91,098.78.

SECOND by Mrs. McGuire.

DISCUSSION: Mr. Hynes stated the request does not include a penalty or liquidated damages for missing the completion date. The council can decide to invoke liquidated damages. Mr. Kavanaugh suggested the Sidewalk Committee discuss the issue and make a recommendation.

MOTION carried: ayes 5, nays 0.

3. State Street Sanitary Sewer Replacement, Payment #3 to Deig Brothers Lumber and Construction
The project has been completed but payment #3 is not a release of final retainage.

MOTION by Mrs. McGuire to approve the State Street Sanitary Sewer Replacement Payment #3 to Deig Brothers Lumber and Construction in the amount of \$42,984.00, holding 5% retainage of \$2,149.20 with a net amount due of \$40,834.80.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

4. State Street Sanitary Sewer Replacement, Change Order #2 to Deig Brothers Lumber and Construction

Mr. Hynes stated the change order was approved by the utility committee.

MOTION by Mrs. Hughes to approve the State Street Sanitary Sewer Replacement Change Order #2 to Deig Brothers Lumber and Construction representing a decrease in the amount of \$12,668.60.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

5. State Street Sanitary Sewer Replacement, Certificate of Substantial Completion

Mr. Hynes stated the project reached substantial completion on September 16, 2015 which begins the one-year warranty period.

MOTION by Mrs. Hughes to approve the State Street Sanitary Sewer Certificate of Substantial Completion.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

6. Amendment to Engineering Services Agreement with Commonwealth Engineers, 7322 Oakdale Drive Sanitary Sewer Rehab Project

Mr. Hynes stated the agreement is to cover easements for a utility project and has been prepared at the council's request.

MOTION by Mrs. Hughes to approve the Amendment to the Engineering Services Agreement with Commonwealth Engineers Inc. (CEI) for the Sanitary Sewer Rehab project at 7322 Oakdale Drive in the amount of \$1,675.00 for easement preparation.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

7. Amendment to Engineering Services Agreement with Commonwealth Engineers, Halston Force Main Relocation

Mr. Hynes stated the project was covered in the Preliminary Engineering Report public hearing earlier this evening and represents a design revision, route system changes, soil borings and easements.

MOTION by Mrs. Hughes to approve the Amendment to the Engineering Services Agreement with CEI for the Halston Force Main Relocation in the amount of \$40,500.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

8. Willow Estates Subdivision Sanitary Sewers, Acceptance of Sanitary Sewer System for Maintenance

Mr. Hynes stated all requirements have been met and recommends the sewer be accepted at an estimated amount of \$118,060.00.

MOTION by Mrs. Hughes to approve the Willow Estates Subdivision Sanitary Sewers, Acceptance of Sanitary Sewer System for Maintenance.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

9. Epworth Road Medical Corridor Sanitary Sewer Expansion project, Change Order #3 to Blankenberger Brothers Inc.

Mr. Hynes stated there are three (3) items included in the change order: acceptance of the warranty period, extended from 1 to 3 years due to cracks in the wet well; generator pad size increase; and, water line valves and controls.

MOTION by Mrs. Hughes to approve the Epworth Road Medical Corridor Sanitary Sewer Expansion project Change Order #3 with Blankenberger Brothers Inc. representing an increase in the amount of \$6,762.00.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Mrs. McGuire

No report.

FIRE - Mr. Moore

Mr. Moore stated a buyer from Mexico offered approximately \$3,300.00 for the retired #19 fire truck. The open house last Sunday was successful; the department displayed several posters from the elementary schools poster contest.

HISTORIC PRESERVATION COMMITTEE (HPC) - Mrs. McGuire

The meeting scheduled this week was cancelled due to lack of business. Debbie and Larry Rhodes reopened the County Store on Tuesday, October 13, 2015. The committee is expecting a sign project at the November meeting.

PARK – Mrs. Hughes

Mrs. Hughes stated the Park Board held their October meeting at Lou Dennis Community Park; the November meeting will be held at the Lock and Dam Building. Several trees at the community park were cut down and removed and several other trees trimmed. The pool report has been completed and will be reviewed. Mr. Kavanaugh stated Mary Ann Wilsbacher submitted the 'flower ladies' names for the Outstanding Citizens Award.

PLAN – Mrs. McGuire

Mrs. McGuire stated the commission met on October 5, 2015. It was announced that Tavi Wydicks has accepted the acting Zoning Administrator position. Mr. Wisner prepared a standardized timeline for rezoning and plats. The zoning map will be updated. The commission approved a permit in the amount of \$1,557.20 with a total valuation of \$535,866.00 containing seven (7) projects for a new home in the overlook subdivision. The next meeting will be held on Monday, November 2, 2015.

Mr. Wisner detailed the zoning filing timeline as follows: rezoning applications shall be the Monday that is 4 weeks prior to the scheduled Plan Commission meeting; the deadline for the filing of major subdivision applications shall be the Monday that is 8 weeks prior to the scheduled Plan Commission meeting; and, the filing deadline for applications for minor subdivisions shall be the Monday that is 3 weeks prior to the Plan Commission meeting. If any filing deadlines fall on a holiday, the filing deadline shall be the following business day. The filing dates schedule is included with the minutes.

With regard to major subdivisions, in order to be considered by the Newburgh Plan Commission, all plats, street plans and drainage plans must be in order and ready for public hearing at least 1 week prior to the scheduled meeting. If any portion of the application is not in order by that time, consideration of the primary plat will be continued by the Newburgh Plan Commission.

MOTION by Mrs. McGuire to approve the Plan Commission application deadlines of 4 weeks for a rezoning, 8 weeks for a major subdivision and 3 weeks for a minor subdivision.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

POLICE – Mrs. McGuire

Mrs. McGuire stated the commission met on October 12, 2015.

MOTION by Mrs. McGuire to make an additional appropriation from the Continuing Education fund of \$6,000.00.

SECOND by Mr. Kavanaugh.

DISCUSSION: \$13,465.00 exists in the Continuing Ed fund. The appropriation will be used to purchase ammunition and new off-duty weapons.

MOTION carried: ayes 5, nays 0.

The department will raffle a commemorative Henry rifle with proceeds deposited into the canine fund for the possible purchase of a second canine.

The department will participate in No-Shave November to promote prostate cancer awareness and raise funds to support cancer prevention, research, and education.

The Chief is researching a 75/25 matching grant to purchase a new rescue boat.

The department is considering the purchase of an LED radar and message sign at a cost of \$15,625.00. It is hoped \$12,000.00 will be funded with proceeds from the annual Rivertown Trail 5K Run and the remaining from the town budget.

Officer Ryan McIntosh received the Bronze Merit Award for his actions in saving a life.

SITE REVIEW COMMITTEE – Mrs. McGuire

No report.

STORM WATER – Mr. Kavanaugh and Mr. Moore

The next meeting will be held on October 19, 2015 at 6:00 p.m.

STREETS – Mr. Moore

Mr. Moore stated an emergency repair was needed at Indian Hill Overlook Park (IHOP) to fill a sinkhole. A plan of action is underway to repair the Rivertown Trail bridge. Trail replacement lights have been ordered. Several tree limbs along Highway 662 were removed in preparation of roadside repair west of Frame.

UTILITY – Mrs. Hughes

Mrs. Hughes read the motions from the October 7, 2015 Utility Committee meeting.

MOTION by Mrs. Hughes to approve the following offer to Chandler; grant waivers for all territories shown on the included map in yellow, with exception to any portion within Old Hickory otherwise south of Oak Grove Road that the Town of Newburgh is currently servicing, and including a waiver for the Ciholas property in exchange for: a water meter contract with a three year initial term at the current rate with automatic three year renewals with the rate paid to be increased by the Consumer Price Index (CPI) with each renewal; an agreement to enter into a contract to disconnect Newburgh sewer customers with unpaid sewer bills; and, a waiver to allow the Town of Newburgh to provide sewer to the Victoria property, to include all of the area shown in pink on the attached map, plus territory to the east and southeast of the Victoria territory.

SECOND by Mrs. McGuire.

DISCUSSION: Mr. Wischer stated the pink area should extend to Highway 61 and south to the end of the territory. The motion was passed unanimously in the Utility Committee meeting; however, Mr. Wischer abstained. Mrs. McGuire spoke with Chandler's president about the inability to waive the area north of 662 or the Rexam property. Mr. Wischer and Mr. Hynes provided Bill Bivins, engineer representing Rexam, with additional information.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the Primrose Retirement Communities, LLC request for a Fats Oil and Grease (FOG) permit waiver to allow for one 2,000 gallon grease interceptor.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the request to replace the Type I water purification system in the Waste Water Treatment Plant (WWTP) laboratory from vendor Thomas Scientific at a cost not to exceed \$6,907.22.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to allow CEI to add a Triple Crown valve replacement to the Kingston Lift Station Project.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI to look into the storm water drainage issue and how to correct the issue at People's Lift Station due to the Castle Commons Development.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI to develop a quote package for the replacement of the No. 1 base at the Master Lift Station.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the request to purchase a 2016 F350 dump truck from vendor Elpers Truck Equipment at a cost not to exceed \$36,457.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the request to declare the 1990 International dump truck as surplus and to dispose of the truck by selling it through the auto auction.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the grease interceptor waiver to allow Spudz-N-Stuff to use their existing 25 Gallons Per Minute (GPM) grease trap in lieu of installing a 1,000 gallon interceptor.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to engage CEI to provide data to Chris Wischer to seek easements for the 4166 Pine Drive Sewer Investigation project.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve option #1 for the Lift Station No. 3 Bypass Pumping project and direct CEI to move forward with the design phase.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to direct personnel from the WWTP to remove the old fence between the Powers Lift Station and River Wind Apartments.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve the request to seal off a defective tap with a CIPP liner under the driveway at 4533 Woodstower by contractor Hydromax at a cost not to exceed \$3,400.00.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. Hughes to approve granting a waiver for 1577 Old Plank Road to allow Chandler to service the property.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

MOTION by Mrs. McGuire to suspend the rules for the reading of Ordinance 2015-11, Return on Equity.

SECOND by Mrs. Hughes.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire for the first reading of Ordinance 2015-11, Return on Equity.

SECOND by Mrs. Hughes.

MOTION carried: ayes 5, nays 0.

Mr. Wischer read Ordinance 2015-11, an ordinance amending Ordinance 2005-07 to revise the Return on Equity received from the sewer department.

MOTION by Mrs. McGuire to accept the first reading of Ordinance 2015-11, Return on Equity.

SECOND by Mrs. Hughes.

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire for the second reading of Ordinance 2015-11, Return on Equity.

SECOND by Mrs. Hughes.

MOTION carried: ayes 5, nays 0.

Mr. Wischer read Ordinance 2015-11, an ordinance amending Ordinance 2005-07 to revise the Return on Equity received from the sewer department.

MOTION by Mrs. McGuire to adopt Ordinance 2015-11, Return on Equity.

SECOND by Mrs. Hughes.

MOTION carried: ayes 5, nays 0.

PERSONNEL – Mrs. Hughes

No report.

SPECIAL BOARDS/COMMITTEE REPORTS

SIDEWALK – Mrs. Hughes

Mrs. Hughes stated a committee meeting will be convened to discuss liquidated damages. All sidewalks will be completed for Ghost Walks with the exception of the 200 block of State Street.

ARTS COMMISSION – Mrs. Hughes

No report.

RIVERTOWN TRAIL – Mrs. McGuire

Mrs. McGuire stated she is engaged in dialogue regarding restroom facilities along the trail.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

The report was included with the Plan Commission report.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger is awaiting the 2016 budget adoption.

TOWN ATTORNEY – Mr. Wischer

Mr. Wischer stated Rivertown Trail Phase III land acquisitions are in progress.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes reviewed the crack in the sidewalk at God is Good. He will contact the contractor to repair the area. The sidewalk project is approximately one week from completion which puts the contractor about one month past the deadline. The milling on Jennings is complete and paving should be completed by October 14, 2015. State Street work will begin on Saturday followed by striping and Mr. Manhole work. All sidewalk and street work should be complete by the end of October.

TOWN MANAGER

Mrs. Powell is excited to begin on Monday, October 19, 2015 and promises an open line of communication.

MISCELLANEOUS BUSINESS

Mrs. McGuire reported on items of interest from the Indiana Association of Cities and Towns (IACT) meeting. Mr. Wischer and Chief Sprinkle participated in presentations and Mrs. McGuire was appointed to the legislative committee. Information on precision cutting concrete was given to Mr. Hynes and will be considered for future sidewalk repair. Perry Financial Service is interested in preparing a 5-year fiscal plan including capital needs at no charge. An Indiana lease purchase company contact will be passed to Mr. Lybarger. Next year's IACT meeting will be in French Lick.

Mr. Wischer met with Indiana American Water and contractor B & B regarding the water line addition at IHOP.

APPROVAL OF CLAIMS

MOTION by Mr. Moore that the following claim amounts are paid including sewer adjustments:

Civil Town – \$345,211.75

Sewer – \$698,437.80

State Revolving Fund (SRF) \$158,215.67

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Roger Johnson with Indiana American stated a new tariff has gone into effect. In the past, data usage reads provided to the utility office to prepare the sewer invoices were charged per record. The town prepares approximately 7,419 invoices monthly resulting in a monthly cost of \$2,225.00. Beginning with November billing, the data usage reads will be based on increments. The cost of 5,000 to 10,000 records will be \$1,300.00 monthly. Mr. Johnson stated hydrant flushing will begin on October 26, 2015.

ADJOURNMENT

MOTION by Mrs. McGuire to adjourn.

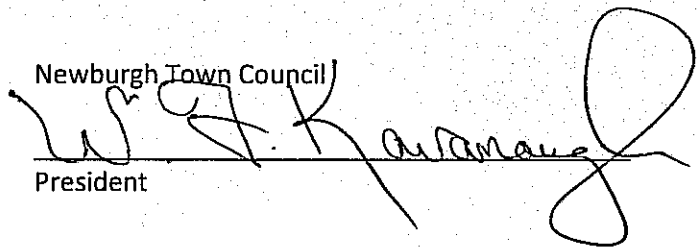
SECOND by Mrs. Hughes.

MOTION carried: ayes 5, nays 0.

Mr. Kavanaugh adjourned the meeting at 7:20 p.m.

APPROVED this 28 day of October, 2015.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer

NEWBURGH PLAN COMMISSION FILING DATES 2015 – 2016

DATE OF PC MEETING	FILING DATE REZONINGS	FILING DATE MAJOR SUBDIVISION PRIMARY PLAT	FILING DATE MINOR SUBDIVISION
November 2, 2015	October 5, 2015	September 7, 2015	October 12, 2015
December 7, 2015	November 9, 2015	October 12, 2015	November 16, 2015
January 4, 2016	December 7, 2015	November 9, 2015	December 14, 2015
February 1, 2016	January 4, 2016	December 7, 2015	January 11, 2016
March 7, 2016	February 8, 2016	January 11, 2016	February 15, 2016
April 4, 2016	March 7, 2016	February 8, 2016	March 14, 2016
May 2, 2016	April 4, 2016	March 7, 2016	April 11, 2016
June 6, 2016	May 9, 2016	April 11, 2016	May 16, 2016
July 11, 2016	June 13, 2016	May 16, 2016	June 20, 2016
August 1, 2016	July 5, 2016	June 6, 2016	July 11, 2016
September 12, 2016	August 15, 2016	July 18, 2016	August 22, 2016
October 3, 2016	September 6, 2016	August 8, 2016	September 12, 2016
November 7, 2016	October 10, 2016	September 12, 2016	October 17, 2016
December 5, 2016	November 7, 2016	October 10, 2016	November 14, 2016

Newburgh Plan Commission meetings are held on the first Monday of each month at 6:00 p.m. at the Newburgh Town Hall. If the first Monday of the month is a holiday, the meeting will be held on the following Monday at 6:00 p.m.

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