

**Town of Newburgh**  
**Town Council Meeting, Wednesday, March 9, 2016**

The town Executive Session was held at Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana at 5:00 p.m. The purpose of the meeting is discussion of pending litigation and personnel issues. This notice is given in accordance with Indiana Code 5-14-1.5-6.

The regular Town Council session was held at the Newburgh Town Hall. It was opened and called to order by Mrs. Hughes at 5:40 p.m.

The pledge of allegiance was lead by the Newburgh Town Council. Johnny Littell, a one time resident of Newburgh has passed. At one time he lived on Water Street. A moment of silence was observed as a memorial to Mr. Littell. During the time of silence, if you pray, please remember our troops.

ROLL CALL was conducted by the clerk-treasurer

District I – William F Kavanaugh  
District II – Leanna K Hughes  
District III – Stacie M Krieger  
District IV – Anne Rust Aurand  
Council at large – Tonya R McGuire  
Clerk-Treasurer – Jon Lybarger  
Town manager – Christy M Powell  
Town Attorney – Chris Wischer

All members were present with the exception of Mr. Kavanaugh.

**APPROVAL OF MINUTES**

The minutes from February 24, 2016 – Regular Session were presented for approval. Motion by Ms. Aurand to approve the February 24, 2016 Town Council Minutes as distributed.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 3; Nays 0 abstaining 1

**NEW BUSINESS**

1. Sign Retro-reflectivity INDOT Project Consultant Contract.  
It was reported that the change order would be for a reduction in the cost of the project by \$26,609.45. The cost of the reduction was brought about by a change in the scope of the project.

Motion by Mrs. Hughes to approve the consultant Contract.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

2. Road closures for River Town Trail 5k.

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It was decided that this was approved in a previous meeting and did not need to be presented or discussed again.

3. **Financing for New Fire Vehicle.**  
The clerk treasurer wanted to make the council aware of two lending institutions have submitted quotes for monies for the new fire vehicle that is being purchased.  
The two institutions are Banterra Bank with a rate of 2.4% for a 4 year loan. The second is from German American Bank Corp with a rate of 3.5%.  
No vote or discussion is requested at this time, the town is awaiting other lending opportunities.
  
4. **Jennings and State Street SW Improvement Project – Pay Application #7**  
final release of retainage to river Town Construction, LLC.  
RTC is requesting the release of the rest of the monies that have been held for retainage. All jobs have been completed to the satisfaction of the town engineer with no outstanding projects to be completed.

Motion by Mrs. Hughes to release the retainage and pay RTC.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 4; Nays 0

As a follow-up to the completion of this project, the issue of cross walks, or lack thereof, in the town. It was suggested that there should be more designated cross walks around Newburgh Elementary school. After further discussion, it was determined that there are also other areas in town that may require a designated crossing area. It was decided that CEI would look into the issue and provide a report of recommendations back to the town at some future meeting.

5. **Epworth Rd Medical Corridor SS exp – Pay Application #11 to BBI.**

BBI is requesting a payment for work completed in the amount of \$346,245.51. There would be a retainage of \$17,312.28 with a net payment of \$328,933.23. This came with the recommendation of Mr. Hynes.

Motion by Mrs. Hughes to pay to BBI \$328,933.23, holding in retainage \$17,312.28.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

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6. US Army Corp of Engineers Section 404 Permit for Lincoln Ave Widening SS Relocation Project.

Motion by Mrs. McGuire to approve the permit.  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 4; Nays 0

7. IDEM Section 401 WQC RGP Notification for Lincoln Ave Widening SS Relocation Project.

This project is needed primarily for the correction of erosion control.

Motion by Mrs. Hughes to approve the notification.  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 4; Nays 0

8. St. John 3<sup>rd</sup> Annual Sole Challenge Friday May 6<sup>th</sup>.  
They are requesting the use of the RTT and trailhead from the hours of 5-8 p.m. for a kids run. It is expected that about 200 kids under the age of 14 will be in attendance. No street closures will be required. This has been discussed with the Newburgh police.  
Much discussion regarding the date of the race and it was finally decided that since this is a timed race, the timing equipment may not be available so the date was changed because of the conflict for equipment.

Motion by Mrs. McGuire to approve the use of the trailhead and RTT.  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 4; Nays 0

### **UNFINISHED BUSINESS**

1. Jennings and State St. SW Improvements – pay Appl. #6 to River Town Construction...tabled 1/27/2016  
Removed from table because of Pay Application #7 that was submitted under new business.

### **COMMENTS FROM CITIZENS PRESENT**

This item has been moved on the agenda from near the end to after the new and old business to give citizens a more friendly place to vocalize any concerns that they may have.

For this meeting, there were no citizens wishing to speak.

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**COMMISSION/COMMITTEE REPORTS**

**COMMISSION**

**Air Authority** – Ms. Aurand  
No meeting, No report.

**Board of Zoning Appeals** – Mrs. McGuire  
No meeting.

**Fire** – Ms. Aurand  
Personnel issues with employees at the fire department.

**Historic Preservation** – Stacie M Krieger  
No report – next meeting will be on 3/10/16

**Park** – Ms. Krieger  
No report

**Planning** – Mrs. McGuire  
No meeting.

**Police** – Mrs. McGuire  
No report

**Site Review Committee** – Mrs. McGuire  
No meeting, No Report.

**Storm Water** – Mr. Kavanaugh  
Next meeting is 3/21/16

**Streets** – Ms. Aurand

- Sign replacements
- Filling pot holes
- Filled sink hole at IHOP with 47 tons of material.
- Preparing for summer mowing season
- Mulching and weeding around town
- Boat ramp repairs complete so we are ready to put the dock back in whenever weather is permitting.

**Trash** – Mr. Kavanaugh  
Reported by Christy Powell.

- Not hardly any problems reported.
- There have been questions about heavy trash pickup.

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**Utility – Mrs. Hughes**

Mrs. Hughes presented the following utility motions for approval:

Utility Motions for March 2, 2016

1. Motion: Leon Key moved to recommend to Council to approve the consent agenda.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

No motion or vote required.

2. Motion: Leon Key moved to recommend to Council to approve the Capacity, Management, Operation and Maintenance (CMOM) report contingent upon an agreement between Leon Key and David Hynes that the report is complete and accurate.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

Second by Mrs. McGuire

Vote: Ayes 4; Nays 0

3. Motion: Leon Key moved to recommend to Council to allow Commonwealth Engineering Inc. (CEI) prepare a contract to cover the Preliminary Engineering Report (PER) for the Oak Grove Road widening project.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

Second by Mrs. McGuire

Vote: Ayes 4; Nays 0

4. Motion: Leon Key moved to recommend to Council to allow CEI to develop an inter-local agreement with CEI and Mr. Chris Wischer in collaboration with Warrick County for the Timberwood Drive sanitary sewer.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

Second by Ms. Krieger

Vote: Ayes 4; Nays 0

5. Motion: Leon Key moved to recommend to Council to adopt the Pizza Hut Fats, Oil and Grease (FOG) Discharge Permit #022216 that waives the external interceptor requirement; waives the dishwasher dedicated grease trap requirement; and, requires that all kitchen plumbing fixtures be connected to the existing 75 gallons per minute (GPM) grease trap.

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Motion seconded: Christy Powell  
Discussion: None

Motion passed unanimously.

Second by Mrs. McGuire

Vote: Ayes 4; Nays 0

6. Motion: Leon Key moved to recommend to Council to allow CEI to review the erosion problem at Lift Station #1 Force Main located at the 9 Victoria Drive area and make a recommendation to correct the problem.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

Second by Ms. Krieger

Vote: Ayes 4; Nays 0

7. Motion: Leon Key moved to recommend to Council to take the bids for the Master Lift Station Pump Base Replacement Project under advisement for legal and engineering review:

PPMI with a base bid of \$38,905.00, Alternate 1 of \$1,370.00, Alternate 2 of \$2,495.00, Alternate 3 of \$1,985.00 and Alternate 4 of \$19,335.00; Deig Bros. Lumber & Construction Co., Inc. with a base bid of \$51,868.00, Alternate 1 of \$214.00, Alternate 2 of \$1,754.00, Alternate 3 of \$464.00 and Alternate 4 of \$13,359.00.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

Second by Mrs. McGuire

Vote: Ayes 4; Nays 0

8. Motion: Susan Helms moved to recommend to Council to approve the Tyler Technologies expenditure of \$1,500.00 for address verification segment for INCODE.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Second by Mrs. McGuire

Vote: Ayes 4; Nays 0

9. Motion: Leanna Hughes moved to direct Chris Wischer to revise Ordinance 1989-08, An Ordinance Establishing Summer Sewer Rates and Establishing Procedures for Adjustments to Sewer Bills and email the revisions to committee members for review then recommend to Council to approve the revised ordinance.

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Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

Second by Mrs. McGuire

Vote: Ayes 4; Nays 0

**STANDING COMMITTEES**

**Finance** – Mrs. Hughes

Budget Changes have been approved and the new budget will be installed as soon as all year-end reports are complete.

**Personnel** – Mrs. Hughes

Personnel committee needs to set up a meeting soon to discuss issues that are of importance to the town employees.

**SPECIAL BOARDS/COMMITTEE REPORTS**

**Sidewalk** – Mrs. Hughes

This topic will be reviewed when Mr. Kavanaugh returns.

**Arts Commission** – Mrs. Hughes

The request was made by Mrs. Hughes to start scheduling meeting again. They should be scheduled for the 1<sup>st</sup> Monday of the month at 5:30 at Town Hall.

**River Town Trail** – Mrs. McGuire

A meeting was attempted, but had to be rescheduled. So, no report.

**ZONING ADMINISTRATOR**

For February, there were 4 permits issues with associated construction costs of \$23,975.00 and an income to the town of \$170.00.

It was also mentioned that The acting zoning administrator should attend the council meeting to provide an update on activities.

Town surveys are being mailed in hopes of determining what our citizens think of the town.

**CLERK-TREASURER**

No Report

**TOWN ATTORNEY**

No Report

**TOWN ENGINEER**

After taking bids under advisement for a SS project, it has been decided that the bid should be awarded to Koberstein Construction. Bid was recommended by Mr. Hynes.

Motion by Mrs. McGuire to award the bid

Second by Ms. Aurand

Discussion: None

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Vote: Ayes 4; Nays 0

**TOWN MANAGER**

A request was made from the Waste Water Treatment Facility to sponsor 4 or 5 runners for the River Town Trail 5K. This will be looked into.

Wheel chair lift has been repaired and it is ready to 'lift'. The cost to repair the lift exceeds Christy's spending limit. She requested that town approve the expenses to fix the lift.

Motion by Ms. Aurand to approve the expenditure.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

**MISCELLANEOUS BUSINESS**

- Leanna – Newburgh Women's Club to do a salute to Law Enforcement on May 10, 2016 at the Old Lock and Dam.
- Anne - Army Corp of Engineers should be contacted regarding about the cutting of trees and weeds on the river bank. Inquiry will be made and a report will be made at the next meeting.
- Jon - Lydia, the new Deputy Clerk/Treasurer requires approval from the president of the council to have access to the employees PERF and 77-funds. No vote is required, but just want to make council aware.
- Anne – Street flooding at gray and 662. The water can get quite deep at the intersection. It should be addressed.
- Anne – Someone should respond back to Mrs. Wells regarding the outcome of the basketball goal in the Windsor housing addition.  
Motion by Ann to have Christy author a letter to Mrs. Wells.  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 4; Nays 0
- Leanna – Suggested that we have representatives of PERF come to the town and explain how the employees can access their accounts. Christy mentioned that she has been in contact with representatives and she is trying to get them scheduled

**APPROVAL OF CLAIMS**

Mrs. Hughes requested that the totals of claims be presented for approval. The following would be the totals with any sewer adjustments that there may be.

Civil Town - \$176,342.52

Sewer - \$511,297.21

SRF - \$0

Motion by Mrs. McGuire for the approval of all claims.

Second by Mrs. Hughes

Discussion: None

Vote: Ayes 4; Nays 0



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**ADJOURNMENT**

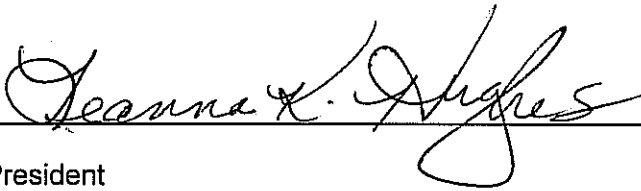
Motion by Mrs. McGuire to adjourn.  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 4; Nays 0  
Meeting adjourned at 7:15 p.m.

Persons signing in to speak at the council meeting were:


Name	Address	Area of Concern
Krista Haas	5188 Terrytown Rd	River Town Trail 5K

APPROVED this 23 day of March, 2016.

Newburgh Town Council

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer