

Town of Newburgh
Town Council Meeting, Wednesday, May 11, 2016

Town council met at 4:30 in Executive Session at Newburgh Town Hall, 23 W. Jennings St., Newburgh, Indiana. The purpose of the meeting is discussion of pending litigation and personnel issues. (This notice is given in accordance with Indiana Code 5-14-1.5-6.1)

The Regular Session was opened at Newburgh Town Hall, 23 W. Jennings, Newburgh, IN at 5:34 p.m. by Mrs. Hughes

The Pledge of Allegiance was led by the Town Council.

We then celebrated a time of remembrance. Two individuals who were residents of Newburgh were lifted up: Brett Lucas, who started the Bar-B-Que Coalition, and Jeffrey Foye, who was a local businessman for many years. It was also asked that if we pray during the moment of silence that we pray for all who put themselves in harm's way for our sake.

The roll was called with the following results.

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

The minutes from the April 27, 2016 meeting were distributed electronically prior to the meeting. It was asked if there were any corrections to the Executive and Regular Session minutes. Mr. Kavanaugh had questions regarding the minutes since it was mentioned that he made motions during the meeting, and he was not in attendance.

Motion by Ms. Aurand to table the minutes until the May 25th meeting. This will allow time for the minutes to be approved and corrected.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 5; Nays 0

NEW BUSINESS.

1. Ordinance 2016-07 Amending Ordinance 2009-21 to Increase Rental Rates for the Lockmaster Cottages.

Motion by Mr. Kavanaugh to proceed with the first reading of Ord. 2016-07.

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Second by Mrs. McGuire
Discussion: None
Vote: Ayes 5; Nays 0

Motion by Mr. Kavanaugh to accept the first reading of Ord. 2016-07.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 5; Nays 0

Motion by Mr. Kavanaugh to proceed with the second reading of Ord. 2016-07.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 5; Nays 0

Motion by Mr. Kavanaugh to Adopt Ord. 2016-07.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 5; Nays 0

2. Halston Gravity Sewer Extension – Change Order #1 to Koberstein Contracting, Inc.
At the request of the town engineer, this item will be tabled until the next meeting.

Motion by Ms. Aurand to table this item until our next meeting.
Second by Ms. Krieger
Discussion: None
Vote: Ayes 5; Nays 0

3. Epworth Road Medical Corridor SS Expansion Project – Change Order #6 to BBI.
At the request of the town engineer, this item will be tabled until the next meeting.

Motion by Ms. Aurand to table this item until our next meeting.
Second by Ms. Krieger
Discussion: None
Vote: Ayes 5; Nays 0

At this point, Tonya McGuire had to leave the meeting for a prior engagement. Before she departed the committee and commission reports were discussed for which she is responsible. Following, you may see where some motions were voted on with 5 council persons present and some with only 4.

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UNFINISHED BUSINESS.

No unfinished business

COMMENTS BY CITIZENS (three (3) minutes per speaker).

No Citizens were signed up to present, but Carol Schaefer and Adam Cabello were there to present the following.

Carol Schaefer and Adam Cabello, Design chairman for HNI – They have received donations totaling \$400.00 to purchase and install two hanging baskets on Water Street South of Town Hall. After debating the hanging of baskets on Water Street, it was decided to install two Urns instead and fill them with flowers.

The town is in favor of having the Urns instead of the hanging baskets. They, meaning HNI, will now approach the benefactors about the change in plans and seek their approval for the change of direction

Lou Dennis Park is scheduled for clean-up and mulching on Friday with friends from Alcoa.

Painting of brackets that are currently in use for the hanging baskets. The paint on the current brackets is peeling off.

Tickets were handed out to the council members for entry into the Wine, Art and Jazz Festival

COMMISSION/COMMITTEE REPORTS

COMMISSION.

Air Authority ~ Ms. Aurand
No Report

Board of Zoning Appeals ~ Mrs. McGuire
No Report. Next meeting 5/23/16.

Fire ~ Ms. Aurand

- Performing cleanup after storms. Mostly limbs being removed from power lines.
- There is a roof leak at the firehouse. Same place as before, contractor has been contacted.
- Paul is in Wisconsin with Chad Bennett working with the manufacturer to develop specs for the new fire ladder truck that will be purchased by the township. The vehicle will be housed at the Newburgh fire station.

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- Paul Campbell ran in the RTT 5K race.

Historic Preservation ~ Ms. Krieger

- HPC Annual party with HNI at the refinery on 5/12/16 from 5-7p.m
- Lucid coffee company will be open, and other beverages will be provided.
- Chris Wischer will give a presentation which will qualify all present for continuing education credits.
- Also a talk by Mrs. Rhodes. Snacks and beverages will be provided by HNI and HPC.
- This event is being promoted on social media and word of mouth.
- Continuing discussion regarding the Red Brick House and movement of the building of a new location. Much discussion regarding many other properties in the town past and present.
- The next HPC meeting will be on June 9th.

Park ~ Ms. Krieger

- Next meeting will be on June 2nd.
- There will be a work day in the park on Friday 13th. Alcoa will be providing helpers to spread mulch and perform general clean-up.
- Castle High School will be painting the characters on the Fortress of Fun on May 23, 2016.
- Seven Ash trees have been identified in the town of Newburgh that will need to be treated for the Ash Beetle. The cost of treatment is \$500.00 per tree. They are looking for individuals to adopt trees and pay for the treatment. Will be discussed again at next Park meeting.
- Park was approached by an organization to build a Disc golf course at IHOP. It was suggested that they should look at the new Lock and Dam and approach the Army Corp of Engineers to develop.

Plan ~ Mrs. McGuire

- Tonya did not attend the last meeting, Christy provided a report.
- At the last planning commission meeting, the verbatim minutes from the Williams property meetings were approved as transcribed.
- Discussion about the comprehensive plan, RFQ is under review by the counsel.
- The planning commission is also looking for an ordinance to be drafted that will address the issue of outside storage in a C2 zone. Rezoning of property may be only option available. Public hearing is required before council can review the current ordinance.
- David Hynes delivered the zoning map for review.

Police ~ Mrs. McGuire

- The Metropolitan Police Commission met on May 9th.

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- Physical testing was conducted of the new applicants on April 23. A total of 22 applicants are still in contention.
- Preservation Hall has been reserved for June 4th for written testing of the police pool applicants.
- Officer McIntosh provided statistics from historical information regarding the number cases processed by the police department. In 2016 170 cases, 2015 – 110 cases and in 2013 – 97 cases. Officers are becoming very proactive in crime detection and resolution.
- June police commission cancelled. The police chief and town Counsel will both be out of town on vacation.
- Actual police awareness week begins on 5/16/16
- Women's club and the Town of Newburgh Celebrated police awareness on 5/10/16. Proclamation 2016-01 was read it represented a public show of respect for not just police officers, but all first responders.

Motion by Mr. Kavanaugh to read the proclamation of the reading.

Second by Ms. Aurand

Discussion:

Vote: Ayes 5; Nays 0

Motion by Mr. Kavanaugh to approve Proclamation 2016-01 to be entered into the archives of the town.

Second by Ms. Aurand

Discussion:

Vote: Ayes 5; Nays 0

- The women's club presentation was of great benefit to the community and the police officers. It improved the morale of the community and the police officers.
- Daryl Healy has submitted a letter of retirement. He plans on retiring on December 30, 2016. His last day of work will be on October 27, 2016. A meet and greet will be scheduled sometime in December.
- Chief Sprinkle requested that an ordinance be created to show an increase in the towing fee from \$25 to \$50 dollars. Still below what other communities charge.

Motion by Mr. Kavanaugh to increase the town portion of the towing fee from \$25 to \$50.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 5; Nays 0

- There was a request by Chief Sprinkle for the Police Continuing Education Fund be increased by \$5,500 to a total of \$10,000. This is needed to help offset some of the expenses in his budget.

Motion by Mrs. McGuire to increase the fund.

Second by Mr. Kavanaugh

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Discussion: None

Vote: Ayes 5; Nays 0

- March citations 116 tickets, 125 warnings, total of 241
- April citations 85 tickets, 68 warnings, 1 Ord. violation, total of 154

Site Review Committee ~ Mrs. McGuire

- No Report

Storm Water ~ Mr. Kavanaugh

- No Report
- Jefferson Park bridge replacement – Is still an issue. In need of major repair or replacement. A quote has been received from Deig Bros. for an amount of \$36,325.00. It was expressed by the town engineer that the amount of storm water run off being diverted from locations North of Jefferson Park is what is causing the problem. Something needs to be done now. This has been put off for a number of years and it is fast becoming an issue of public safety if the bridge isn't addressed.
- Christy and Jon will be looking at the financials to determine from where the monies may be pulled to pay for the project. They will report at the next meeting.
- In the meantime, try to find other sources who will bid on the project.

Street ~ Ms. Aurand

- Ginko tree planted in tree well on State Street.
- Grates are being removed for storm water openings to be powder coated.
- Drains are being jet cleaned
- More work on tree at fire house wires are down
- Thankful to John Heck and crew for trimming trees and general clean-up in prep for 5K and other issues.

Trash ~ Mrs. Hughes, Mr. Kavanaugh

- Heavy trash pick-up has already been advertized by the town. It is part of the agreement with advanced disposal.
- Heavy trash date to be discussed more at the next meeting.
- Discussion revolved around the issue of out-of-town persons bringing items to town for us, the Town of Newburgh, to deal.

Utility ~ Mrs. Hughes, Mr. Kavanaugh

- Utility Motions (If available)

All motions were made by Mrs. Hughes, seconds and votes are indicated for each motion:

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1. Motion: Tom Bodkin moved to recommend to Council to accept the lateral repair at 210 E Sycamore performed by Hoffman Plumbing provided it passes the TV inspection while a qualified Wastewater Treatment Facility (WWTF) representative is present.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Second by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

2. Motion: Tom Bodkin moved to recommend to Council to approve the consent agenda.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

3. Motion: Tom Bodkin moved to recommend to Council to approve the Towne Market Fats Oil and Grease (FOG) Discharge Permit No. 042716: a. The permit waives the installation of an external grease interceptor; b. The permit waives the four fixture limit to a single grease trap; and c. The permit requires the installation of a 50 gallons per minute (gpm) grease trap servicing all kitchen plumbing fixtures prior to any discharge.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

Second by Ms. Krieger

Discussion: Regarding the location of the Towne Market.

Vote: Ayes 4; Nays 0

4. Motion: Tom Bodkin moved to recommend to Council to approve the capacity request for the Berkshire Subdivision.

Motion seconded: Bill Kavanaugh

Discussion: The committee agreed to update the model and meters are now being installed.

Motion passed unanimously.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

5. Motion: Tom Bodkin moved to recommend to Council to replace the Collection Supervisor Truck No. 1, which has 206,000 miles, with a new 2016 Ford F250 4x4 from D'Patrick at a cost of \$27,103.00.

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Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

6. Motion: Leon Key moved to recommend to Council to approve a repair to the gravity sewer at 6522 and 6544 Yorkshire Court with an open cut sewer main and lateral and manhole replacements at a cost of \$91,100.00 and place the project on the Priority Project List (PPL) as a priority 1 project.

Motion seconded: Tom Bodkin
Discussion: None
Motion passed unanimously.

Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

7. Motion: Tom Bodkin moved to recommend to Council to approve the repair of a tap main at 6644 Oakview Court in the amount of \$5,300.00 by Peyronnin Construction.

Motion seconded: Bill Kavanaugh
Discussion: None
Motion passed unanimously.

Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

8. Motion: Tom Bodkin moved to recommend to Council to approve the repair of a sewer main at 5411 Park Drive in the amount of \$4,450.00 by Peyronnin Construction.

Motion seconded: Bill Kavanaugh
Discussion: None
Motion passed unanimously.

Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

9. Motion: Tom Bodkin moved to recommend to Council to purchase 2 Digester Blower variable frequency drives (VFD) from Electric Motors, Inc. in the amount of \$14,062.54 plus freight.

Motion seconded: Bill Kavanaugh

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Discussion: None
Motion passed unanimously.

Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

10. Motion: Tom Bodkin moved to recommend to Council to approve Change Order #1 in the amount of \$686.14 to cut the towering manhole liner at Lift Station # 3 for Peyronnin Construction.

Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

11. Motion: Tom Bodkin moved to recommend to Council to approve Change Order #2 in the amount of \$8,087.33 to coordinate the subcontractor and stand-by pumps to accommodate for rising waters at Lift Station # 3 for Peyronnin Construction.

Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

12. Motion: Tom Bodkin moved to recommend to Council to approve the pump bottom end repair at Lift Station # 1 by Straeffler Pump and Supply at a cost of \$5,975.00 plus freight.

Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

13. Motion: Tom Bodkin moved to recommend to Council to approve the hiring of two (2) additional employees for the WWTF and they be placed where the supervisor feels they are most needed.

Motion seconded: Leon Key
Discussion: None

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Motion passed unanimously.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

14. Motion: Tom Bodkin moved to recommend to Council to approve Change Order #1 for the Halston Gravity Sewer manhole # 07-186 replacement in the amount of \$22,810.00 for K & K.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Tabled during new business will be addressed at next council meeting.

15. Motion: Tom Bodkin moved to recommend to Council to prepare a letter for Warrick County stating there is not sanitary sewer access for the parcels owned by Paul Kreiger at Weathers and Brumley Road.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

16. Motion: Bill Kavanaugh moved to recommend to Council to allow Bruce Miller's request to move the five (5) sewer taps purchased and unused at Glenview Drive to Barrington Homes for general home use.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

Second by Ms. Aurand

Discussion: These permits may be used for any properties he is developing.

Vote: Ayes 4; Nays 0

17. Motion: Leon Key moved to recommend to Council to have Susan Helms prepare a letter to A-1 Power stating the committee will not allow the sign to be built in the proposed location.

Motion seconded: Bill Kavanaugh

Discussion: A-1 Power is to contact the Plan Commission for a permit and possible variance.

Motion passed unanimously.

Second by Ms. Aurand

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Discussion: Sign location would be straddling the sewer line. Location would be close to 66 and Bell Rd.

Vote: Ayes 4; Nays 0

18. Motion: Tom Bodkin moved to recommend to Council to approve Change Order #6 in the amount of \$13,028.50 for the Epworth Road Sanitary Sewer project to BBI.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Tabled during new business will be addressed at next council meeting.

19. Motion: Tom Bodkin moved to recommend to Council to authorize Leon Key to follow the standard and grant the waiver he is entitled to grant for the Bell Road sewer lateral on the property north of Acapulco owned by Maken Corporation.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

20. Motion: Christy Powell moved to recommend to Council to have Susan Helms write a letter to Al Holweger, include the invoices for the full amount and request payment within 30 days.

Motion seconded: Leanna Hughes

Discussion: None

Motion passed unanimously.

Second by Ms. Aurand

Discussion: Mr. Holweger is of the opinion that we are not being fair to him and believes that the charges are unfair. People were called to inspect the location and no one would be there to help with the review. Just one of many examples.

Vote: Ayes 4; Nays 0

STANDING COMMITTEES

Finance ~ Mrs. Hughes, Mrs. McGuire

No Report

Personnel ~ Mrs. Hughes, Mrs. McGuire

- An ad was placed on INDEED for the open Administrative Assistant position and 269 applications were received. After reviewing the applications, 7 candidates were selected to interview. After completing

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the interviews, a selection has been made. Christy would like to make an offer to Andrea Barboni with a starting rate of \$15.25. If she accepts, her hiring would be tentative based on the results of her drug test.

Motion made by Mrs. McGuire to recommend the hiring of Andrea Barboni pending a negative drug screen.

Second by Mrs. Hughes

Discussion: None

Vote: Ayes 5; Nays 0

- It was suggested that Tavi Wydicks be promoted to the position of full time zoning administrator. Tavi has been doing very well in the position of acting Zoning administrator.

Motion by Mrs. McGuire to promote Ms. Wydicks to the full time Zoning Administrator position with an increase in salary of \$1.00 per hour to begin on May 9, 2016.

Second by Mrs. Hughes

Discussion: None

Vote: Ayes 5; Nays 0

SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk ~ Mrs. Hughes, Mr. Kavanaugh
No Report

Arts Commission ~ Mrs. Hughes, Ms. Krieger

- Next meeting June 6, 2016 at 5:30 p.m.
- Summer Sunday's entertainment on the riverfront. Music on Sunday afternoon during the summer.
- Fund raising for the amphitheater. We may be ready to start looking for grants that may help in the construction. There are some grants that need to be submitted by the end of September.

River town Trail ~ Mrs. McGuire, Mrs. Hughes

- Meeting on May 2, 2016 for discussion of RTT Phase IIIA
- Back to work on the Rivertown Trail Use policy.
- Proceeds from RTT 5k will be used to purchase paint for painting of certain portions of the RTT. The town street crew will be providing the labor for the project.
- Next meeting June 6, 2016.

ZONING ADMINISTRATOR.

- Raze order for 2 Gray Street. Not good for the community, but the owners of the property have not responded to any correspondence. House to be razed to by May 31, 2016

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- Zoning maps have been updated and a request has been made from the planning commission to approve the updated zoning maps.
Motion by Mr. Kavanaugh to approve the maps.
Second by Mrs. Hughes
Discussion: Many changes have happened since the last time the maps were updated. It's time.
Vote: Ayes 4; Nays 0

CLERK-TREASURER.

- Attended the Clerk-Treasurer's training session in Indianapolis. A good meeting.
- According to the state, we have to have an internal controls ordinance in place by the end of June. The actual controls need to be activated by the time we file our annual report at the end of February 2017. Most aspects of these controls will involve persons who are handling money for the Town of Newburgh. Beginning in 2017 certifications will need to be filed with the annual report.
- It was asked by the Clerk-Treasurer that all persons who received the minutes prior to a scheduled meeting actually review the minutes. The issue like we experienced this night with the minutes could have easily been avoided if someone would have brought the issue to light.

TOWN ATTORNEY.

INDOT case not settled. Going forward with remediation. This is in the Randy Kennedy easement the total amount to be paid to the Clerk of the Court for a total of \$23,425. The amount of \$1,500 will cover costs that have been incurred; the settlement amount is \$21,925.00.

Motion by Mr. Kavanaugh to approve payment

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

Raze order public hearing on 5/23/16 for the property at 2 Gray Street. This allows the property owners to come forward and state any case they may have about the property structure being razed. A last chance to have the building saved.

TOWN ENGINEER.

- Painting and striping is being completed. Final request for payment and release of retain age will be requested at the next meeting for the street resurfacing project.

TOWN MANAGER.

- Christy brought to the council's attention that there had been a request to run a 5K race on 9/17/16. The group is the U.S. Green Building Council It was mentioned that that is the same date as the Sir Brit Car Show and that would

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not be a good date for the event. Christy explained that it was just an inquiry and no promises or commitments had been made. She would respond back to the requestor.

MISCELLANEOUS BUSINESS.

- It was mentioned that there was a pane of glass broken in the phone booth in front of Town Hall. Christy mentioned that she was aware and it was on the schedule to be repaired.

APPROVAL OF CLAIM.

Claims to be paid including any sewer adjustments there may be.

Civil Town \$228,217.17
Sewer \$509,521.47
SRF \$0

Motion by Mrs. Hughes to approve presented claims.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0;

ADJOURNMENT.

Motion by Ms. Krieger to adjourn at 7:30 p.m.

Second by Ms. Aurand

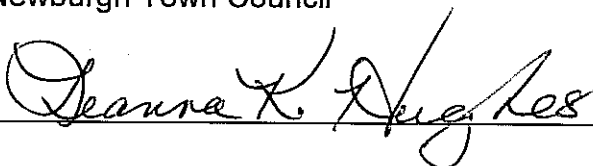
Discussion: None

Vote: Ayes 4; Nays 0;

5/11/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern

APPROVED this 25th day of May, 2016.

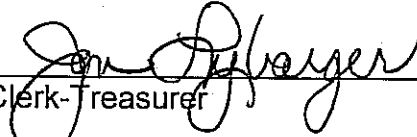
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President

ATTEST:


Clerk-Treasurer