



Town of Newburgh
Town Council Meeting, Wednesday, June 22, 2016

5:00 p.m. – Executive Session, Newburgh Town Hall, 23 W. Jennings, 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 of Town Council was called to order at Newburgh Town Hall, 23 W. Jennings St., by Leanna Hughes at 5:31 p.m.

The Pledge of Allegiance was led by the Town Council.

There were no remembrances so, with a full agenda for the evening, we moved on to roll call.

ROLL CALL.

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 - Absent
Clerk-Treasurer – Jon Lybarger - Present
Town Manager – Christy Powell - Absent
Town Attorney – Christopher Wischer – Present

Since the town manager was not present, Ms. Wydicks, Zoning Administrator, and Andrea Balboni, Administrative Assistant were present to report in the town managers absence.

APPROVAL OF MINUTES.

June 8, 2016 – Executive and Regular Session

Motion by Ms. Aurand to approve the June 8, 2016 minutes as distributed.

Second by Mrs. Hughes

Discussion: None

Vote: Ayes 3; Nays 0; Abstention 1

SCHEDULED REQUESTS AND APPEARANCES

1. Becky Guthrie with WATS / Ride Solutions

This was a visit from the WATS/ Ride Solutions to request that they be included in the 2017 budget in the amount of \$5,000 which was what we contributed in 2016.

A motion was made by Mr. Kavanaugh to consider the donation to WATS/Ride Solutions when developing the 2017 budget.

Second by Ms. Krieger

Discussion: None

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Vote: Ayes 4; Nays 0

2. Friends of Newburgh (aka. Friends of Fish) – Fiddler Fest.
Shari Sherman was here representing the Friends of Newburgh requesting assistance from the town for the Fiddler Fest which will take place August 26th and 27th. They would like the town to provide personnel to help set-up and tear down for the event as well as provide a dumpster for the event.
Motion by Mr. Kavanaugh to provide whatever assistance is needed for the Fiddler Fest event.
Second by Ms. Aurand.
Discussion: None
Vote: Ayes 4; Nays 0

3. Thomas Bodkin – Newburgh Remembers
This was the second request for Newburgh Remembers scheduled for July 15-17. Mr. Bodkin was requesting the closure of Main Street from State Street to the end of Preservation Hall. Access to and from the town parking lot would not be blocked. They are requesting the closure so that a horse and carriage could have access to the area and not be hindered by additional traffic. This closure would be during the afternoon of Sunday July 17th.

NEW BUSINESS.

1. Public hearing for Ordinance 2016-09 Proposed Sewer Rate Increase
Motion by Mr. Kavanaugh to open the public hearing for Ordinance 2016-09
Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to have the first reading of Ordinance 2016-09
Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

Motion was read by Mr. Wischer attorney for the Town of Newburgh.

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-09
Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

Since there was a unanimous vote on the first reading, the second reading may now be conducted.

Motion by Mr. Kavanaugh to proceed with the second reading of Ordinance 2016-09.
Second by Ms. Krieger
Discussion: None

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Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh for the adoption of Ordinance 2016-09.

Second by

Discussion: None

Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to close the public hearing for Ordinance 2016—09

Second by Ms. Krieger

Discussion:

-Mr. Wischer noted to all present that if this ordinance is passed, it will supersede all previous rate ordinances and that the rates identified in the ordinance would then become effective on the dates specified. He also stated that in accordance with public law, the public hearing was properly advertised and the public was informed of the proposed change in rates. Mr. Baldessari, from Umbaugh and Associates, and Mr. Wischer will initially address any questions that the public may have regarding the increase.

-Mr. Baldessari proceeded to explain why the increase in rates is needed. He noted that there are a number of projects and enhancements that are needed to keep our waste treatment facilities in compliance with government requirements and regulations, plus also meeting CMOM requirements. Based on an average consumption, the average rate will be increasing by about \$2.00 per month. Increases will also be phased in over a two year period. The percentage rates of increase will be the same for in-town and out-of-town customers with a rate increase of 6 percent effective July 1, 2016, a 6 percent rate increase scheduled for January 1, 2017 and a 5 percent rate increase scheduled for January 1, 2018. The proposed rate increases are in line with rates paid in other communities.

-Mr. Hynes was asked to explain exactly what CMOM is. He explained that the Town of Newburgh has been under a consent decree with the government for a number of years and that the utility provides regular reporting to the government. The report is called CMOM (Capacity Management and Operations Manual) this report contains all activities of the utility, showing expenditures and outstanding projects that should or need to be completed.

-It was noted that other communities are looking at sewer increases that are not reflected on the handouts provided.

-Steve Custer – Young's Court – He was questioning numbers that were presented by the study provided. He believes that the rates provided for Evansville, for example, are actually less than presented in the report. He also noted that the Indiana state average for Utility payments is considerably less than the new rates being proposed for Newburgh. He also asked if it were possible to identify some of the projects that will be addressed with this new increase. (No clear answer was provided to Mr. Custer an investigation would have to be conducted in regard to the reported figures. It was mentioned that the utmost attention was administered when preparing the reports.)

-John Lakey – Liberty Court – Why is there so much a difference between the in-town rate and out-of-town rate? (The rates were originally set in 2009 in accordance with a study that was conducted, for the sewer facility. But

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since that time the increases have been the same percentage, not the same dollar amount, since they were established.)

-Donna Lakey – Liberty Court – People in the Old Hickory subdivision are having problems meeting the demands of the increases. Not just utility, but all utilities. Being on a fixed income it is difficult to meet the increasing needs from all service providers when the income doesn't increase.

-Melinda Mitchell – 101 Yorkshire Court – There are questions regarding the chart provided showing comparisons of rates from other towns and Newburgh's current rate and future rates. The rates identified are based on a basis of 4000 gallon consumption. She believes that Newburgh has a spending problem instead of an income problem.

-Christina Dalton – Hillsboro Drive – Made comment about the fact that many people are on fixed incomes, or haven't been receiving pay increases and that an increase, no matter how small is still a big deal. She also made the comment that people enjoy living in Newburgh because the cost of living has been fairly low, but as rates for services increase, it may reach a point where the town is no longer attractive to potential residents.

-Brian Kilgore – 3141 Trailwood Drive – Requesting CMOM expenses or projects, how much is actually being spent? Are the increases due to the additions of new neighborhoods? Why do we have to have a tiered charge system? Can't we just have a flat rate for all utility users? Question also about Bell View sub division.

-Larry Largent – Knottingham Court – Asked that the town consider a flat utility rate for all users of the facility. He believes that the current rating structure is unfair. How were the rates developed? (They were established in 2009 according to a study conducted by the Indiana Utility Regulatory Commission.)

-Chad Cupp – 8200 Outer Lincoln – Believes that the town should move to a flat rate for all users. He is also interested seeing a report of how the utility is operated.

-Walter Fender - 212 Peachtree – Another advocate for having a flat rate for all users of the sewer facility.

-Sarah Simpson Taylor – Plum St – Would like to see a list of projects that will be addressed and cost associated with the projects. Then she began to talk about water standing in the streets. It was pointed out to Ms. Taylor is that what she was referring to was a storm water issue and not a sewer issue and it should be brought up at the monthly storm water meeting. She stated that she does have an issue with in-town and out-of-town rates and she would like to see a flat rate regardless of where one is located. She again requested that there be a list of projects listed somewhere where they would be available to the public for viewing. Comments were made by town personnel that the list could be posted on the town website which could then be viewed whenever. Comments were made from the floor by several people and the names and content could not be completely understood for transcribing purposes. Basically, these people were in agreement with Mrs. Taylor regarding having a project list available for review.

-Jim Watford – Woodbridge Trail – Thankful for the town for having the storm sewers and the sewer are separated. He had no opinion about split rates, but he expects that the boards and council is doing a good job. But now is a good time to borrow

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-Jane Beckham - 5366 Kenwood Circle – She had a question regarding upgrades to Victoria National. Why are we making changes to a new lift station? (It was explained that the repairs in question are for a lift station that is a little over 20 years old. Lift stations are named for either an addition that is located close to the facility. This lift station is used by an area consisting of numerous housing additions, not just Victoria National.) She had another question, not necessarily associated with rate increases, regarding water usage for swimming pools and how much it costs. (It was brought to her attention that Newburgh utilizes summer averaging regarding sewer bills so that increased water usage will not inflate the sewer bill.)

-Steven Becker – West Sherwood Drive – Questioning costs required for studies: He believes that studies are too expensive and should be bid out just like any other service for the town. (At first a figure of \$300,000 was given as the cost of the study, then it was identified that the cost question was misunderstood and answered incorrectly. It was mentioned that studies are required for report purposes and that they are a fact of life when it comes public utilities.) The next comment from Mr. Becker was that he believed that the utility was mismanaged if they needed \$14 Million dollars to bail it out. (It was pointed out that this is not a bailout package. The monies are needed for improvements to the system. Mr. Baldessari mentioned that the utility is not a failing business. It is in very good

-Della Rowland – No Address – Why is there a minimum charge when there is no water usage? The minimum is required to help offset the fixed costs involved with running the utility. Her next question was regarding the sewer costs being the landlord's responsibility to pay? As the true property owner the responsibility of paying the bill falls on their shoulder. Now, as long as water is connected to the property, the sewer bill will continue to be generated, although, it may be a minimum bill. If water is disconnected from the address, eventually the sewer bills will stop accumulating.

-Chris (??)- 5055 Virginia Drive – After reviewing the rate sheet that was provided Chris had questions regarding the rates developed. He was looking at the rates paid in Fort Branch compared to Newburgh.

-Tom Bodkin – Water Street – Mr. Bodkin responded to the charging of landlords for unpaid sewer bills. For years Newburgh did not charge landlords and we were chastised by the state. We, Newburgh, finally relented and started charging landlords. It is a state law and we have no choice but to follow.

-Ms. Aurand – Council member – By selling the utility, we would lose control of the quality of the system. She believes that it is in the best interest of the town to retain the utility.

-Mr. Kavanaugh and Ms. Aurand – Discussed that they remember when there were no sewers in Newburgh. It was commented that it is nice to have the facilities.

-Mrs. Hughes – Council president – The town has no alternative but to issue a new bond in order to keep our utility in good operating order. She also stated that she believes that there is no choice but to do this. So she will be voting for the adoption of ordinance.

Vote: Ayes 4; Nays 0

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Motion by Mr. Kavanaugh to close the public hearing on Ordinance 2016-09 an ordinance to increase the sewer rates.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

Council president Mrs. Hughes called for a 5 minute recess before proceeding with the remainder of the meeting.

2. Resolution 2016-01 AUTHORIZING THE TOWN TO EXTEND THE MATURITY DATE OF CERTAIN OUTSTANDING BOND ANTICIPATION NOTES AND ALL MATTERS RELATED THERETO.
Motion by Mr. Kavanaugh to accept the resolution extending the maturity date of the BANS.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0

3. Sandra and Donald Brown Trust SS Feasibility Study – Agreement with CEI
This is in regards to an area on Libbert Road between Chandler and Newburgh Sub-Divisions. This study is required as a pre-requisite to providing service.
Motion by Mr. Kavanaugh to approve the study and agreement.
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

4. Plum and W. Jennings MH Replacement Quote Package – Agreement with CEI
This is for the replacement of a manhole at the location mentioned.
Motion by Mr. Kavanaugh to accept the agreement with CEI
Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

5. 515 St. Catherine Ct. MH 13-177 to 13-180 Study – Agreement with CEI
Motion by Mr. Kavanaugh to accept the agreement with CEI.
Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

6. Forest Park Drive MH 14-253 to 14-254 Study - Amendment #1 with CEI
Motion by Mr. Kavanaugh to accept the agreement with CEI
Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

7. Ordinance 2016-12 Town of Newburgh, Adopting New Code of Ordinances.

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It was suggested by counsel to delay the adoption of this ordinance until a more thorough investigation could be made.

Motion by Mr. Kavanaugh to Table this item until a thorough review can be completed.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

8. Ordinance 2016-13 Town Internal Controls

Per-counsel, this ordinance meets the minimum standards as outlined by the State of Indiana and the State Board of Accounts. According to the guidelines, the town has until the end of 2016 to provide training to all persons who are affected by these internal controls.

Motion by Mr. Kavanaugh for first reading of Ordinance 2016-13 Town Internal Controls.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-13 Town Internal Controls.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

Since the first reading was approved unanimously the council may proceed with the second reading.

Motion by Mr. Kavanaugh for the second reading of Ordinance 2016-13 Town Internal Controls.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to adopt Ordinance 2016-13 Town Internal Controls.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

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

-Melinda Mitchell – 101 Yorkshire Ct – River sweep update. She has organized the picking up of trash along the river front. Currently they have picked trash-up from the Old Lock and Dam to the west of the Edgewater Grill. They pick up trash on Mondays and they are looking for having more people to assist in the clean-up. Persons participating will be picking-up trash from 5:30 until sunset. They should meet at Town Hall.

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-Ms. Aurand – Storm drain markers were placed at locations in Windsor Point by the street department. These markers are mandated by the federal government and are to be placed at each storm drain. This is also an MS4 project. When the street department returned to Windsor Point the next day, all the medallions had been removed. There is no idea who took them, but they do not believe that it was kids.

-Ms Aurand – Also reported on the Yarn Bombing that took place on the river front. It was a great and beautiful event. If you saw it, it was wonderful. The display was in place on Friday, and by Sunday, most of the items had been stolen. Such a loss to the community to have events like this and then have them vandalized.

-Ms. Aurand – A gift was given to the town by the family of Jim Crawford, specifically Christine Rinehart Woolsey. It is a painting of the old lock and dam which was done in 1959 when he was in high school. (The painting is of the old lock and dam and was done in 1959.) Ms. Aurand is donating the painting to the town. She will get it framed and will hopefully have it on display in town hall.

UNFINISHED BUSINESS.

1. Parking on West Jennings Street between Jefferson and Washington.
Tabled on May 25, 2016 (Remain Tabled)

COMMISSION/COMMITTEE REPORTS

COMMISSION.

Air Authority ~ Ms. Aurand

-No meeting, no report.

Board of Zoning Appeals ~ Mrs. McGuire

-Next meeting June 27th, no report.

Fire ~ Ms. Aurand

-A total of 38 runs were made in May. Thirty of those were in the township with only eight being in the town of Newburgh.

-Training will be held here in Newburgh and Ohio Township for new firefighters in Southern Indiana. This training is funded by The Department of Homeland Security.

-There were two apartment fires on Cypress Street. No injuries and both fires were extinguished quickly. A 7 month old puppy was rescued by the first responding crew and was revived by the paramedics and fire department personnel. A thank you goes out to the Newburgh Police officers and Ohio Township fire for their assistance.

-A new ladder truck has been ordered by the Township and should be here in mid November.

-CPR training was completed for the lifeguards at the Newburgh pool. Thanks to Capt. Damian Gourley.

-The training room at the firehouse has been remodeled and looks very nice and is extremely functional. It can be used as a command center in the case of a local disaster.

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-Chief Campbell has been selected to work alongside other firefighters from Indiana, state lawmakers and firefighters from other states to draft legislation to put together a presumptive cancer law to hopefully be voted on in 2017. This law would allow a firefighters family to collect line of duty death benefits should the firefighter contract and die from cancer.

-The fire department is donating an AED device to the pool and will instruct the staff in the use of the device.

Historic Preservation ~ Ms. Krieger

-Next meeting is July 14, 2016

Park ~ Ms. Krieger

-Next meeting is July 7, 2016

Plan ~ Mrs. McGuire

-Coppers Edge Estate will be discussed at the next planning meeting.

Police ~ Mrs. McGuire

-Next meeting will be June 28th and will include the swearing in of a new officer.

Site Review Committee ~ Mrs. McGuire

-No meeting, no report

Storm Water ~ Mr. Kavanaugh

-No meeting due to lack of quorum.

-Next meeting July 18th

-Greg Bailey resigned effective August 1st, a replacement is needed.

Street ~ Ms. Aurand

-New arrows are being painted on public parking lot.

-Trees and shrubs at Lou Dennis Park have been planted, trimmed, mulched and the beds have been cleaned.

-Repaired a sink hole at the intersection of Main and Sycamore Streets.

-pool parking lot sprayed for weeds.

Trash ~ Mrs. Hughes

-June 25th is being designated as the town wide garage sale.

-June 28th will be the town's heavy trash pick-up day.

Utility ~ Mrs. Hughes, Mr. Kavanaugh

- Utility Motions (If available)

No Motions.

STANDING COMMITTEES

Finance ~ Mrs. Hughes, Mrs. McGuire

-Will meet on Tuesday at 3 p.m.

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Personnel ~ Mrs. Hughes, Mrs. McGuire
-No meeting, no report.

SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk ~ Mrs. Hughes, Mr. Kavanaugh
-No report.

Arts Commission ~ Mrs. Hughes, Ms. Krieger
-No report

River town Trail ~ Mrs. McGuire, Mrs. Hughes
-No meeting, no report.

ZONING ADMINISTRATOR.

-During the month, there have been applications for 5 projects with a total value of \$48,700.00. The fees for these permits amounted to \$730.00
-Sending Letters
-Activities at pool

CLERK-TREASURER.

-No report.

TOWN ATTORNEY.

-No report.

TOWN ENGINEER.

-Community crossings – Evansville MPO extended the deadline for submission of projects.

TOWN MANAGER.

-Emergency repair approval needed for a repair in the Brookstone addition at 5309 Brookstone. A lateral needs to be repaired at a not to exceed cost of \$6,735.00.
Motion by Mr. Kavanaugh to proceed with the repair.
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

MISCELLANEOUS BUSINESS.

-A request was made by Bill Bartelt and Todd Glass to use Town Hall on Sunday At 2 p.m. to perform a run through of the trial of Andrew Houston. Mr. Kavanaugh stated that he would be available to unlock town hall for them.
Motion by Mr. Kavanaugh to allow the use of Town Hall for the event.
Second BY Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

APPROVAL OF CLAIM.

The following totals are being submitted to the council for their consideration for payment, plus any sewer adjustments that there may be:

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Civil Town: \$417,384.37
Sewer: \$492,701.21
SRF: \$17,317.56

Motion by Mr. Kavanaugh to approve the payment of all claims.
Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

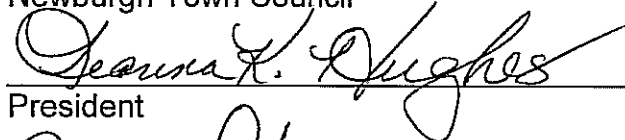
ADJOURNMENT.

Motion by Ms. Krieger to adjourn at 8:21 p.m.
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

6/22/2016	Town of Newburgh	
Name	Address	Area of Concern
Larry Largent	7344 Nottingham Dr.	
Steve Custer	7544 Youngs Ct.	Sewer Rates
John Lakey	7699 Liberty Ct	Sewer Rates
Donna Lakey	7699 Liberty Ct	Sewer Rates
Melinda Mitchell	101 Yorkshire Dr.	Sewer Rates
Kristina Dalton	7655 Hillsboro Dr	Rate increase
Chad Cupp	8200 Outer Lincoln	Sewer Rate Increase

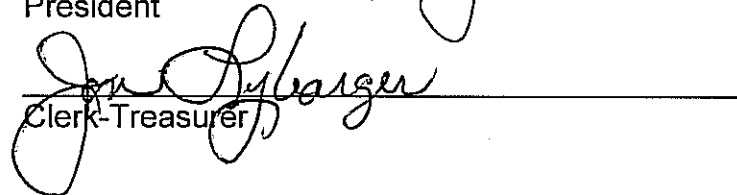
APPROVED this 13 day of July, 2016.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer