



Town of Newburgh
Town Council Minutes for Wednesday, October 12, 2016

5:00 p.m. – Executive Session, Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana. The purpose of the meeting was to discuss pending litigation and/or personnel issues. The proper notice is given in accordance with Indiana Code 5-14-1.5-6.1.

The Regular Session of Newburgh Town Council was called to order at 5:35 p.m. at Newburgh Town Hall, 23 W. Jennings St, Newburgh, IN by Mrs. Hughes.

The Pledge of Allegiance was led by the Town Council.

REMEMBERANCES

No names were mentioned, a moment of silence was shared and all were asked to remember our troops.

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 - present
- Town Attorney – Christopher Wischer – present

APPROVAL OF MINUTES.

Approval of the September 28, 2016 minutes.

Motion by Ms. Aurand to approve the Minutes from September 28, 2016 as they were distributed to the council electronically.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

SCHEDULED REQUESTS AND APPEARANCES

1. 2015 Outstanding Citizen Award – Riders for Jesus
Randall Bright and Kevin - Good Neighbor Award being presented work performed for at the 2015 Fireworks in regards to cleanup of trash. The organization is being recognized for their volunteer efforts.
2. Courtney Marx – 2013-17 Chicken Ordinance – Revisited
211 Middle St, request for ordinance changes to allow having chickens in town. Currently, we are waiving fees that could be accessed under the existing ordinance. No amendments have been requested for council to prepare. Much discussion regarding what other communities may be following regarding chickens within the town limits.

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It appears that what is really at issue with the neighbors is the presence of tanks used by the property owner for Aqua phonics. Apparently the owner in the past has used the tanks for raising fish and aquatic vegetables. At this point it was mentioned that the discussion was drifting away from the chicken issue and towards other issues regarding the property owner and his property.

Motion by Mr. Kavanaugh to direct council to draw amendments to our chicken ordinance to allow chickens in the Town of Newburgh and that these amendments will be available for discussion at the November 9, 2016 council meeting.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 4; Nays 0

Motion by Mrs. Hughes to extend the waiver of penalties and fees in regards to Ordinance 2013-17 Chicken Ordinance.

Second by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

NEW BUSINESS.

1. Public Hearing for 2017 Proposed Budget

Motion by Mr. Kavanaugh to open Public Hearing regarding the 2017 Proposed Budget

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

No public comments were made regarding the budget

Motion by Mr. Kavanaugh to close the Public Hearing regarding the 2017 Proposed Budget.

Second by Ms. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

2. Ordinance 2016-19 Additional Appropriations.

No ordinance to consider just identified the items that will be included in the additional appropriations. They will be advertised in the Standard and will be presented in a public hearing on November 9, 2016.

3. Halston FM Relocation Project

- a. Rule 5 – Notice of Intent

Part of erosion control rules as related to Halston FM.

Motion by Mr. Kavanaugh to approve the Notice of intent.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

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- b. Application to work in county Right of Way.
Need to perform jack and bore procedures across a roadway.
Motion by Mr. Kavanaugh to approve the right of way permit.
Second by Leanne
Discussion: None
Vote: Ayes 4; Nays 0

- 4. St. Mary's Orthopedic Hospital SS Extension.
 - a. Plan Approval and Contract.
\$49,060.00
Motion by Mr. Kavanaugh
Second by Leanna
Discussion: None
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to approve the Sewer agreement for the SS Extension.
Motion by Mr. Kavanaugh to approve the Sanitary Sewer Agreement.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0

 - b. IDEM Permit
This is for an amended Jack and Bore and a revised materials list which will eliminate the need for an open cut.
Motion by Mr. Kavanaugh to approve the amendment presented by engineering.
Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

- 5. I-164 Commercial Park #3 SS Extension.
Plans have already been approved by the council. Changes have been made to change the way in which the project will be completed. The process is being changed because of cost considerations. This agreement is needed to revise the permit and plans of the project due to include the jack and bore and removal of the open cut.
Motion by Mr. Kavanaugh to approve the changes to the project.
Second by Ms. Krieger.
Discussion: Scope of project did not change; the means by which it is to be completed has changed.
Vote: Ayes 4; Nays 0

- 6. Halston Gravity Sewer Main Extension Project – Pay Application #5 Release of Retainage.
This is a request made by Koberstein Contracting, Inc for the release of retainage in regards to the extension project. The amount of retainage is

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\$13,013.17. The project is complete and the work has been accepted by engineering.

Motion by Mr. Kavanaugh to release retainage in the amount of \$13,013.17 to Koberstein Contracting, Inc.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

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

Alice Van Zant asked a question in regards to the house at 2 Gray Street. She was just curious regarding the status.

There is currently a raze order against the property. The owners are now at a point where they would like to save the house. They have acquired council who has been in communication with the town attorney. It appears that the only thing that would save the house from being razed would be a financial commitment on the owners' part for the full cost of restoration.

UNFINISHED BUSINESS.

None

COMMISSION/COMMITTEE REPORTS.

COMMISSION.

Air Authority ~ Ms. Aurand

No meeting.

Board of Zoning Appeals ~ Mrs. McGuire

No meeting.

Fire ~ Ms. Aurand

-Chief Campbell reported on the status of acquiring radios for the fire department. They have received a quote of approximately \$76,000, which is about \$102,000 less than the original quote. The current quote is from VEI and it is for radios that are similar to the previous ones quoted. The old radios cannot be turned in for credit, so they will be kept as backup.

The next major question was where the monies would be acquired to pay for the new radios. After talking with the town manager and the clerk, it was decided that half of the monies could come from the fire department budget as a capital expense item and the other half would come from the EDIT Fund.

Motion by Ms. Aurand to accept the quote from VEI for the radios needed by the fire department using Edit Bond and Capital Expenditures.

Second by Mr. Kavanaugh.

Discussion: It was mentioned that the fire department doesn't have any choice but to purchase the radios since the upgrade is being mandated by the state.

Vote: Ayes 4; Nays 0

Historic Preservation ~ Ms. Krieger

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-There will be a public information meeting held on 10/13/16 regarding the expansion of the historic district at Town Hall starting at 5:30 p.m.

Park ~ Ms. Krieger

- Revenue at the pool continues to drop. The town needs to look at ways to stimulate revenue generation. Andrea has come up with some good ideas that she wishes to pursue.
- Pool expenses were high, but the loss was less than in previous years.
- The work that Lowe's performed at the park looks great.
- There is still a drainage problem for the entire park. It needs to be looked into.

Plan ~ Mrs. McGuire

No report.

Police ~ Mrs. McGuire

Acting Chief Mitchell reported the following:

- The AED unit from Firehouse Subs has been received.
- They are working on cutting costs where they can.
- A decision has been made to move to a 9MM sidearm as opposed to the current .45's. The cost to upgrade will be about \$280 per person, but the cost for ammunition will be cut in half. Also, we will now be using the same caliber sidearm as the county, which will help with inter-agency cooperation.
- Discussion on changing the direction of traffic on Main Street. More research is being conducted.
- Job offer has been made to a conditional offer to a candidate to start when the next academy class starts in January.
- Interviews complete on the next class of candidates.

Site Review Committee ~ Mrs. McGuire

No Report

Storm Water ~ Mr. Kavanaugh

- Next meeting is 10/17
- St Catherine Ct will be addressed by the utility department
- French Island Trail will be

Street ~ Ms. Aurand

- Much maintenance around town. Weeding and working of flower beds and other activities.
- Completed the work on Outer Gray and French Island Trail. Very good work.
- Decorative rocks have been placed at the town entrance signs.
- Moving on to Jefferson Park projects.

Utility ~ Mrs. Hughes

Utility Motions from the October 10, 2016 Utility meeting

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All utility motions for the Town Council meeting are made by Mrs. Hughes.
Seconds, discussion and voting are as indicated

1. Motion: Leon Key moved to recommend to approve the consent agenda items.
Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

(Note: Utility motion 1 requires no action from the Town Council.)

2. Motion: Christy Powell moved to recommend to Council to accept the Copper's Edge Estate Subdivision and provide a capacity letter with the caveat of knowing sanitary sewer upgrades will be needed in the future for any connections to this part of the system.
Motion seconded: Susan Helms
Discussion: Mr. Key stated a plan is necessary for the Capacity, Management, Operation and Maintenance (CMOM) report with no immediate solution to the problem. Mrs. Powell stated this is the last in-town parcel that can be developed. Mr. Wischer suggested the addition of a moratorium on any further connects on this location until it is fully investigated and to prioritize the project.
Motion passed unanimously.

Second of Utility motion 2 by Mr. Kavanaugh.

Discussion: There were issues regarding drainage issues with the new sub division. The issues have been resolved to the satisfaction of all parties involved.
Vote: Ayes 4; Nays 0

3. Motion: Christy Powell moved to recommend to Council to instate a moratorium on any additional connections or extensions into this sanitary sewer line that services Copper's Edge Estates Subdivision down to Frame Road and Highway 662 and prioritize the results of the CEI study.
Motion seconded: Leon Key
Discussion: None
Motion passed unanimously.

Second of Utility motion 3 by Mr. Kavanaugh.

Discussion: No line changes were required or needed.
Vote: Ayes 4; Nays 0

4. Motion: Leon Key moved to recommend to Council to approve a \$500.00 certification bonus for James Musser for acquiring an IDEM Class III Certification.
Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

Second of Utility motion 4 by Mr. Kavanaugh.

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Discussion: None

Vote: Ayes 4; Nays 0

5. Motion: Christy Powell moved to recommend to Council to repair pump number 1 at the Deaconess Lift Station by Straeffer Pump & Supply, Inc. at a cost not to exceed \$7,986.51 plus shipping.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Second of Utility motion 5 by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

6. Motion: Leon Key moved to recommend to Council to approve the Fats, Oil and Grease (FOG) discharge permit for Knob Hill Tavern, Permit No. 092016 which requires the installation of one 1,500 gallon grease interceptor and one 1,000 gallon grease interceptor within a compliance schedule of 6 months.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

Second of Utility motion 6 by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

7. Motion: Leon Key moved to recommend to Council to approve the Fats, Oil and Grease (FOG) discharge permit for Burger King Restaurant, located on Bellmoore Drive, Permit No. 091916 which requires the installation of a 1,200 gallon interceptor prior to any discharge into the public sewer.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

Second of Utility motion 7 by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

8. Motion: Christy Powell moved to recommend to Council to prepare sanitary sewer easements for River Ridge Subdivision lot owners.

Motion seconded: Leon Key

Discussion: Mr. Hynes requested engineering and legal be included in the motion.

Amended Motion: Christy Powell moved to recommend to Council to prepare sanitary sewer easements for River Ridge Subdivision lot owners and to include engineering and legal in the process.

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Motion seconded: Leon Key
Discussion: None
Motion passed unanimously.

Second of Amended Utility motion 8 by Mr Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

9. Motion: Christy Powell moved to recommend to Council to request a Labor Standards proposal for the Kingston Project from the Coalition for Labor Standards and an additional vendor.
Motion seconded: Leon Key
Discussion: The proposals will be presented at the November utility committee meeting with hopes construction can begin in mid-November.
Motion passed unanimously.

Second of Utility motion 9 by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

10. Motion: Leon Key moved to recommend to Council to proceed with the Copper Creek Sewer Replacement Project, a Priority One Project, at a cost not to exceed \$37,892.50.
Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

Second of Utility motion 10 by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

11. Motion: Christy Powell moved to recommend to Council to proceed with the Lenn Road Sanitary Sewer Project design, easement acquisition and bidding phase Option #3 with an estimated construction cost of \$139,800.00, a Priority One Project.
Motion seconded: Leon Key
Discussion: None
Motion passed unanimously.

Second of Utility motion 11 by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

12. Motion: Leon Key moved to recommend to Council to proceed with the 515 St. Catherine Court Sanitary Sewer, a Priority One Project, at a cost not to exceed \$95,800.00.
Motion seconded: Christy Powell

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Discussion: None
Motion passed unanimously.

Second of Utility motion 12 by Mr. Kavanaugh.

Discussion: None
Vote: Ayes 4; Nays 0

13. Motion: Leon Key moved to recommend to Council to proceed with the Savannah Drive Sanitary Sewer Repairs wetlands study and design, a Priority One Project, at a construction cost not to exceed \$45,200.00 plus engineering fees not to exceed \$27,000.00.

Motion seconded: Christy Powell

Discussion: None
Motion passed unanimously.

Second of Utility motion 13 by Mr. Kavanaugh.

Discussion: None
Vote: Ayes 4; Nays 0

14. Motion: Leon Key moved to recommend to Council to proceed with the Pecan Lane/McCool Sanitary Sewer Repairs bidding phase, a Priority One Project, at a cost not to exceed \$31,460.00.

Motion seconded: Christy Powell

Discussion: None
Motion passed unanimously.

Second of Utility motion 14 by Mr. Kavanaugh.

Discussion: None
Vote: Ayes 4; Nays 0

15. Motion: Christy Powell moved to recommend to Council to proceed with the Cypress Street Sanitary Sewer relocation design and easement phase option 2, a Priority One Project, at a cost not to exceed \$175,279.00.

Motion seconded: Leon Key

Discussion: None
Motion passed unanimously.

Second of Utility motion 15 by Mr. Kavanaugh.

Discussion: None
Vote: Ayes 4; Nays 0

16. Motion: Leon Key moved to recommend to Council to amend the contract for Acorn Drive Sanitary Sewer to include easements, a Priority One Project.

Motion seconded: Susan Helms

Discussion: None
Motion passed unanimously.

Second of Utility motion 16 by Mr. Kavanaugh.

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Discussion: None

Vote: Ayes 4; Nays 0

17. Motion: Leon Key moved to recommend to Council to amend the contract for Sleepy Hollow Sanitary Sewer to include Vectren coordination, bidding and construction engineering, a Priority One Project.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

Second of Utility motion 17 by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

18. Motion: Christy Powell moved to recommend to Council to amend the contract for Plum and Jennings Manhole Replacement Project to include a line replacement along west Jennings, a Priority One Project.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Second of Utility motion 18 by Mr. Kavanaugh.

Discussion: This is an area where the town has experienced two cave-ins in the past. This will help fix the problem. The project will address possible road construction issues.

Vote: Ayes 4; Nays 0

19. Motion: Christy Powell moved to recommend to Council to have Chris Wischer review the contract with Alan Holweger and to hold acceptance of the system for nonpayment followed by correspondence to Mr. Holweger.

Motion seconded: Leon Key

Discussion: None

Motion passed. Vote: 4 Yes and 1 No (Mr. Kavanaugh).

Second of Utility motion 19 by Ms. Krieger.

Discussion: It was not remembered by Mr. Kavanaugh that this issue had been resolved in this way. The council assured Mr. Kavanaugh that this is exactly how the issue was resolved. No Further discussion.

Vote: Ayes 4; Nays 0

20. Motion: Christy Powell moved to recommend to Council to accept a check in the amount of \$4,447.00 in lieu of a Letter of Credit from Danny Ubelhor for Olde Piper Subdivision.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

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Second of Utility motion 20 by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

21. Motion: Leon Key moved to adjourn the meeting.
Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

(Note: Utility motion 21 requires no action from the Town Council.)

STANDING COMMITTEES

Finance ~ Mrs. Hughes, Mrs. McGuire
Budget Public hearing is complete. The adoption meeting will be on 10/26/2016.

Personnel ~ Mrs. Hughes, Mrs. McGuire
No Report

SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk ~ Mrs. Hughes
No report.

Arts Commission ~ Mrs. Hughes, Ms. Krieger
Next meeting will be 10/17, to discuss amphitheater, complete grant proposal with Mrs. Schaefer will submit.

River Town Trail ~ Mrs. McGuire, Mrs. Hughes
-Crossing at Ellerbusch Ditch Phase III extension bridge. There will be a meeting at the sight to review the proposed changes.
-Bridge alignment seems to be an issue.

AD HOC COMMITTEES

Sign Committee – Mrs. Hughes, Ms. Aurand
-Still waiting on work from counsel regarding new regulations regarding signage.

Open Burning – Mr. Kavanaugh, Mrs. McGuire
No report.

Meditation Park – Mrs. Hughes, Ms. Krieger
-Water feature may be installed at the Meditation Park. Need to review the plan with the property owners at the condos to get their approval.

Residential Improvement Recognition – Ms. Aurand, Ms. Krieger
-Recognize those who are willing to do upgrades to older homes in the town to revive them and bring them back to livable conditions. How do we thank people for making these changes.

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Parking Committee – Mr. Kavanaugh, Mrs. McGuire
-Progress being made but no report.

Growth and Progress Committee – Ms. Krieger, Mrs. McGuire
No Meeting.

ZONING ADMINISTRATOR

- For the 3rd quarter there have been 42 projects \$412,000.00, 56 building permits with fees collected of \$2,224.00
- Since the beginning of October a total of 8 projects have been started with a value of \$104,000.00, 14 building permits have been issued with fees collected of \$935.00
- Part of the Bussing property has been sold, a vacant lot and condos. The condos will be remodeled and a new structure will be erected.
- Barefoot cottage signage is being worked on.
- Coppers Edge is going forward without problem.
- The Williams' are requesting rezoning of their property for 60 residential lots with 6 of them designated for duplex condo use.
- 111 Sharon Road – rezone from R1 to R4 they wish to tear down the house and erect a 10 unit apartment building.
- Proposed Garage at 111 West Jennings. The new garage is being built on the foot print of a prior garage.
- Work will be starting on Jefferson Park Bridge.

CLERK-TREASURER.

- Budget submitted to the state for public hearing purposes.
- Additional appropriations
- Monies reimbursed to the town from the Construction Bond where
- Server upgrade needed for the upgrade of the InCode software. Total cost for the upgrade is \$13 509.95. The cost for Civil Town would be for \$4,052.99 for the upgrade. This represents a 70/30 split with the sewer department.

TOWN ATTORNEY.

No Report.

TOWN ENGINEER.

Forest Park project is starting there needs to be an initial purchase of materials. The cost of the materials is \$4,442.49 and an approval is needed to send in the purchase order of the needed materials
Motion by Mr. Kavanaugh to accept engineering's recommendation for the purchase of the materials.
Second by Mrs. Hughes
Discussion:
Vote: 4 Yeas; 0 Nays

There is a request from the town engineer to advertize for quotes on three projects that need to be completed. The projects are Halston FM; Deaconess SS Extension and the Lincoln Park drainage project. He is seeking approval from town council to start the bid process with bid opening to be conducted on November 22, 2016.

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Motion by Mr. Kavanaugh to allow engineering to proceed with advertizing and quote acquisition.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

TOWN MANAGER.

-Move of the town council meeting from November 23 to November 22, 2016.

Motion by Mr. Kavanaugh to move the Town Council meeting from the 23rd to the 22nd.

Second by Mrs. Hughes

Discussion: None

Vote: Ayes 4;

-There was a request from a person getting married at Preservation Hall to ring the bell following her wedding ceremony. It was decided that it was o.k. to allow, but no continual ringing. Only after the ceremony will the bell be rung.

-Debby Bennett Steersman suggested that we partner with Boonville in regards to our Blight Elimination Project properties. The properties have to be transferred to a 501C3 entity while the property is being razed and then transferred back to the town once completed.

Motion by Mr. Kavanaugh to partner with Boonville in this type of project based on their experience.

Second by Ms. Aurand

Discussion: Mrs. Hughes is not in favor of partnering with the town of Boonville.

We could use the Newburgh Redevelopment Commission

Vote: Ayes 3; Nays 1

MISCELLANEOUS BUSINESS.

-Lewis and Clark visit to Newburgh was a great success. We look forward to this coming back to the community again. We may look at closing the boat ramp for should this occur again. By the boat ramp being open, this caused some congestion in the area.

-Re-arrangement of furniture in the council chambers caused some discussion.

-Mrs. Hughes will provide an IACT report at the next meeting.

APPROVAL OF CLAIMS.

The following amounts are presented to the council for their consideration and approval. Plus any sewer adjustments there may be.

Civil Town - \$150,841.97

Sewer - \$557,987.42

SRF - \$0

Motion by Mr. Kavanaugh to approve the warrants as presented.

Second by Mrs. Hughes

Discussion: None

Vote: Ayes 4; Nays 0

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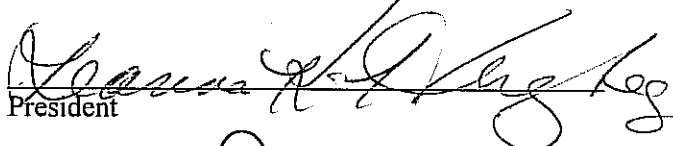
ADJOURNMENT.

Motion by Mr. Kavanaugh to adjourn at 8:16 p.m.
Second by Ms. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0

10/12/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern

APPROVED this 26 day of October, 2016.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer