



Town of Newburgh
Town Council Minutes for Wednesday, November 9, 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 Troy Martin from Troop 379.

REMEMBERANCES

Kenny Scheessle – He was born, June 13, 1929, in Spencer County to John George and Ida (Griesbaum) Scheessele. The ninth child after eight girls, he graduated from Luce Township High School, Richland, Indiana in 1947. After graduation, he farmed for 5 years, then went to work for Ford and Lincoln-Mercury dealers, first Spencer County Motors, Baskett Lincoln-Mercury, Higgins Lincoln –Mercury, then Lindsay Lincoln-Mercury for 32 years, and finally Town and County Ford where he retired in 2006. During his time at Lindsay LM, he also served four years on Ford Motor Co.'s National Parts Mgr Advisory Council.

Rita Shekell – She graduated from Reitz Memorial High School; was a member of St. John the Baptist Catholic Church and the American Legion Auxiliary.

Robert Mayol – Bob was a graduate of Southern Illinois University, earned his Ph.D. from St. Louis University, and received his post doctorate degree from California Polytechnic State University. He was a biochemist for Bristol Meyer Squibb and retired after 35 years of service where he was voted Research Fellow. He enjoyed sports and played in basketball, baseball and soccer leagues for Bristol Meyer and was a high school and college football referee. He also enjoyed golf and cooking and was an avid fan of the St. Louis Cardinals, Chicago Bears and Notre Dame.

Carole Cook – Carole retired from the Warrick County School Corporation in 2010 where she spent 34 years as an educator devoting her life to teaching children what it means to be loving and compassionate, along with instilling her love of books and passion for reading. Carole always put others before herself and she never met a stranger. She worked hard, played hard and loved even harder her entire life. She was an amazing wife, fantastic mother, affectionate grandmother and loyal friend.

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

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Council-at-Large – Tonya R. McGuire – absent
Clerk-Treasurer – Jon Lybarger - present
Town Manager – Christy Powell - present
Town Attorney – Christopher Wischer – present

Following roll call, we moved immediately to old business and began discussion of the first item under old business which was the issue of revising the town chicken ordinance.

After discussion of the chicken ordinance we returned to this point in the agenda and continued with the meeting.

Mr. Kavanaugh was not feeling well and vacated his seat at the meeting. The remainder of the council meeting was held with only three (3) council members being present.

APPROVAL OF MINUTES.

Approval of the October 26, 2016 minutes.

Motion by Ms. Krieger to accept the minutes as electronically distributed prior to the meeting.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 3; Nays 0

SCHEDULED REQUESTS AND APPEARANCES

None

NEW BUSINESS.

1. Cystic Fibrosis 5K Run.

They are requesting permission to hold a 5k run starting at the Old Lock and Dam. Registration opens at 2:00 p.m. with the race starting at 3:00 p.m. The event should be completed and the area vacated by 5:30 p.m.

Motion by Ms. Aurand to allow the run and waive all fees associated with the event.

Second by Ms. Krieger

Discussion: Is this event being run on the River Town Trail? No, the course is being run on the road and the River Town Trail will not be utilized. The Newburgh Police have reviewed and approved the course that is being run.

Vote: Ayes 3; Nays 0

2. Public Hearing – Ordinance 2016-19 Additional Appropriations.

Motion by Ms. Aurand to open the public hearing on the additional Appropriations.

Second by Ms. Krieger.

Discussion: None

Vote: Ayes 3; Nays 0

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Mr. Lybarger explained the need for additional appropriations and which funds were being addressed. There were no questions from the council or the assembled citizenry.

Motion by Ms. Aurand to close the public hearing on the additional appropriations.

Second by Ms. Krieger.

Discussion: None

Vote: Ayes 3; Nays 0

3. Ordinance 2016-20 2017 Salary Ordinance.

This is a restatement of the 2016 Salary Ordinance. No salary ranges have been modified.

Motion by Ms. Aurand to hear the first reading of the Ordinance 2016-20 2017 Salary Ordinance.

Second by Ms. Krieger.

Discussion: None

Vote: Ayes 3; Nays 0

The Ordinance was read by council attorney Mr. Wischer.

Motion by Ms. Krieger to accept the first reading of Ordinance 2016-20 2017 Salary Ordinance.

Second by Ms. Aurand.

Discussion: There was a question regarding the police chief salary. Has the salary range been changed? The response was, no.

Vote: Ayes 3; Nays 0

Note: With only three council members present there cannot be a second reading of the ordinance in this meeting. This item will be on the agenda for the next council meeting under old business.

4. SRF Projects Labor Standards Administration.

Only one bid was received and it was from the Economic Development Coalition of Southwest Indiana for the State Revolving Funds (SRF) Labor Standards Services for Halston Force Main relocation Project Bid, Lincoln Avenue Widening Phase III Sanitary Sewer Relocation Project Bid, Deaconess Force Main and Lift Station Rehabilitation Project Bid, and Kingston Lift Station Elimination Project Bid.

Motion by Mrs. Hughes to accept the bid for the projects administration.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

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5. Main St. Sewer Replacement – Quote Opening.

The bids received are as follows:

PPMI	\$216,150.00
Blankenberger Brothers	\$126,444.00
Deig Brothers	\$175,892.00
Koberstein Contracting	\$119,533.00

Motion by Mrs. Hughes to accept the bids but place them under advisement from the Town Council and engineering.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 3; Nays 0

6. Kingston Lift Station Elimination.

a. Bid Evaluation/Notice of Award.

Bids were opened at a previous meeting and the winning bid was from Infrastructure Systems, Inc for \$629,334.00. Engineering recommends that this should be awarded.

Motion by Leanna to accept the bid and award the contract to Infrastructure Systems, Inc.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

b. Misc. SRF Bidding Docs.

A letter to the State Revolving Fund (SRF) signed by the Town Council. Stating that the bids have been reviewed and have found have been compliant in all ways.

Motion by Mrs. Hughes to draft a letter that will be signed and sent to SRF

Second by Ms. Krieger

Discussion: None

Vote: Ayes 3; Nays 0

Front end certification and compliance to the SRF Program.

Motion by Mrs. Hughes to provide the certification and compliance notifications to SRF Programs.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

c. IDEM Construction Permit.

Approval is needed for the IDEM Construction Permit.

Motion by Mrs. Hughes to approve the IDEM Construction Permit.

Second by Ms. Krieger

Discussion: None

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Vote: Ayes 3; Nays 0

7. Copper Creek Sewer Rehabilitation – Notice of Award.
These bids were opened at the Utility meeting and the award of this project is being made to Blankenberger Brothers, Inc. for \$20,645.00

Motion by Mrs. Hughes to approve the awarding of the bid to BBI in the amount of \$20,645.00.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 3; Nays 0

8. Plum and W Jennings Drop Manhole Replacement – Notice of Award.
These bids were opened at the Utility meeting and the award of this project is being made to Deig Brothers, Inc. for \$82,966.00

Motion by Mrs. Hughes to approve the awarding of the bid to Deig Brothers, Inc \$82,966.00.

Second by Ms. Krieger.

Discussion: None

Vote: Ayes 3; Nays 0

9. River Ridge FM – Contract for Easements/Acquisition Assistance with CEI.
There are a total of 25 easements which need to be collected so that work may continue on the River Ridge FM. This would be for the development of the agreements and documents required.

Motion by Mrs. Hughes to sign the agreement with CEI.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

10. Encroachment agreement – 4765 Fieldcrest Place Circle – Momres Chowdhury.
Standard Fence encroachment agreement, the sanitary sewer line is between the fences and causes no problem. This has been reviewed and approved by Utility and recommended by counsel.

Motion by Mrs. Hughes to approve the recommended encroachment agreement.

Second by Ms. Krieger.

Discussion: None

Vote: Ayes 3; Nays 0

11. Encroachment Agreement – 4795 Fieldcrest Place Circle – Craig Jefferson.

Standard Fence encroachment agreement, the sanitary sewer line is between the fences and causes no problem. This has been reviewed and approved by Utility and recommended by counsel.

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Motion by Mrs. Hughes to approve the recommended encroachment agreement.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

12. Ordinance 2016-21 Amended and Restated Bond Ordinance.

This bond ordinance is a restatement and amended version of the current bond ordinance which has already been approved. It comes to council recommended by counsel.

Motion by Mrs. Hughes to have the first reading of Ordinance 2016-21 Amended and Restated Bond Ordinance.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

Ordinance 2016-21 Amended and Restated Bond Ordinance was read by council attorney Mr. Wischer.

Motion by Mrs. Hughes to accept the first reading of Ordinance 2016-21 Amended and Restated Bond Ordinance.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

Note: With only three council members present there cannot be a second reading of the ordinance in this meeting. This item will be on the agenda for the next council meeting under old business.

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

None

UNFINISHED BUSINESS.

1. Courtney Marx – Chicken Ordinance – Revisited – Tabled October 12, 2016.

Motion from Mr. Kavanaugh to remove this item from the table.

Second by Mrs. Hughes.

Vote: Ayes 3; Nays 1

Discussion:

Much discussion regarding the existing ordinance which prohibits chickens within the city limits. Ownership of chickens is a high profile topic not just in Newburgh, but other communities as well. Evansville allows chickens and they have an ordinance regarding chickens and our council reviewed that ordinance and many others that are on the books in many other communities in Indiana.

The thought is to have the homeowner who wishes to have chickens purchase a permit, much like the dog or cat permit that is already issued by

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the town. With the permit process a document would be provided that would identify where the chickens will be located on the property.
How far should the town reach to confirm the location of the properties?
Do we need to notify all neighbors of persons who wish to have chickens?

Some guidelines for the proposed ordinance changes would be:

- limit of 6 chickens
- no roosters
- no free range chickens
- a certain distance from neighboring houses (it was suggested 30 feet due to Newburgh small lot sizes)
- purchase of a permit with map showing the location of coop
- possible zoning restrictions limited to single family residential

Chris will provide a new ordinance and distribute to all council members to review before the next meeting. There will be a new ordinance that will be under new business on the November 22, 2016 agenda.

Motion by Ms. Aurand to extend the exemption for fine for Mr. Marx until 12/31/2016.

Second by Ms. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

2. Expansion of Town Hall Computer network with the addition of a new server for running of InCode Software – tabled October 12, 2016. – Remain on table.
3. Motion from the planning commission to have the president of the planning committee sit on the Site Review Committee – tabled October 26, 2016.

Motion by Ms. Aurand to remove the item from the table.

Second by Mrs. Hughes.

Vote: Ayes 3; Nays 0

It was mentioned by the Ms. Aurand that there are too many issues associated with having the president of the planning commission being on the BZA.

Motion by Mrs. Hughes to

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 0; Nays 3

4. 2017 Town of Newburgh Holiday Schedule – tabled October 26, 2016. Remain on table.

COMMISSION/COMMITTEE REPORTS.

COMMISSION.

Air Authority ~ Ms. Aurand

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No meeting.

Board of Zoning Appeals ~ Mrs. McGuire

No meeting.

Fire ~ Ms. Aurand

Fire department Christmas party will be Wednesday December 14, 2016.

Historic Preservation ~ Ms. Krieger

No report.

Park ~ Ms. Krieger

-A vote was taken and it was decided to have only one rate for admission to the pool. The town is doing away with the non-resident rate.

-The town has received a donation for the pool of \$1,000 as a sponsorship for family night at the pool. The town is looking for other donors who may wish to do the same with sponsorships.

Plan ~ Mrs. McGuire

No Report.

Police ~ Mrs. McGuire

From Acting Chief Eric Mitchell. They are short personnel right now so the officers are pulling 12 hour shifts. Overtime will be going up, but it can't be helped.

Site Review Committee ~ Mrs. McGuire

No Report

Storm Water ~ Mr. Kavanaugh

-No Report

Street ~ Ms. Aurand

-Pruning and trimming trees and shrubs around town.

-Placing Rip-Rap in erosion prone areas.

-Rebuilt a wall at 126 Jennings Street.

-Performed normal cleaning of the walkway.

-Began work on the Forest Park drainage issue.

Utility ~ Mrs. Hughes

All Utility motions are presented to town council by Mrs. Hughes.

These Utility Motions are from the Utility meeting that was held on November 2, 2016.

1. Motion: Bill Kavanaugh moved to approve the consent agenda items.

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

No Action Required by council.

2. Motion: Bill Kavanaugh moved to recommend to Council to grant a waiver to allow for the sewer lines located on lots 67 and 68 at the entrance of Oak Grove Road in Berkshire Subdivision to not be centered in the easement.

Motion seconded: Tom Bodkin

Discussion: The Committee discussed the process to get an encroachment permit from the County.

Motion passed. Vote: 5 Yes and 1 No (Mr. Key).

Utility Motion #2 Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

3. Motion: Bill Kavanaugh moved to recommend to Council to allow the use of PVC pipe with no encasing for sanitary sewer lines in 2 locations in Berkshire Subdivision.

Motion seconded: Leanna Hughes

Discussion: The committee discussed the additional costs of changing from the PVC pipe already on hand.

Motion failed. Vote: 1 Yes (Mrs. Hughes) and 5 No.

Utility Motion #3 was not passed at the Utility meeting and should not be considered by council.

4. Motion: Bill Kavanaugh moved to recommend to Council to allow the use of PVC pipe encased in concrete in place of ductal iron pipe encased in concrete in 2 locations in Berkshire Subdivision.

Motion seconded: Christy Powell

Discussion: David Hynes and Mr. Ubelhor discussed the option of putting rock around the PVC pipe before pouring the concrete to help protect the pipe.

Motion failed. Vote: 0 Yes and 6 No.

Utility Motion #4 was not passed at the Utility meeting and should not be considered by council.

5. Motion: Tom Bodkin moved to recommend to Council to accept the sewer easement and not object to the vacation of the public way in Arbor Pointe.

Motion seconded: Christy Powell

Discussion: None

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Motion passed unanimously.

Utility Motion #5 Second by Ms. Krieger.

Discussion: None

Vote: Ayes 3; Nays 0

6. Motion: Bill Kavanaugh moved to recommend to Council to approve the purchase of the following safety equipment – tripod with self-retracting life line at a cost not to exceed \$4,332.50 plus shipping from Stagg Safety.

Motion seconded: Tom Bodkin

Discussion: The committee discussed the use & safety requirements.

Motion passed unanimously.

Utility Motion #6 Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

7. Motion: Bill Kavanaugh moved to recommend to Council to approve the purchase of two spare VFD's; one for lift station No. 3 and one for the digesters blowers at a cost not to exceed \$14,671.94 plus shipping from Electric Motors, Inc.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

Utility Motion #7 Second by Ms. Krieger.

Discussion: None

Vote: Ayes 3; Nays 0

8. Motion: Bill Kavanaugh moved to recommend to Council to engage Chris Wischer to write a letter to the homeowner of 9377 Emily Court regarding a sanitary sewer line under their swimming pool.

Motion seconded: Leon Key

Discussion: None

Motion passed. Vote: 5 Yes and 1 No (Mrs. Hughes).

Utility Motion #8 Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

9. Motion: Bill Kavanaugh moved to recommend to Council to engage CEI to bid the Main Street project that has been moved to Priority One Project.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

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Utility Motion #9 was addressed in New Business item #5.

10. Motion: Tom Bodkin moved to recommend to Council to accept the Blankeberger Brothers Inc. (BBI) quote for the Copper Creek Sanitary Sewer Rehab project in the amount of \$20,645.00 subject to final engineering and legal review.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Utility Motion #10 was addressed in New Business item #7.

11. Motion: Tom Bodkin moved to recommend to Council accept the Deig Bros. Lumber & Construction Co. Inc. quote for the West Jennings and Plum Street MH Replacement project in the amount of \$82,966.00 subject to final engineering and legal review.

Motion seconded: Leon Key

Discussion: The committee discussed the timeline for the project.

Motion passed unanimously.

Utility Motion #11 was addressed in New Business item #8.

12. Motion: Leon Key moved to recommend to Council to move the Post Office Lift Station Project to the Project Priority List.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

Utility Motion #12 Second by Ms. Krieger.

Discussion: None

Vote: Ayes 3; Nays 0

13. Motion: Tom Bodkin moved to recommend to Council to accept the quote from the Economic Development Coalition of Southwest Indiana for the State Revolving Funds (SRF) Labor Standards Services for Halston Force Main Relocation Project Bid, Lincoln Avenue Widening Phase III Sanitary Sewer Relocation Project Bid, Deaconess Force Main and Lift Station Rehabilitation Project Bid, and Kingston Lift Station Elimination Project Bid.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

Utility Motion #13 was addressed in New Business item #4.

14. Motion: Tom Bodkin moved to recommend to Council to evoke paragraph 11 of the sewer agreement between the Town of Newburgh

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and Englebrecht Development LLC and place Englebrecht Place, Section 3 & 5 on a tap ban until the developer complies with the contract.

Motion seconded: Leon Key

Discussion: Chris Wischer stated to send letter to WCAPC. The developer will need to renew the contract, have a new permit issued, and have the sanitary sewer lines accepted by the Town Council.

Motion passed unanimously.

Utility Motion #14 Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

15. Motion: Tom Bodkin moved to recommend to Council to approve the vacation of public utility easement in Sunrise Manor Lot 10 and to issue a letter to Warrick County approving the vacation.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

Utility Motion #15 Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

16. Motion: Leon Key moved to adjourn.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

No Action Required by council.

STANDING COMMITTEES

Finance ~ Mrs. Hughes, Mrs. McGuire

No Report.

Personnel ~ Mrs. Hughes, Mrs. McGuire

An offer has been extended to Christopher Phillips for the position of Collection System Operator and Maintenance position at the WWTF pending a negative drug screening with a starting rate of \$15.00 per hour.

Motion by Mrs. Hughes to confirm the offer to Christopher Phillips.

Second my Ms. Aurand

Discussion: None

Vote: Ayes 3; Nays 0

SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk ~ Mrs. Hughes

No report.

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Arts Commission ~ Mrs. Hughes, Ms. Krieger
Working on many projects.

River Town Trail ~ Mrs. McGuire, Mrs. Hughes
No meeting. No report.

-it was mentioned that there is an issue at the lock and dam area that is of concern and that is the stanchions which stand up and cause an obstacle to persons who are in wheel chairs. Can something be done about them?

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
-Waiting for incoming bids that can be passed to Carol Schaefer so that she can submit them with grant requests.

Residential Improvement Recognition – Ms. Aurand, Ms. Krieger
No report

Parking Committee – Mr. Kavanaugh, Mrs. McGuire
-Discussions are in progress about turning the old recycle center at Main and 662 into parking for the town. If an agreement can be derived, this would add 17 new parking spaces.
-Still looking into the parking area at ATT. It is currently on hold.

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

ZONING ADMINISTRATOR

-Thirteen projects have been started for a total of \$189,706.40. Fourteen building permits have been issued with total fees of a total of \$4,530.00.
-November plan commission public hearing for the Wake-Robin Hill minor subdivision which approved the construction of a dwelling on an existing lot. The new house will be north of the existing house.
-Public hearing for the rezoning of 111 Sharon Rd from R1 to R4 so that an apartment building may be erected. The principles associated with this request are Walter and Becky Howard who live on Oak Grove Road.

CLERK-TREASURER.

No Report

TOWN ATTORNEY.

No Report.

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TOWN ENGINEER.

-Rule 5 notice of intent is needed for the Kingston Lift Station Project there will be land distribution.

Motion by Mrs. Hughes to proceed with the Rule 5 notice of intent.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 3; Nays 0

TOWN MANAGER.

No Report.

MISCELLANEOUS BUSINESS.

-The town received a Thank You from the Newburgh Community Theater for the use of town facilities.

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 - \$182,265.35

Sewer - \$610,566.07

SRF - \$0

Motion by Mrs. Hughes to approve the warrants as presented.

Second by Ms. Aurand.

Discussion: None

Vote: Ayes 3; Nays 0

ADJOURNMENT.

Motion by Ms. Krieger to adjourn at 7:58 p.m.

Second by Ms. Aurand.

Discussion: None

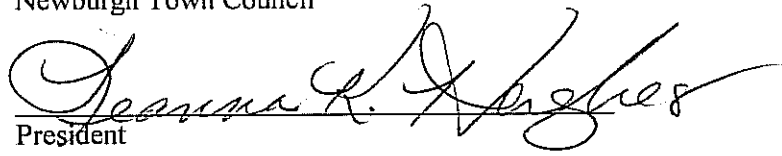
Vote: Ayes 3; Nays 0

11/09/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern

APPROVED this 22 day of November, 2016.

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Newburgh Town Council



President

ATTEST:



Clerk-Treasurer