



**Town of Newburgh**  
**Town Council Minutes for Wednesday December 28, 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 5:41 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.

**REMEMBRANCES**

**Maxie Rae Nance** - Max graduated from Newburgh High School in 1953 and served in the United States Army Reserve from 1956-1963. His working career included stints at Chrysler, SIGECO, Niehaus Industrial Sales and Boonville Country Club where he was a member for over 50 years. Max was preceded in death by his wife of 54 years, Donna, parents and four siblings.

Those of us that knew Max admired his kindness, honest nature and never-ending quest for knowledge. His last day was typical of Max, filled with witty comments and quotes that made both his family laugh and the hospital staff smile, fully knowing that it was time to join his wife on the back nine.

**Skylar Robinson Wilson** - A 15 year old Boonville High School freshman who was tragically killed in a vehicle accident.

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 December 14, 2016 minutes.

Motion by Mr. Kavanaugh to accept the minutes as electronically distributed prior to the meeting.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 5; Nays 0

**Town of Newburgh  
Town Council Minutes for Wednesday December 28, 2016**

**SCHEDULED REQUESTS AND APPEARANCES**

None

**NEW BUSINESS.**

1. Newburgh Community Theatre (NCT) use of Preservation Hall – February 17, 2017. Plus request waive of usage fee.

A request from NCT to use Preservation Hall for one night for a dinner theatre. No stage is required.

Motion by Mr. Kavanaugh to approve the use of Preservation Hall by NCT.

Also waiver of rental fees.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 5; Nays 0

2. Resolution 2016-03 2016 Year-End adjustments and transfers.

Motion by Mr. Kavanaugh to table item until the first council meeting in January.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 5; Nays 0

3. Ordinance 2016-27 Sharon Road Request for rezoning R1 to R4 for construction of an apartment building.

There was a request from the client to postpone this meeting until January 11, 2017 so that more materials can be prepared for the presentation.

Motion by Mr. Kavanaugh to table this ordinance until January 11, 2017

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 5; Nays 0

Further discussion regarding the tabling of the meeting. Due to lack of availability one council member will not be available the first meeting in January and would like a further continuance to the January 25<sup>th</sup> meeting.

Motion by Mr. Kavanaugh to table Ordinance 2016-27 until the January 25, 2017 meeting.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 5; Nays 0

Note: This is the only notice that will be given regarding the rescheduling of the presentation and discussion of Ordinance 2017-27.

4. Ordinance 2016-28 William's property requesting rezoning of A1 and C2 to R3 with use and development commitment.

Motion by Mr. Kavanaugh for first reading of Ordinance 2016-28

Second by Ms. McGuire

Discussion: None

Vote: Ayes 5; Nays 0

First reading of ordinance 2016-28 was performed by Mr. Chris Wischer, counsel for the Town of Newburgh.

**Town of Newburgh**  
**Town Council Minutes for Wednesday December 28, 2016**

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-28  
Second by Mrs. McGuire

Discussion: Scott Beattie and John Mattingly were present to answer any questions regarding the re-zoning. Many questions were asked, primarily about the subdivision which did not pertain to the zoning issue. Eventually, discussion was ended and there was a call for the vote on the issue. It was requested by Mrs. McGuire that there be a roll call vote. Results were as follows.

Voting:	District 1 Mr. Kavanaugh	Aye
	District 2 Mrs. Hughes	Aye
	District 3 Ms. Krieger	Aye
	District 4 Ms. Aurand	Aye
	Council-at-large Mrs. McGuire	Aye

Motion passed Ayes 5; Nays 0

Motion by Mr. Kavanaugh that we have the second reading of ordinance 2016-28.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 5; Nays 0

Second reading of ordinance 2016-28 was performed by Mr. Chris Wischer, Counsel for the Town of Newburgh.

Motion by Mr. Kavanaugh for the adoption of ordinance 2016-28 William's property rezoning.

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 5; Nays 0

There was much discussion regarding this addition and it was mentioned that the plan for the addition does not include street lights. As an alternative, each resident of the addition will be required to install a front yard light. It is believed that this type of lighting is preferred to having a required street light perhaps up to a block away. This is a deviation from the standard which the town has in place requiring street lights.

Motion by Mr. Kavanaugh to grant a waiver for the proposed sub division to **not** provide street lights.

Second by Mrs. McGuire

Discussion: Much discussion ensued. The pro's and con's of street lighting were discussed. The developers will be providing street lighting at the entrance to the addition with each residence having their own front yard light. It was suggested that this type of lighting is more beneficial to the residents of the community as opposed to planned street lighting. With yard lighting, each property will be illuminated at the front door or drive. Where with street lights, the security lighting may be up to a block away. Street lighting seems to be a variable item within sub-divisions in the Town of Newburgh.

Vote: Ayes 5; Nays 0

**Town of Newburgh**  
**Town Council Minutes for Wednesday December 28, 2016**

5. Halston FM Relocation – Notice of award to BBI  
Recommended by the town engineer, BBI submitted the best quote for the Halston FM Relocation project at \$396,557.00 and it is recommended that council approve the award.  
Motion by Mr. Kavanaugh to award the Halston FM Relocation contract to BBI.  
Second by Mrs. McGuire.  
Discussion: None  
Vote: Ayes 5; Nays 0
  
6. Lincoln Ave. Widening Phase III Sanitary Sewer Relocation – Notice of award to BBI.  
Recommended by the town engineer, BBI submitted the best quote for the Lincoln Ave. Widening Phase III Sanitary Sewer Relocation project at \$926,300.00 and it is recommended that council approve the award.  
Motion by Mr. Kavanaugh to award the Lincoln Ave. Widening Phase III Sanitary Sewer Relocation project to BBI.  
Second by Mrs. McGuire.  
Discussion: None  
Vote: Ayes 5; Nays 0
  
7. Deaconess FM and LS Rehabilitation – Notice of Award to PPMI.  
Recommended by the town engineer, PPMI submitted the best quote for the Deaconess FM and LS Rehabilitation project at \$1,221,507.00 and it is recommended that council approve the award.  
Motion by Mr. Kavanaugh to award the Deaconess FM and LS Rehabilitation project to PPMI in the amount of \$1,221,507.00.  
Second by Mrs. McGuire.  
Discussion: None  
Vote: Ayes 5; Nays 0
  
8. Civil Town Retainer agreement with CEI.  
Proposed Civil Town retainer in the amount of \$1,900.00 per month.  
Motion by Mr. Kavanaugh to enter into a retainer relationship with CEI in the amount mentioned of \$1,900.00 per month.  
Second by Mrs. McGuire.  
Discussion: None  
Vote: Ayes 5; Nays 0
  
9. Sewer Utility Retainer with CEI.  
Proposed Sewer Utility retainer in the amount of \$3,000.00 per month.  
Motion by Mr. Kavanaugh to enter into a retainer relationship with CEI and the Sewer Utility in the amount of \$3,000.00 per month.  
Second by Mrs. McGuire.  
Discussion: None  
Vote: Ayes 5; Nays 0
  
10. Plum and W Jennings MH Replacement Project – Amendment #2 with CEI.  
Amendment #2 requests that CEI be involved in the design and quoting of projects for the Sewer Utility.

**Town of Newburgh**  
**Town Council Minutes for Wednesday December 28, 2016**

Motion by Mr. Kavanaugh to approve Amendment #2 agreement with CEI for the Plum and W Jennings MH Replacement Project.

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 5; Nays 0

11. Plum and W Jennings MH Replacement Project –Construction Contract with Dieg Brothers.

Recommended by the town engineer and approved by utility committee to award a contract to Dieg Brothers for \$82,966.00 for the Plum and W Jennings MH Replacement Project.

Motion by Mr. Kavanaugh to approve the construction contract in the amount of \$82,966.00.

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 5; Nays 0

12. Newburgh Museum – Extension of Lease and Lending agreements.

- a. A new lease agreement extending from 12/31/2016 to 12/31/2017 this is an extension of the existing lease for 1 year and automatic renewal from year to year until either party wishes to renegotiate or terminate the lease.

Motion by Mrs. Hughes to approve the new lease with the Newburgh Museum.

Second by Mr. Kavanaugh

Discussion: There was a question by some council members regarding the contract and wanting to know if it had been distributed to council prior to the meeting. The document had been distributed prior to the meeting.

It is the same general contract as in years past with a couple of clarification points. First, the term period was defined in the contract December 31 to December 31 of the next year and that the agreement is renewable.

Vote: Ayes 5; Nays 0

- b. Town lending agreement with the museum. We need a list of properties that the town has on loan to the museum. The town needs a list of the items that are currently on loan to the museum. This list was requested by the town and was supposed to be created and delivered in April. The belief of the museum is that anything on display in the museum should become the property of the museum.

This evidently becomes a matter of ownership of property. A number of items were specifically donated to the town and not the museum and the town cannot arbitrarily dispose of those items.

Motion by Mrs. McGuire to provide the museum ninety (90) days in which to comply with a list of property owned by the town which is held by the museum.

Second by Ms. Aurand.

Discussion: Jon and Christy to look for agreements between the town and the museum regarding lending of items. Mr. Wischer will notify Mr.

Bodkin regarding the decisions of the Town Council.

Vote: Ayes 5; Nays 0

**Town of Newburgh  
Town Council Minutes for Wednesday December 28, 2016**

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

Greg Bryant – 711 Law Dr – Wanted to speak on the rezoning for the Sharon Road Property. Since this was postponed to another date, he decided not to respond at the meeting.

**UNFINISHED BUSINESS.**

None

**COMMISSION/COMMITTEE REPORTS.**

**COMMISSION.**

**Air Authority ~ Ms. Aurand**

No report.

**Board of Zoning Appeals ~ Mrs. McGuire**

-A variance was submitted and approved. The old Brown house requesting construction of a one car garage. The car port will remain intact and a breeze way will be constructed between the garage and the house. The structure should be unobtrusive.

**Fire ~ Ms. Aurand**

-Truck 12, township truck, should be arriving soon and should be in service in January. Training on the new vehicle will be given at that time. It should be placed in service by late February.

-Annual Newburgh run report to be created and distributed prior to next meeting..

-There was a fire in Ohio Township on Christmas morning. No fatalities due to proper working smoke detectors and fire extinguisher.

Motion by Ms. Aurand to suspend the rules of order so that the 2017 fire contract may be submitted for approval.

Second by Mr. Kavanaugh

Discussion: Request for payment to semi-annual instead of quarterly. More inf

Vote: Ayes 5; Nays 0

Motion by Ms. Aurand to accept the new fire contract between the Town of Newburgh and the Ohio Township Trustee.

Second by Mrs. Hughes

Discussion: No change in the agreement. Term is January 1, 2017 until December 31, 2017

Vote: Ayes 5; Nays 0

-New radios have been received and they were upgraded to the next best radio at no charge due to the state not approving the one's we purchased.

**Historic Preservation ~ Ms. Krieger**

-Chris Lund resigned from the committee. It is recommended that Janet Richards at 228 State St should fill the newly opened seat. This will be discussed and confirmed at the next council meeting.

**Town of Newburgh**  
**Town Council Minutes for Wednesday December 28, 2016**

**Park** ~ Ms. Krieger  
No report.

**Plan** ~ Mrs. McGuire  
No report.

**Police** ~ Mrs. McGuire  
-Next meeting will be January 23<sup>rd</sup>, 2017. We will be swearing in Alex Linberg, and acknowledge the promotion of Ryan MacIntosh to Sgt.  
-Alex Linberg will be starting at the academy in February.  
-Swearing in of Jon Scully on January 9<sup>th</sup>, 2017 at the police station. Jon will be coming to Newburgh as a Major. He is currently a K-9 unit for the county. He may be bringing his dog with him, negotiations are in progress.  
-They will also be having a retirement party for Daryl Healy.

**Site Review Committee** ~ Mrs. McGuire  
No Report

**Storm Water** ~ Mr. Kavanaugh  
-There are two vacancies on the committee and they will be filled by Dan Woland and Dana Grace who are going off of the committee have agreed to be retained on the committee.  
-Wake-Robin Hill minor subdivision drainage plan has been approved by storm water.  
-Driftwood Park Subdivision drainage plan approved by storm water.

**Street** ~ Ms. Aurand  
-Clean up of town properties. A never ending process.  
-Preparing and repairing snow removal equipment.  
-Fixed back hoe hydraulic line issue.  
-Replaced sign at Westervelt and Gray and Water and Washington.

**Utility** ~ Mrs. Hughes  
None

**STANDING COMMITTEES**

Finance ~ Mrs. Hughes, Mrs. McGuire  
No Report.

Personnel ~ Mrs. Hughes, Mrs. McGuire  
No Report.  
-There will be a PAG meeting in January.

**SPECIAL BOARDS/COMMITTEE REPORTS**

Arts Commission ~ Mrs. Hughes, Ms. Krieger  
-meeting scheduled for sometime in January

**Town of Newburgh  
Town Council Minutes for Wednesday December 28, 2016**

River Town Trail ~ Mrs. McGuire, Mrs. Hughes  
No Report.

**AD HOC COMMITTEES**

Sidewalk ~ Mrs. Hughes

-One citizen has registered a complaint regarding sidewalks. They have been asked to wait until the 2017 committee appointments have been made before expecting a response.

Sign Committee – Mrs. Hughes, Ms. Aurand

-Still waiting on word from counsel regarding new regulations regarding signage.

Open Burning – Mr. Kavanaugh, Mrs. McGuire

No report.

Meditation Park – Mrs. Hughes, Ms. Krieger

No report.

Residential Improvement Recognition – Ms. Aurand, Ms. Krieger

No report.

-Need to decide when these awards will be given.

-Expanded Historic district consideration. How about recognition plaques for new homes that are added to the historic district? Plaques have been reviewed and are fairly reasonable prices and perhaps the cost could be split between the town and the homeowner. Perhaps homes in the existing district may be interested having a plaque if they don't currently have a woman's club plaque.

Parking Committee – Mr. Kavanaugh, Mrs. McGuire

No report.

Growth and Progress Committee – Ms. Krieger, Mrs. McGuire

No report.

**ZONING ADMINISTRATOR**

There are 5 projects valued at \$36,271.00. The town issued 7 building permits and collected fees of \$705.00. It's our slow time of year and 5 projects is a good number.

**CLERK-TREASURER.**

No report.

**TOWN ATTORNEY.**

-Litigation between the Town of Newburgh and the Indiana Department of Transportation. Trial set for January. Mr. Bodkin, previous counsel of the town has been asked to give a deposition and will need to be granted a release of attorney-client privilege in regards to the Lane condemnation case.

Motion by Mr. Kavanaugh to release Mr. Bodkin from attorney - client privilege so that he may testify if case.



**Town of Newburgh**  
**Town Council Minutes for Wednesday December 28, 2016**

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

**TOWN ENGINEER.**

No report.

**TOWN MANAGER.**

- Preservation Hall exterior has been sealed. Waiting for a significant rain to check and make sure that there are no leaks.
- Gerald and Christy will be looking at possible improvements to Preservation Hall. Some window framing needs to be replaced. Some maintenance items will need to be handled by third party contractors.
- Christy has been notified that our trash bill will be increasing by 3% for 2017. It will go from \$15,594.00 to \$16,061.82. She also suggested that this increase be passed on to the consumer.

**MISCELLANEOUS BUSINESS**

- Steve and Becky Guise – Purchased the Christmas Tree frame which was on a grain bin in Daylight was searching for information regarding the structure and found the daughter of the person who build the tree and returned it to her after he had made repairs.
- Ms. Aurand said Reg Porter's last day on the Newburgh, England, Town Council will be December 31. They are moving to their daughter's home. Mrs. Powell will send a good wishes card to them from Council.
- Frog Legs need to be updated.

**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     - \$299,211.02  
Sewer           - \$738,334.14  
SRF             - \$0

Motion by Mr. Kavanaugh to approve the warrants as presented.  
Second by Mrs. McGuire.  
Discussion: None  
Vote: Ayes 5; Nays 0

**ADJOURNMENT.**

Motion by Ms Krieger to adjourn at 7:36 p.m.  
Second by Mrs. McGuire  
Discussion: None  
Vote: Ayes 5; Nays 0

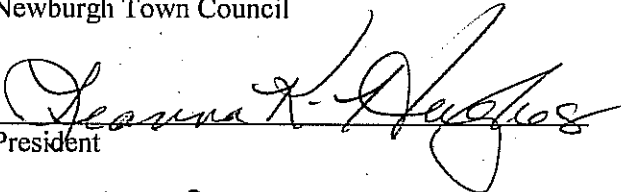
12/28/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern
Greg Bryant	711 Law Dr	F.3. 2016-27 Sharon Road

**Town of Newburgh**  
**Town Council Minutes for Wednesday December 28, 2016**


		Rezone to R4.

APPROVED this 11 day of January, 2017.

Newburgh Town Council

  
\_\_\_\_\_  
President

ATTEST:

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