



Town of Newburgh
Town Council Meeting
Wednesday, January 25, 2017

MINUTES

5:00pm: EXECUTIVE SESSION

Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana.

The purpose of the meeting is discussion of pending litigation and/ or personnel issues.

This notice is given in accordance with Indiana Code 5-14-1.5-6.1.

5:30pm: REGULAR SESSION

CALL TO ORDER

The meeting was called to order by Mrs. Aurand at 5:35 p.m. in the Council Chambers Newburgh Town Hall 23 W Jennings, Newburgh, IN.

PLEDGE OF ALLEGIANCE

The Pledge-of-Allegiance was led by town council.

REMEMBRANCES

The following names were presented to be remembered.

Jim Niemeyer ~ Jim received a B.S. degree from St. Joseph's College in Rensselaer, and graduated Magna Cum Laude with a Master's degree from Purdue University. Jim was a geologist and drilling specialist and retired from Amax Coal Company in Indianapolis, after 20 years of service. Later, he was elected and served as Warrick County Surveyor in southern Indiana. Jim cherished times spent with family, grilling, gardening, and took pride in maintaining a pristine yard.

Bettye Lou Jarrell ~ Bettye Lou was an educator, a politician and a government leader. She was a good mother and we are going to miss her.

A moment of silence was acknowledged shared at which time we were asked to also remember our first responders and 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 - present
Clerk-Treasurer – Jon Lybarger - present
Town Manager – Christy Powell - present
Town Attorney – Christopher Wischer - present

MINUTES

January 11, 2017 minutes

A motion was made by Mrs. Krieger to accept the minutes as they were electronically distributed.

Second by Mrs. Hughes

Discussion: None

Vote: Ayes 4; Nays 0; Abstain 1

REDEVELOPMENT COMMISSION

It was asked that Mr. Kurt Krodel the newest member of the Redevelopment Commission join the council on the dais. Mr. Krodel is the principle at Newburgh Elementary School and was selected by the WCSB to fill an open position on the Newburgh Redevelopment Commission.

Motion by Mrs. Hughes to recess the Town Council meeting so that the Redevelopment Commission meeting may be continued from the previous meeting.

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 5; Nays 0

The Redevelopment Commission meeting was called to order by Mr. Kavanaugh the president of the Redevelopment Commission.

The items on the agenda for this meeting will be to approve the minutes of the last meeting and elect new officers for 2017.

The minutes from the last meeting were presented to the commission for approval. With no corrections being made.

A motion was made by Mrs. Krieger to accept the minutes as presented.

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 6; Nays 0

A brief presentation was made by Mr. Wischer explaining why the Redevelopment Commission was established.

The next item of business was the election of officers for 2017. The positions of president, vice-president and secretary are to be filled.

There was a call for nominations for the position of president. The name of Mr. Krodel was submitted. No other names were submitted. Mr. Krodel accepted the nomination for the position of president.

Motion by Mr. Kavanaugh to close nominations for president.

Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 6; Nays 0

Motion by Mrs. Krieger to accept Mr. Krodel as the president of the Redevelopment Commission.

Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 6; Nays 0

The call was issued for nominations for the position of vice-president. The name of Mrs. McGuire was submitted. No other names were submitted. Mrs. McGuire accepted the nomination.

Motion by Mr. Kavanaugh to close nominations for vice-president.

Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 6; Nays 0

Motion by Mrs. Aurand to accept Mrs. McGuire as the vice-president of the Redevelopment Commission.

Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 6; Nays 0

The call was issued for nominations for the position of secretary. The name of Mrs. Krieger was submitted. No other names were submitted. Mrs. Krieger accepted the nomination.

Motion by Mrs. McGuire to close nominations for secretary.

Second by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 6; Nays 0

Motion by Mrs. McGuire to accept Mrs. Krieger as the secretary of the Redevelopment Commission.

Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 6; Nays 0

With all business being completed for this meeting a motion was made by Mrs. Aurand that the Redevelopment commission meeting be closed.

Second by Mrs. Krieger.
Discussion: None
Vote: Ayes 6; Nays 0

COMMENTS BY CITIZENS PRESENT

None at this point.

SCHEDULED REQUESTS AND APPEARANCES

- HNI requests for usage of town facilities for town events and waivers of fee.
The following dates, facilities, and events were presented for use by HNI with all fees associated with the usage being waived. Also, they are requesting banner displays at the corner of State and Jennings, but that item will be considered a different topic.
In-Kind Rental Requests:
 - Annual Meeting
 - Preservation Hall ... Wednesday, February 15th
 - Wine Festival
 - Lock & Dam Building / Park – May 17/18/19/20 for set up, soiree & event
 - Farmers Market (Memorial Day – end of Sept) – Use of ‘tree space’ every market Saturday plus:
 - Sidewalks / Trail space / green space
 - Chalk Art contest – June 17th (sidewalk)
 - Kids Day – June 3rd (sidewalk & town hall parking lot)
 - Yoga in the park (green space on east side of the condo’s)
 - Free Family Movie Nights: (Amber will go to the Park Board meeting, Thursday Feb. 2nd)
 - Pool / Park – June 24th (will pay pool rental fees)
 - Pool / Park – July 22nd (will pay pool rental fees)
 - Park – August 19th
 - Park – September 16th
 - Fireworks & Festival in the Park
 - Lock & Dam Building: Saturday, July 1st (Friday, June 30th for set up.. July 2nd rain date)
 - Ghost Walks
 - Preservation Hall & Town Hall Lobby area – October 20 / 21 / 22 (will also need to set training nights for ghosts / guides)
 - Harvest Festival in the Park (Amber will go to the Park Board meeting, Thursday, Feb. 2nd)
 - Lou Dennis Park - Saturday, October 28th (this location may change... will come to council when appropriate)
 - Newburgh Celebrates Christmas
 - Town Hall Lobby area for Santa – December 2nd & 3rd
 - Preservation Hall – Festival of Trees – Friday, December 1st (This date may change to Sat. Dec. 2nd ... will come to council when appropriate)

Motion by Mrs. Krieger to accept the list of events provided by HNI

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 5, Nays 0

And now, the placement of advertizing banners at the corner of State and Jennings. The following list of advertizing banners was submitted.

- Wine Festival: May 1 – May 20th
- Farmer's Market: May 21st – September 30th (currently approved to be up only until June 3rd. Sign Commission working on permanent location for season long location)
- Fireworks: June 19th – July 2nd
- Ghost Walks: October 1st – October 22nd
- Harvest Festival – October 22nd – October 28th
- Newburgh Celebrates Christmas: November 18th – December 3rd

Motion by Mrs. Krieger to accept and allow the positioning of banners as requested.
Second by Mrs. Hughes.

Discussion: One of the council members had an exception with one of the banner requests. In the opinion of this council member all requests made seemed reasonable with the exception of the one for the Farmers Market. It would be better if this banner were displayed periodically during the duration of the event and not continually. It was suggested that the farmers market sign may be displayed for a week prior and a week after the beginning of the Farmers Market. The Farmers Market will be open for business on May 27th, 2017.

Motion by Mrs. Hughes to modify the original motion to approve all the banner requests with the exception of the one for the Farmers Market which will be addressed as a separate item.

Second by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 1

Vote on amended motion: Ayes 4; Nays 1

The issue of the Farmers Market was discussed. After much discussion, it was decided that the Farmers Market sign could be displayed from May 21st thru June 3rd. and the last week of September and then periodically throughout the summer until the sign committee renders a decision on signage.

Motion by Mrs. Krieger to approve the recommendations on the display of the Farmers Market banner.

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 5, Nays 0

NEW BUSINESS

CONTRACTS/ AGREEMENTS

None

SEWER PROJECTS

- Deaconess LS and FM Rehabilitation Project – IDEM Rule 5 Notice of Intent
This comes recommended by the town engineer.
Motion by Mrs. Hughes to approve the IDEM Rule 5 Notice of Intent.
Second by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 5; Nays 0
- Brookstone IV Subdivision – Final Acceptance of Sanitary Sewers
This project comes recommended by the town engineer. The value of the enhancements is \$54,522.00.
Motion by Mr. Kavanaugh to accept the Brookstone IV Subdivision for Sanitation Sewer maintenance.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 5; Nays 0

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

-Mike Keeler, 944 Treelane

This is the second time he has been before council to discuss drainage issues in the Forrest Park Subdivision. He is always told that the drainage issue is being worked on, but he does not see any work being completed. Evidently, there are a number of projects identified in the Forrest Park area and some are being worked on, just not his issue. Erosion is a major issue for him and he is having the ground washed out from under his garage.

David Hynes, the town engineer, spoke on the issue and mentioned that an easement was needed in order to work on the issue. Mr. Wischer, the town attorney, stated that he would prepare the documents for the next meeting. It was further suggested that this issue be taken to the Storm Water board for presentation and also find out exactly which projects are being worked in the Park area. Mr. Keeler stated that he had been to the Storm Water meetings before and they suggested that he bring the issue to town council.

This will be looked into further by the town engineer

UNFINISHED BUSINESS

- ORDINANCE 2016-23: Historic District Expansion – East Section
Tabled December 14, 2016 to January 25, 2017
- ORDINANCE 2016-24: Historic District Expansion – North Section
Tabled December 14, 2016 to January 25, 2017
- ORDINANCE 2016-25: Historic District Expansion – West Section
Tabled December 14, 2016 to January 25, 2017
- ORDINANCE 2016-26: Historic District Expansion – Northwest Section

Tabled December 14, 2016 to January 25, 2017

- ORDINANCE 2016-27: Owner: Walter and Becky Howard 111 Sharon Road request to rezone from R1 Single Household Residence District to R4 Multi-Household Residence District with a Use and Development Commitment. Complete legal on file.

Tabled December 28, 2016 to January 25, 2017

ORDINANCE 2016-27 has been withdrawn effective 1/24/2017. It will be removed from the table and removed from the agenda.

COMMISSION/COMMITTEE REPORTS

COMMISSION

- Air Authority ~ Mrs. Aurand
No report.
- Board of Zoning Appeals ~ Mrs. McGuire
No report.
- Fire ~ Mrs. Aurand
No report.
- Historic Preservation ~ Mrs. Krieger
No meeting.
- Park ~ Mrs. Krieger
No report.
- Plan ~ Mrs. McGuire
No report.
- Police ~ Mrs. McGuire
 - A meeting was held on January 23rd at 4 p.m.
 - Eric Mitchell was sworn in as Chief.
 - Ryan Mackintosh was promoted to Sgt.
 - Alex Linberg was sworn in as a Newburgh patrolman.
 - Jon Scully was sworn in as a Major. Lux his K-9 will be sworn in at a later date.
 - There was also a retirement celebration for Daryl Healy.
 - The Oath of Honor was also administered to all officers.
- Site Review Committee ~ Mrs. McGuire
 - Two properties were brought before the site review committee for consideration of rezoning:
 - Jennings Station owners are requesting rezoning from C1 to R1. They would like to convert the structure to apartments.
 - Locust and Gray street rezoning after research, the rezoning requires a R1 PUD.

- Storm Water ~ Mr. Kavanaugh
No meeting.

- Street ~ Mrs. Aurand
 - the Christmas tree was removed from in front of Town Hall.
 - the bridge in Jefferson Park was addressed for a number of issues.
 - Continuing to keep the storm water drains clear and flowing.
 - Dealing with other cleanup projects around town.

- Utility ~ Mrs. Hughes, Mr. Kavanaugh Utility Motions (If available)
 - One item was carried over from the January 11th meeting. Which projects on the priority list are being addressed? Council was provided with a copy of the sewer project list that was created in 2016 and the following items numbers are being addressed:

- 8 – WWTP Project prompted by the new requirements of the NPDES permit,
- 17 – Triple Crown/Springs Valley SS interceptor improvement project,
- 18 – WWTP upgrades to the computer system and software,
- 19 – Victoria/Lincolnwood exposed force main,
- 22 – Victoria LS upgrade,
- 23 – Meadowbrook Subdivision SS replacement,
- 28 – 4699 Colony Bay SS Project,
- 31 – Blue Lake LS Standby Power ,
- 33 – Forrest Park SS rehab project,
- 34 – 8277 Sycamore Drive Sewer project,
- 35 – Update Newburgh Design and Construction standards,
- 43 – Exposed Lateral, 4222 Hedgewood, Rabbit Run,
- 44 – Interior manhole lining for 18-inch MLS trunk line,
- 46 – Pecan Lane SS Project,
- 47 – Reroute SS, Sycamore Drive at Hwy 261,
- 54 – Kenosha Hill LS Elimination,
- 56 – 8311 North Birch Dr SS Rehab Project,
- 57 – 6522 & 6544 Yorkshire court SS Replacement,
- 58 – LS #1 FM Erosion Problem,
- 59 – Forrest Park SS Replacement with Ditch piped to existing SS,
- 60 – Post office LS Upgrade,
- 63 – Phelps Drive Sewer Repair.

Motion by Mrs. Hughes to have the Sewer Department proceed with the projects identified on the list.

Second by Mr. Kavanaugh.

Discussion: These items were approved by the Utility Commission.

Vote: Ayes 5; Nays 0

-Mrs. Hughes mentioned that she will be bringing a recommendation to town council to streamline the Utility Committee.

-Mrs. Powell presented a bill that had been received by the Utility department for consideration for payment. It did not make the current register of claims, but it should be paid as soon as possible. The bill is from Umbaugh for services rendered in securing the latest utility bonds. The bill is for \$8,625.00.

Motion by Mrs. Hughes to make the payment to Umbaugh in the amount of \$8,625.00.

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 5; Nays 0

STANDING COMMITTEES

- Finance ~ Mrs. McGuire, Mrs. Krieger
-1782 Budget results were received from the state. They are currently being reviewed and adjustments will be made.
- Personnel ~ Mrs. Hughes, Mrs. Aurand
With the vacation of the position of Lab Supervisor by Heath Dill it was recommended by Mr. Key that James Musser be promoted to the position of Lab Supervisor at the rate of \$23/hr.
Motion by Mrs. Hughes that James Musser be promoted to the Lab Supervisor position at the rate of \$23/hr
Second by Mrs. Aurand.
Discussion: None
Vote: Ayes 5; Nays 0

The WWTF will now advertise for the position vacated by James Musser.

SPECIAL BOARDS/COMMITTEE REPORTS

- Sidewalk ~ Mrs. Hughes, Mrs. Aurand
No report.
- Arts Commission ~ Mrs. Hughes, Mrs. Krieger
No report.
- River town Trail ~ Mrs. Hughes, Mrs. McGuire
No report.
- Nominating ~ Mrs. Hughes, Mrs. Krieger
Adhering to the rules and guidelines in place for the town, someone other than Mrs. Aurand should be chair of the Airport Authority. After searching for a council member to fill the position, Mrs. Krieger volunteered to fill the position.
Motion by Mrs. Hughes to recommend Mrs. Krieger to fill the position.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 5; Nays 0

AD HOC COMMITTEES

- Sign Committee – Mrs. Hughes, Mrs. Aurand
-Still waiting on word from counsel regarding new regulations regarding signage.
- Open Burning – Mr. Kavanaugh, Mrs. McGuire
No report.
- Meditation Park – Mrs. Hughes, Mrs. Krieger
No report.
- Residential Improvement Recognition – Mrs. Aurand, Mrs. Krieger
-Need recommendations and direction.
- Parking Committee – Mr. Kavanaugh, Mrs. McGuire
No report.
- Growth and Progress Committee – Mrs. Krieger, Mrs. McGuire
-A meeting was held on January 23rd. Dean Jones from Umbaugh and Associates was present and offered suggestions.

ZONING ADMINISTRATOR

Total of 31 projects with a value of \$384,883. A total of 41 permits were issued with fees collected of \$6,430.00. Four COA's were issued in the 4th quarter three of with 3 issued by staff and one issued by HPC.

For 2016, a total number of 171 permits were issued with fees collected of \$13,145.18. A total of 127 projects were initiated with a combined value of \$1,486,312.16. A total of 70 inspections were performed on the various projects. The town records indicate that we had a total of 108 contractors registered in the town and this produced a collection of \$2,700.00 in registration fees.

For the current month, 5 projects have been requested with a value of \$479,269.00. A total of 14 permits have been issued with fees collected of \$933.92. One (1) COA has been issued.

-Jennings Station change of business. Same business, same location, just a new name. Harvest Moon women's clothing 320 W Jennings.

-State and Jennings building is now a retail establishment, a tenant is living upstairs and the downstairs will be retail.

-Pet Food Center has remodeled inside and has new signage. They may be adding a pet bathing facility. There were questions regarding drains for the bathing facility.

-Sharon Place is looking at putting apartments on the property. A possibility of 25 units may be constructed, but rezoning would be required.

-A variance is required at 502 W Water for the construction of a garage. This garage has been previously approved.

-Also at Jennings Station, the owners are requesting converting structures to apartments. All retail will be relocated to two buildings, the East and North buildings.

CLERK-TREASURER

- EVAPAR Contract – this is for the backup power source at the fire station. The cost of the contract is \$470 per year and this covers the cost of one major and one minor inspection and maintenance.

Motion by

Second by

Discussion: None

Vote: Ayes 5; Nays 0

- Outstanding checks for the Sewer Utility need to be cancelled and the funds returned to the Sewer operating fund. The utility office had two checks that met this criteria and they are as follows:

Check No. 33974 in the amount of \$50.95, dated July 20, 2012, paid to AT&T.

Check No. 38423 in the amount of \$188.56, dated November 13, 2014, paid to Hamlin Equipment Rental

Motion by Mrs. Krieger to cancel the checks and add the money back into the Sewer operating fund.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 5; Nays 0

TOWN ATTORNEY

New business brought before council it is a right of entry agreement between Vectren and the Town of Newburgh. I could not understand the recording where the property was identified. The agreement was reviewed counsel and the town manager and they are in agreement that the agreement should be approved.

There was a motion by Mrs. McGuire to suspend the rules so that this item could be addressed.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 5; Nays 0

Motion by Mrs. Krieger to approve the right-of-entry agreement between the Town of Newburgh and Vectren.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 5; Nays 0

TOWN ENGINEER

Motion by Mrs. Krieger to suspend the rules so items may be presented by the town engineer and voted on by the council.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 5; Nays 0

- Deaconess LS approval letter to be sent to the state SRF group.
This letter is recommended by the town engineer. It is required to inform the state that PPMI has been hired to perform the work.
Motion by Mrs. Hughes to issue the letter to the state.
Second by Mrs. Krieger.
Discussion: None
Vote: Ayes 5; Nays 0
 - Lincoln Avenue Widening Sewer Project approval letter to be sent to the state SRF group.
This letter is recommended by the town engineer. It is required to inform the state that BBI has been hired to perform the work.
Motion by Mrs. Krieger to issue the letter to the state.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 5; Nays 0
 - Halston FM Relocation Project approval letter to be sent to the state SRF group.
This letter is recommended by the town engineer. It is required to inform the state that BBI has been hired to perform the work.
Motion by Mrs. Hughes to issue the letter to the state.
Second by Mrs. Krieger.
Discussion: None
Vote: Ayes 5; Nays 0
 - LS #2 Pump base replacement project
Bids were opened in a previous meeting and engineering is recommending that we enter into an agreement with BBI to perform the work. The cost of the repair is \$87,496.00.
Motion by Mrs. Hughes to enter into the agreement with BBI for the amount of \$87,496.00.
Second by Mrs. Krieger.
Discussion: None
Vote: Ayes 5; Nays 0
- Notice to Proceed issued to BBI on the same project that was just approved. Work will begin on 1/25/17 and should take about 30 days.
Motion by Mr. Kavanaugh to issue the notice to proceed to BBI.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 5; Nays 0
- Community Crossing 50/50 Grant
The town was awarded a grant and work should begin shortly. This grant will be used in conjunction with the monies received from the LIT distribution in 2016 which are to be used for infrastructure projects in the community.

Motion by Mrs. Hughes to proceed with the identified projects.

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 5; Nays 0

TOWN MANAGER

-There has been a request by Marilyn Doyle for one more week of FMLA coverage to complete recovery before returning to work.

Motion by Mrs. McGuire.

Second by Mrs. Krieger

Discussion: None

Vote: Ayes 5; Nays 0

-Christy would like to order a sample of the proposed plaque to be sold to homeowners who will be included into the expanded historic districts. There may be some suggested changes to the design. The size of the sign is coming into question, should it be smaller or larger. The current size of the sign is about an 11 by 7 oval. One sign will be ordered

-There are still questions regarding the addition of Janet being added to the HPC. Even though she owns property in town, she lives outside of the city limits. It was suggested that the appointment to the HPC vacancy be tabled until the next meeting.

Motion by Mrs. McGuire to table HPC appointment until the next meeting.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 5; Nays 0

-There was a point made by Mrs. McGuire that we should not be discussing the health of the employees during our meetings. This is in violation of HIPPA.

MISCELLANEOUS BUSINESS

Discussion regarding mowing for the town of Newburgh. Does the town wish to continue to contract summer mowing? Do we wish to use the same company? Should we be going out for bids for the current year?

Motion by Mr. Kavanaugh that we should request bids for the mowing.

Second by Mrs. Krieger

Discussion: None

Vote: Ayes 5; Nays 0

APPROVAL OF CLAIMS

The following amounts were presented to Town Council for their consideration for payment, plus any sewer adjustments that there may be:

CT \$215,662.96

Sewer \$625,646.07

SRF \$45,985.12

Motion by Mr. Kavanaugh to approve all claims properly signed to be paid.

Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0

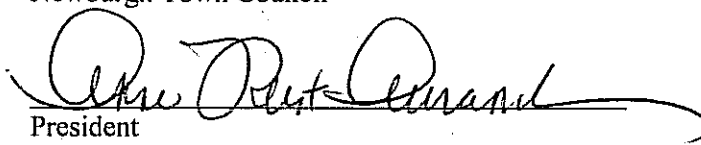
ADJOURNMENT

Motion by Mr. Kavanaugh to adjourn at 7:22 p.m.
Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 5; Nays 0

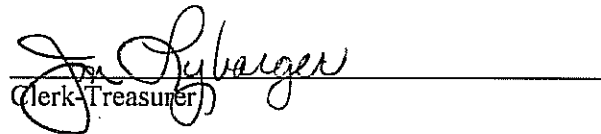
01/25/2017	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern

APPROVED this 8 day of February, 2017.

Newburgh Town Council


President

ATTEST:


Clerk-Treasurer