

Town of Newburgh
Town Council Meeting
Wednesday, February 22, 2017

MINUTES

5:30pm: REGULAR SESSION

CALL TO ORDER

The meeting was called to order by Mrs. Aurand at 5:30 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

Velma Cox - She was a Charter Member of Newburgh Woman's Club, active in the Masonic Lodge, and helped with rainbow girls. Velma was involved with Cullen Avenue Christian Church which evolved into Crossroads Christian Church. Velma was very proud of the assistance she was able to provide in the growth of the Ohio Township Fire Department. She was very involved in the Republican Party and was the Ohio Township trustee for 12 years and on the Township Board for 12 years.

A moment of silence was shared

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

MINUTES

February 8, 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 3; Nays 0; abstain 1

COMMENTS BY CITIZENS PRESENT

None.

SCHEDULED REQUESTS AND APPEARANCES

None

NEW BUSINESS

CONTRACTS/AGREEMENTS

- Proposed Financial Advisory and Accounting Services agreement with H.J. Umbaugh and Associates CPA, LLP and the Town of Newburgh.
This agreement was reviewed by counsel
Motion by Mrs. Hughes to approve this agreement based on counsel recommendation.
Second by Mrs. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0
- Contract proposal the Town of Newburgh and green3 for design of Sister City town entrance signs.
The cost of this contract is \$500 and is just for the design of the Sister City sign. The budget for the actual expenditure would be based on monies that are available in the specific donations category for town entry signs.
Motion by Mrs. Krieger to approve the contract with green3.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0
- CHA Supplemental #3 RTT IIIA
It was recommended by counsel to accept this item regarding the Rivertown Trail project.
Motion by Mr. Kavanaugh to accept the supplement to the Rivertown Trail agreement.
Second by Mrs. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0
- Amendment to Agreement with Ohio Township Regarding new fire truck.
It was suggested by council to table this item until the next meeting
Motion by Mr. Kavanaugh to table this item until the next meeting.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0

SEWER PROJECTS

- Deaconess LS and FM Rehabilitation – Change Order #01 to PPMI
The value of the change to the project is an increase of \$21,870.00. It was determined that directional drilling would be utilized on this project thus causing the change order.
Motion by Mr. Kavanaugh to approve change order #01 for this project with an increased cost of \$21,870.00.
Second by Mrs. Hughes.

Discussion: None
Vote: Ayes 4; Nays 0

- Halston Force Main Relocation – Change Order #01 to BBI
There are utility conflicts with this project and change order with Vectren. It was suggested that this be tabled until the next meeting in hopes of having a resolution. Motion by Mr. Kavanaugh to table until next meeting.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0
- Plum and W Jennings MH Replacement – Pay Application 1 to Deig Bros.
Pay application 1 to Deig Brothers for work completed. The amount of the pay application is \$37,680.00. There will be a retainage of \$1,884.00 leaving a net amount to be paid of \$35,796.00. It is engineering's recommendation to pay the contractor. Motion by Mr. Kavanaugh to by Pay application #01 to Deig Brothers the net amount of \$35,796.00.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0
- Lincoln Ave Widening Ph. III SS Relocation – Escrow Agreement with BBI.
This escrow agreement with BBI comes before the council with the recommendation of the town engineer.
Motion by Mr. Kavanaugh to enter into the escrow agreement.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0
- Halston FM – Escrow Agreement with BBI.
This escrow agreement with BBI comes before the council with the recommendation of the town engineer.
Motion by Mr. Kavanaugh to enter into the escrow agreement.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0

UNFINISHED BUSINESS

Prior to considering the following ordinances, Mrs. Aurand asked if anyone in the audience wished to speak for or against the proposed ordinances. She noted that no one had signed up to speak for the evening. Mr. Jeff Cox, Chairman of the HPC committee came forward and provided information about why the town and HPC are wishing to expand the Historic Districts. He explained how being in the Historic District is good for the homeowner because of the potential increase in property values. Mr. Cos also stated

that new business will be drawn to the community because of the Historic District. Mr. Cox also mentioned that the HPC was more concerned with the outward appearance of the properties that are in the district.

Mr. Wischer then explained how the process of dealing with the ordinances would be handled. Each ordinance would be presented and handled on its own merits. He then stated that he had received two letters in opposition to the expansion both from Charles Marx and his attorney.

The floor was then opened to comments from persons present for comments for or against the expansion of the districts. Having no one to speak, processing of the ordinances began.

- ORDINANCE 2016-23: Historic District Expansion – East Section
Tabled December 14, 2016 to February 22, 2017

Motion by Mrs. Krieger to remove Ordinance 2016-23 from the table.

Second by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to have the first reading of Ordinance 2016-23.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Ordinance 2016-23 was read by the town counsel Mr. Wischer.

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-23.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

With the vote of the first reading was unanimous, the council proceeded with the second reading of Ordinance 2016-23.

Motion by Mr. Kavanaugh to proceed with the second reading of Ordinance 2016-23.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Again, Ordinance 2016-23 was read by the town counsel Mr. Wischer.

Motion by Mr. Kavanaugh to accept and adopt Ordinance 2016-23.

Second by Mrs. Krieger.

Discussion: Question from council regarding map. A point of clarification needed to be made regarding the maps that were associated with each ordinance.

Vote: Ayes 4; Nays 0

Ordinance passed.

- ORDINANCE 2016-24: Historic District Expansion – North Section
Tabled December 14, 2016 to February 22, 2017

Motion by Mr. Kavanaugh to remove Ordinance 2016-24 from the table.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to have the first reading of Ordinance 2016-24.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Ordinance 2016-24 was read by the town counsel Mr. Wischer.

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-24.

Second by Mrs. Krieger.

Discussion: Mr. Charles Marx, 100 West Main, was present to state his objections to the expansion of the historic district to include his residence. It is his belief that there are laws that protect his right as a property owner. He does not believe that his house is of a historic nature and does not understand why he has to adhere to the procedure of having a committee give permission to do any kind of enhancements to his house. He did threaten the town with a law suit if this ordinance passes.

Vote: Ayes 4; Nays 0

The vote of the first reading was unanimous, the council proceeded with the second reading of Ordinance 2016-24.

Motion by Mr. Kavanaugh to proceed with the second reading of Ordinance 2016-24.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Again, Ordinance 2016-24 was read by the town counsel Mr. Wischer.

Motion by Mr. Kavanaugh to accept and adopt Ordinance 2016-24.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 3; Nays 1

Ordinance passed.

- ORDINANCE 2016-25: Historic District Expansion – West Section
Tabled December 14, 2016 to February 22, 2017

Motion by Mr. Kavanaugh to remove Ordinance 2016-25 from the table.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to have the first reading of Ordinance 2016-25.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Ordinance 2016-25 was read by the town counsel Mr. Wischer.

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-25.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

The vote of the first reading was unanimous, the council proceeded with the second reading of Ordinance 2016-25.

Motion by Mr. Kavanaugh to proceed with the second reading of Ordinance 2016-25.

Second by Mrs. Krieger.

Discussion: No comments from citizens or council members.

Vote: Ayes 4; Nays 0

Again, Ordinance 2016-25 was read by the town counsel Mr. Wischer.

Motion by Mr. Kavanaugh to accept and adopt Ordinance 2016-25.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 3; Nays 1

Ordinance passed.

- ORDINANCE 2016-26: Historic District Expansion – Northwest Section
Tabled December 14, 2016 to February 22, 2017

Motion by Mr. Kavanaugh to remove Ordinance 2016-26 from the table.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to have the first reading of Ordinance 2016-26.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Ordinance 2016-26 was read by the town counsel Mr. Wischer.

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-26.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

With the vote of the first reading was unanimous, the council proceeded with the second reading of Ordinance 2016-26.

Motion by Mr. Kavanaugh to proceed with the second reading of Ordinance 2016-26.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Again, Ordinance 2016-26 was read by the town counsel Mr. Wischer.

Motion by Mr. Kavanaugh to accept and adopt Ordinance 2016-26.

Second by Mrs. Krieger.

Discussion: No comments by citizens or council members.

Vote: Ayes 4; Nays 0

Ordinance passed.

COMMISSION/COMMITTEE REPORTS

COMMISSION

- Air Authority ~ Mrs. Krieger
No report.
- Board of Zoning Appeals ~ Mrs. McGuire
No report.
- Fire ~ Mrs. Aurand
-The new fire truck is here. They are in the process of equipping the truck with needed hand equipment.
- Historic Preservation ~ Mrs. Krieger
No report.

- Park ~ Mrs. Krieger
No report
- Plan ~ Mrs. McGuire
No report.
- Police ~ Mrs. McGuire
No report.
-Mrs. Hughes mentioned that some of the merchants in town would like to have a formal retirement party for Daryl Healy. There are no objections from the police Chief. It will be at the Edgewater on March 29th.
-There was discussion regarding the town's unmarked police vehicle.
-DARE class taught by Ryan McIntosh, held their graduation at Newburgh Elementary School.
- Site Review Committee ~ Mrs. McGuire
Next meeting February 23 at 10 a.m.
- Storm Water ~ Mr. Kavanaugh
-Forrest Park and Copper Creek drainage issues were discussed.
-Mr. Keeler who was at the last council meeting was at the Storm Water meeting
- Street ~ Mrs. Aurand
-Drain cleaning at the pool.
-Clean Storm Water grates around town.
-Fix the dump truck.
- Utility ~ Mrs. Hughes, Mr. Kavanaugh Utility Motions

STANDING COMMITTEES

- Finance ~ Mrs. McGuire, Mrs. Krieger
No report.
- Personnel ~ Mrs. Hughes, Mrs. Aurand
-Working on rewriting of the Employee Personnel manual. Many changes are needed and they are being addressed.
-Would like approval of an Employee Assist Program with Deaconess Hospital.
Motion by Mrs. Hughes to recommend the agreement with Deaconess Hospital's EAP program.
Second by Mrs. Krieger
Discussion: None
Vote: Ayes 4; Nays 0
-There is a request from the WWTF for training for James Musser. Mr. Musser recently acquired the position of lab supervisor and needs to be certified. These classes will provide that certification. Two classes are required at a cost of \$450.00.

Motion by Mrs. Hughes to approve the training needed by Mr. Musser.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

-There was a request by two employees to have their advances for their remaining HSA funds disbursed now.

Motion by Mr. Kavanaugh to advance the remaining HSA funds.

Second by Mrs. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

-There was discussion regarding the position of associate pool manager. It was decided that that position can be filled by the Park Committee and does not need to come to council.

SPECIAL BOARDS/COMMITTEE REPORTS

- Sidewalk ~ Mrs. Hughes, Mrs. Aurand
-It was asked that the council drive around town and bring to the attention of all council members any sidewalks needing repair or replacement.
Next meeting will be on February 10 at 4:15 p.m.

- Arts Commission ~ Mrs. Hughes, Mrs. Krieger
-Grants meeting will be on Friday 2/25/17
-March 14th there will be an open forum regarding the trail and other Park facilities. The time of this forum has not been established, but will probably be 5:30 p.m. Tables will be set up with information regarding the various parks in town and the Rivertown Trail. There should be a lot of great information distributed.

- Rivertown Trail ~ Mrs. Hughes, Mrs. McGuire
-Some of the discussion for Rivertown Trail was already presented in the Park Committee presentation.

- Nominating ~ Mrs. Hughes, Mrs. Krieger
No report.

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
-There have been meetings, but no decisions have been made.
-Of the problems reported to date, the issues could have been addressed with current laws. The problem is the issues are not being reported until after the fact or not really being reported at all.

- Reflection Park – Mrs. Hughes, Mrs. Krieger

-Rick Mitchell has submitted recommendations on construction of the park. The objective is to keep the design simple. The committee is reviewing the presentation.

- Residential Improvement Recognition – Mrs. Aurand, Mrs. Krieger
-The first town newsletter of the year should be sent to residents the first of March.
- Parking Committee – Mr. Kavanaugh, Mrs. McGuire
-Waiting on input from Vectren.
- Growth and Progress Committee – Mrs. Krieger, Mrs. McGuire
No report.
- Trash ~ Mrs. Hughes, Mrs. McGuire
-Next meeting will be February 13 at 3 p.m.
-A town wide yard sale again this year. The yard sale should be coordinated with the Ohio River sweep which will be on June 17th. Information about both the river sweep and the yard sales should both be addressed in the upcoming newsletter.

ZONING ADMINISTRATOR

For the current month, 10 projects have been requested with a value of \$421,099.00. A total of 17 permits have been issued with fees collected of \$839.28.

Motion by Mr. Kavanaugh to close the acceptance of bids for the demolition of the property at 2 Gray Street.

Second by Mrs. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

One bid was received from Stemle Excavating Inc. The bid amount is for \$6,971.00. The bid has been reviewed by counsel and the Zoning Administrator and is has been found to be appropriate. Utilities have all been capped off for the property and it is prepared to be demolished.

Motion by Mr. Kavanaugh to take the bid received from Stemle Excavating Inc. under advisement for review by the town engineer. If the bid and all related items are found to be in order, demolition may proceed for the bid amount of \$6,971.00.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

CLERK-TREASURER

No report

TOWN ATTORNEY

No report.

TOWN ENGINEER

-The town engineer reported that Main Street will be closed beginning March 6 and will be closed for approximately 30 days do to work being conducted.

TOWN MANAGER

No report.

MISCELLANEOUS BUSINESS

No report.

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 \$162,084.17
Sewer \$249,475.42
SRF1 \$11,205.95
SRF2 \$272.42

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 Mrs. Krieger to adjourn at 7:00 p.m.

Second by Mrs. Hughes.

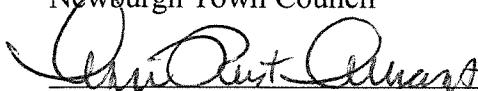
Discussion: None

Vote: Ayes 4; Nays 0

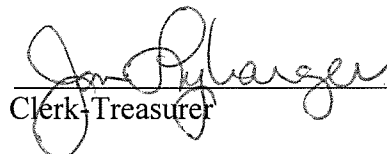
02/22/2017	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern

APPROVED this 8 day of March, 2017.

Newburgh Town Council


President

Attest:


Clerk-Treasurer