



Town of Newburgh  
**Town Council Meeting**  
Wednesday, March 8, 2017

MINUTES

REGULAR SESSION

**CALL TO ORDER**

The meeting was called to order by Mrs. Aurand at 5:34 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. A moment of silence was shared following the pledge.

**REMEMBRANCES**

**Katrina Bateman** - Daughter of Newburgh resident Mrs. Kate Fisher, Katrina graduated from Reitz in 1997, then went on to Purdue where she earned a Pharmacy Degree and then became a Pharmacist. She enjoyed volleyball and fast pitch softball. Katrina played the violin and the piano; she loved to sing and was honored to try out for American Idol.

**Dylan Barnes** - Dylan taught Language Arts at Reitz Memorial High School for 14 years while also being the girl's track and field coach and the boys and girls cross country coach. The students and his teams were the joy of his life. He was also a member of the long time L.A. Dirt Riders and Black Coal motorcycle clubs. Dylan graduated from Boonville High School and Indiana University. Dylan attended St John Catholic Church in Daylight, Ind. Dylan was also an avid hunter who liked to spend time in his blind where he could take in the beautiful scenery of Mother Nature.

While in High School Dylan was recognized as one of the best athletes in the state of Indiana. His fourth place finish in the high jump at the state level in 1990, third Place finish in the Indoor National High School meet in 1991, along with being the current record holder in the IHSAA Regional in the Long Jump and the Boonville High School record holder in the High Jump at 6'-10.5", show his dominance in high school. At one time, he held school records in the high jump, long jump, triple jump, 110 hurdles and 200 hurdles.

Dylan continued his track career at Indiana University where he received recognition in track and field as an All-Big 10 Athlete and academic performer each of his four years of competition. He placed second in the Big 10 Outdoor Championships, in 1994, in the triple jump along with being on the I.U. 1992 Big 10 Indoor Championship Team. He still holds some of the Top 10 longest triple jumps in I.U. History.

A moment of silence was shared in remembrance.

**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 22, 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

## **COMMENTS BY CITIZENS PRESENT**

None.

## **SCHEDULED REQUESTS AND APPEARANCES**

- William Yockey – Indiana retired coal miners benefits and resolution for consideration.

Mr. David Hadley was present in place of Mr. Yockey. They were before Town Council in 2016 seeking approval of a resolution to ensure that retired mine workers and their dependents would be covered by insurance. A promise had been made to the mine workers and it is believed that it should be enforced. In 2016, insurance coverage's were continued until this year and should be extended again. Unless certain bills are passed in the House of Representatives and the Senate that will ensure the continued insurance coverage, Coal Mine Workers and their dependents will lose their insurance benefits. This year they are asking the town to pass a resolution encouraging the Indiana Representatives and Senators to support H.B. 179 and S. 175.

Motion by Mr. Kavanaugh to read Resolution 2017-01.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

Resolution 2017-01 was read by the town's counsel Mr. Wischer.

Motion by Mr. Kavanaugh to approve the reading and adopt Resolution 2017-01.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

A copy of the approved and signed resolution was given to Mr. Hadley so that it may be hand carried to Mr. Yockey.

- Newburgh Museum – Lending agreement

A number of persons were present from the Newburgh Museum to discuss the lending agreement with the council. Currently, the agreement has no end date, and the agreement may be terminated at any time by either party.

It was mentioned that there are certain items that are in the possession of the museum that are the property of the town and should be on permanent display and not rotated. These items should be reflected in the inventory which is provided by the museum. There are items in particular which should be static and never changed. The trophy case, trophies, and other high school memorabilia items associated should always be on display. They are from Newburgh High School which for years was a major part of the community. It is hoped that the new committee that will be formed will be able to develop an accurate inventory of items that belong to the town and items that originated elsewhere. There are many items on display at the museum and many more items that are in reserve that may be used at different times. Also, there are duplications of items such as books and pictures. The issue is becoming how and where to store the surplus items and how to dispose of the duplicates. It was suggested that a joint committee between the Newburgh Museum and the Town of Newburgh be formed to research and resolve these types of issues. From the Town of Newburgh, members selected were Mrs. Hughes, Mrs. Krieger, Mr. Wischer, Mr. Bowser and Mrs. Powell. The museum will select persons from their organization to also be on the committee.

Motion by Mr. Kavanaugh to appoint the mentioned individuals from the Town of Newburgh to be on the Joint Museum Committee.

Second by Mrs. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

- Castle High School request for waiver of fees for Preservation Hall.  
Emily Garrett was present from Castle High School to request the use of Preservation Hall for April 23<sup>rd</sup>. The planned event is a student council appreciation dinner for the students and their parents.  
They were also asking for a waiver of fees for the use of the facility.  
Motion by Mr. Kavanaugh to approve the use of the facility by Castle High School and to also waive the fees.  
Second by Mrs. Krieger  
Discussion: None  
Vote: Ayes 4; Nays 0

## **NEW BUSINESS**

### **CONTRACTS/AGREEMENTS**

- Newburgh Sewage Financial Management Reports – H.J. Umbaugh and Associates CPA, LLP

This agreement was reviewed by counsel and suggested approval. This is in regard to the production for the year end reports for the Sewer department.

Motion by Mr. Kavanaugh to accept this agreement with Umbaugh based on counsels recommendation.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

- Action Pest Control Mosquito reduction Service Agreement  
The cost of this contract is increasing by about \$3,000.00. The cost increase is due to the extra month of treatment and the expansion of the treated area.  
Motion by Mr. Kavanaugh to approve the contract with Action Pest Control.  
Second by Mrs. Krieger.  
Discussion: None  
Vote: Ayes 4; Nays 0
- Deaconess Healthier U Walk Event Policy  
This event is scheduled for May 6, 2017. With no representative being present to answer council questions, especially regarding parking, it was suggested to table until the next meeting.  
Motion by Mrs. Krieger to table this item until the next council meeting on March 22, 2017.  
Second by Mrs. Hughes.  
Discussion: None  
Vote: Ayes 4; Nays 0
- Deaconess CONCERN: Employee Assistance Program Agreement.  
This has been previously approved by council, being presented at this meeting is the contract with Deaconess for the EAP program. The cost is minimal.  
Motion by Mrs. Hughes to approve the agreement as presented.  
Second by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0
- Encroachment Agreement between Jason and Lenaig Naef and the Town of Newburgh.  
The property is located at 10444 Huntley Court.  
A fence has been constructed in the right of way over the town sewer line. This agreement notes that the town will not be responsible for any damages to the fence should there need to be any repairs to the sewer system. This agreement comes recommended by counsel.  
Motion by Mr. Kavanaugh to approve the encroachment agreement.  
Second by Mrs. Hughes.  
Discussion: None  
Vote: Ayes 4; Nays 0

## SEWER PROJECTS

- Plum and West Jennings MH Replacement – CO #01 to Deig Bros.  
The value of the change to the project is an increase of \$1,098.25. This change will bring the total cost of the project to \$84,064.25. It is engineering's recommendation to approve this change order.  
Motion by Mrs. Hughes to approve change order #01 for this project based on the recommendation of engineering.  
Second by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0

- Plum and West Jennings MH Replacement – Final Pay Appl. To Deig Bros  
Final pay application to Deig Brothers for work completed. The amount of the pay application is \$46,384.25. There will be a retainage of \$2,319.21 leaving a net amount to be paid of \$44,065.04. It is engineering's recommendation to pay the contractor.  
  
Motion by Mrs. Hughes to approve the final pay application in the net amount of \$44,065.04.  
Second by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0

- Kingston Lift Station Elimination – Pay Appl. #01 to ISI.  
Pay application #01 to Infrastructure Systems Inc. for work completed. The amount of the pay application is \$279,018.00. There will be a retainage of \$13,950.90 leaving a net amount to be paid of \$265,067.10. It is engineering's recommendation to pay the contractor.  
Motion by Mrs. Hughes to Pay application #01 to Infrastructure Systems Inc. the net amount of \$265,067.10.  
Second by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0

- Deaconess LS and FM Rehabilitation – Pay Appl. #01 to PPMI.  
Pay application #01 to PPMI for work completed. The amount of the pay application is \$92,611.93. There will be a retainage of \$4,630.60 leaving a net amount to be paid of \$87,981.33. It is engineering's recommendation to pay the contractor.  
Motion by Mrs. Hughes to Pay application #01 to PPMI the net amount of \$87,981.33.  
Second by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0

- Halston FM Relocation – Pay Appl. #1 to BBI.  
Pay application #1 to Blankenberger Brothers Inc. for work completed. The amount of the pay application is \$50,450.00. There will be a retainage of \$2,522.50 leaving a net amount to be paid of \$47,927.50. It is engineering's recommendation to pay the contractor.

Motion by Mrs. Hughes to Pay application #01 to BBI the net amount of \$47,927.50.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 3; Nays 0; Abs 1

- Post Office Lift Station Upgrades Project CEI Contract.  
This would be for the design of the upgrades necessary for the post office lift station.  
Motion by Mrs. Hughes to accept the recommended update report.  
Second by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0
- Epworth Medical Corridor SS Expansion Project – Designated Signatory.  
At issue would be the signatory needed for sign-off of all town projects, which is the town council president. This agreement would establish the signatory as Mrs. Aurand.  
Motion by Mrs. Hughes to designate Mrs. Aurand as the signatory for the town.  
Second by Mrs. Krieger.  
Discussion: None  
Vote: Ayes 4; Nays 0

## **UNFINISHED BUSINESS**

### **MISCELLANEOUS**

- List of Appointments for 2017  
Motion by Mrs. Hughes to remove the List from the table.  
Second by Mrs. Krieger.  
Discussion: None  
Vote: Ayes 4; Nays 0

Motion by Mrs. Hughes to accept the list as presented at the January 11, 2017 meeting.

Second by Mrs. Krieger.

Discussion: Mr. Kavanaugh noted that there were some names that were suggested to be removed from the list due to the fact that they either no longer lived in the area or their terms had expired.

Vote: Ayes 4; Nays 0

### **CONTRACTS/AGREEMENTS**

- Amendment to agreement with Ohio Township regarding new fire truck.  
Tabled...February 22, 2017  
Remain tabled

### **SEWER PROJECTS**

- Halston Force Main Relocation – Change Order #01 to BBI.  
Motion by Mr. Kavanaugh to remove from table.  
Second by Mrs. Hughes.  
Discussion: None

Vote: Ayes 4; Nays 0

Due to issues, it is recommended by engineering that this item be removed from the agenda and it will be resubmitted at a future date.

Motion by Mr. Kavanaugh to remove the item from the agenda at engineering's recommendation.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

## **COMMISSION/COMMITTEE REPORTS**

### COMMISSION

- Air Authority ~ Mrs. Krieger  
No report.
  
- Board of Zoning Appeals ~ Mrs. McGuire  
No report.
  
- Fire ~ Mrs. Aurand  
No report.
  
- Historic Preservation ~ Mrs. Krieger  
Next meeting will be March 9, 2017
  
- Park ~ Mrs. Krieger  
-Public Forum will be on March 14, 2017 beginning at 5:30. Displays and representation will be there for the Parks, Pool, Amphitheater and Rivertown Trail.  
-Commended Andrea and others on the creation of a wonderful newsletter.
  
- Plan ~ Mrs. McGuire  
No report.  
-It is the belief of some that major committee meetings should meet whether there is business to discuss or not.
  
- Police ~ Mrs. McGuire  
Eric Mitchell reported the following  
-The police commission meeting scheduled for 3/13 has been cancelled.  
-There will be a meeting on 3/21 where a new officer will be sworn in.  
-The police department has been very busy  
-There will be another DARE graduation at St. John the Baptist School at 9:30 a.m. on March 9, 2017.
  
- Site Review Committee ~ Mrs. McGuire  
No report.

- Storm Water ~ Mr. Kavanaugh  
No Report.
- Street ~ Mrs. Aurand
  - Cleaned the drains at the pool and elsewhere around town.
  - Changed banners on the decorative light poles.
  - Filled potholes around town
  - Installed a No Outlet sign on East Jennings.
  - Removed lights from trees in downtown.
- Utility ~ Mrs. Hughes, Mr. Kavanaugh Utility Motions

All utility motions were submitted for council consideration by Mrs. Hughes. They are from the Utility Committee meeting that was held on Wednesday March 1, 2017.

1. Motion: Bill Kavanaugh moved to recommend to council to approve paying the \$8,000.00 difference to bury the sanitary sewer line in Copper's Edge Estates to an 8 feet depth to allow perpetuation from the line.

Motion seconded: Tom Bodkin

Discussion: None

Motion failed. Yes, 1 (Mrs. Hughes) Nay, 6 (Mmes. Powell & Helms and Messrs. Kavanaugh, Bodkin, and Powell)

Second by Mr. Kavanaugh

Discussion: None

Vote: Ayes 1; Nays 3 Motion Failed

2. Motion: Bill Kavanaugh moved to approve the consent agenda.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

No action required by council

3. Motion: Bill Kavanaugh moved to recommend to Council to approve the annual agreement to purchase lab supplies from Hach Company.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

Second by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0



4. Motion: Bill Kavanaugh moved to recommend to Council to waive the Fats, Oil and Grease (FOG) permit for Knob House LLC for the Party House.  
Motion seconded: Tom Bodkin  
Discussion: There is not a kitchen in this facility.  
Motion passed unanimously.

Second by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0

5. Motion: Bill Kavanaugh moved to recommend to Council to allow the purchase of an air conditioning unit for the Sequential Batch Reactor Blower Building from Bradley's Heating, Air Conditioning and Refrigeration Inc. at a cost not to exceed \$11,000.00.  
Motion seconded: Tom Bodkin  
Discussion: None  
Motion passed unanimously.

Second by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0

6. Motion: Bill Kavanaugh moved to recommend to Council to allow the purchase of a Ford Boom Truck from Elpers Truck Equipment at a cost not to exceed \$77,712.23.  
Motion seconded: Tom Bodkin  
Discussion: None  
Motion passed unanimously.

Second by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0

7. Motion: Tom Bodkin moved to recommend to Council to surplus the 1990 Ford Boom Truck.  
Motion seconded: Bill Kavanaugh  
Discussion: None  
Motion passed unanimously.

Second by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0

8. Motion: Bill Kavanaugh moved to recommend to Council to allow MCF Construction to level the Talbert Ridge Lift Station Control Building on Oak Grove Road at a cost not to exceed \$5,800.00.  
Motion seconded: Christy Powell

Discussion: None  
Motion passed unanimously.

Second by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0

9. Motion: Tom Bodkin moved to recommend to council to approve the 2016 Capacity, Management, Operation and Maintenance (CMOM) document.  
Motion seconded: Christy Powell  
Discussion: None  
Motion passed unanimously.

Second by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0

10. Motion: Tom Bodkin moved to recommend to Council to allow the Phelps Drive Sanitary Sewer Rehab project be bid.  
Motion seconded: Christy Powell  
Discussion: None  
Motion passed unanimously.

Second by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0

11. Motion: Tom Bodkin moved to recommend to Council to approve Change Order #1 for the Plum & Jennings Manhole Replacement project in the amount of \$1,098.25 to Deig Bros.  
Motion seconded: Leroy Goldsberry  
Discussion: None  
Motion passed unanimously.

No Action required by council.

12. Motion: Tom Bodkin moved to recommend to Council to approve the Change Order for a valve repair at Lift Station #2 in the amount not to exceed \$3,400.00 to Blankenberger Brothers.  
Motion seconded: Christy Powell  
Discussion: None  
Motion passed unanimously.

No Action required by council.

13. Motion: Tom Bodkin moved to recommend to Council to approve the sewer tap for Saint John's Cemetery and Mausoleum at a cost of \$2,000.00.  
Motion seconded: Bill Kavanaugh  
Discussion: None  
Motion passed unanimously.

Second by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0

14. Motion: Leroy Goldsberry moved to adjourn the meeting.  
Motion seconded: Tom Bodkin  
Discussion: None  
Motion passed unanimously.

No Action required by council

#### STANDING COMMITTEES

- Finance ~ Mrs. McGuire, Mrs. Krieger  
No report.
- Personnel ~ Mrs. Hughes, Mrs. Aurand  
-There will be a meeting on March 27<sup>th</sup> at 3:00 p.m. where there will be continued discussion regarding the town Personnel Policy Manual.

#### 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, or recommend where any new sidewalks may be needed.
- Arts Commission ~ Mrs. Hughes, Mrs. Krieger  
-Still working on grants for the Amphitheater.
- Rivertown Trail ~ Mrs. Hughes, Mrs. McGuire  
-It was suggested that all persons be encouraged to attend the Public Forum on 3/14.  
-One issue that will be suggested at the Public Forum will be an Adopt-A-Spot program where groups of concerned citizens or civic organizations may selection a section of the park or Rivertown Trail to keep clean.
- 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  
No report.
- Reflection Park ~ Mrs. Hughes, Mrs. Krieger  
Meeting scheduled for March 9<sup>th</sup> to review design considerations and recommendations.
- Residential Improvement Recognition ~ Mrs. Aurand, Mrs. Krieger  
No report.
- Parking Committee ~ Mr. Kavanaugh, Mrs. McGuire  
No report.
- Growth and Progress Committee ~ Mrs. Krieger, Mrs. McGuire  
No report.
- Trash ~ Mrs. Hughes, Mrs. McGuire  
No report.

#### ZONING ADMINISTRATOR

For the current month, 6 projects have been requested with a value of \$417,307.15. A total of 12 permits have been issued with fees collected of \$883.15

There is a request pending for a setback variance from 35 feet to 8 feet for a property next to the town maintenance building.

The owners of Jennings Station will be requesting a rezoning of Jennings Station property to C2 where apartments may be constructed on the lower levels of the property.

The house at 2 Gray Street should be razed during the next two weeks.

#### CLERK-TREASURER

The new copier that was approved in February has been delivered and installed. It is much more reliable, faster and quieter than the old copier. Thank you again to the council for their approval of the purchase.

In accordance with Ordinance 2016-22, the town has sold its first chicken permit. (Not a big deal, but just wanted to let you know.)

#### TOWN ATTORNEY

No report.

#### TOWN ENGINEER

-Mr. Hynes reported that they are working on the utility master plan. It has been a while since it was updated and the progress is going well.

TOWN MANAGER

-4 Mowing bids have been received. It was suggested that the bids be taken under advisement and reviewed. The four companies providing bids are B and B Mowing, US Lawns, Dr. Schlachter's Lawncare, and Turf Trimmers. There will be a report at the next council meeting regarding results.

**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 \$184,893.94  
Sewer \$629,139.61  
SRF \$5,807.00

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

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

**ADJOURNMENT**

Motion by Mrs. Krieger to adjourn at 7:34 p.m.

Second by Mrs. Hughes.

Discussion: None

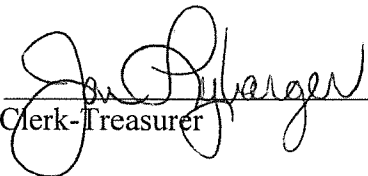
Vote: Ayes 4; Nays 0

03/08/2017	Town of Newburgh	
Sign in Sheet		
Name	Address	Area of Concern
Ray Graham	8051 Wyngate Circle	Museum
Todd Glass	5311 Epworth Rd	Museum
Suzie Byers	8060 Wyngate Circle	Museum
David W Hadley	5739 Sharon Rd, Newburgh	Miners Protection Act Health Care
David Forbey	919 E Monroe St	Miner Protection Act Health Care
Verl and Debbie White	3255 Nester Hill Rd	Miner Protection Act Health Care
Omer Barnes	7611 Pamela Lane	Miner Protection Act Health Care
Jerry Scales	3741 Arbor Pointe Dr	Miner Protection Act Health Care
Emily Garrett	3344 Hwy 261	Castle High School

APPROVED this 12 day of April, 2017.

Newburgh Town Council

  
President

Attest:   
Clerk-Treasurer