



Town of Newburgh
Town Council Meeting
Wednesday, March 22, 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

Ruth Ann Hynes – Mother of the town engineer. After working at Memorial Hospital for a short time, Ruth was employed by Dr. Edward Ploetner. In the early 1970s Ruth and Tom opened “Adventures in Travel,” Jasper’s first travel agency. Ruth’s last employment was as a receptionist for the Dodson Accounting Office.

She was a member of St. Joseph’s Catholic Church and involved in the church commissions. She volunteered her time reading at mass.

Ruth had a curious nature about her. She passed that inquisitive nature of the outdoors on to her children. She expressed herself through painting landscapes. She hunted game with her father, Felix. Her wooden spoon cream puffs were simply delicious. Quilting and crocheting were part of her past time. Many of the weekends raising her children were spent at the lake house fishing and trekking through the woods in Southern Indiana. She had a zeal for life, travel and adventure. Ruth’s great love was sports. She especially enjoyed tennis, golf, and bowling. Rarely did she miss watching an IU or Pacers game.

The better part of Ruth’s adult life was spent providing care to her ailing mother. After her mother’s passing, she had a few short years enjoying life with her husband before caring for him in his elder years. Her selfless nature will be remembered by all the people she touched.

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

March 8, 2017 minutes were presented for approval

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

Second by Mrs. Hughes.

Discussion: 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 was formed at the last meeting, March 8th Town Council, will be able to develop an accurate inventory of items that belong to the town and items that originated elsewhere.

Motion by Mrs. Hughes to amend the minutes to reflect that the memorabilia that many items in the museum are town property in that they were left to the town and not the museum and that they are actually on loan to the museum.

Second by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

Motion by Mrs. Hughes to table the minutes from March 8, 2017 and present them at the next meeting with the requested amendments.

Second by Mr. Kavanaugh

Vote: Ayes 4; Nays 0

Vote: Ayes 0; Nays 4

COMMENTS BY CITIZENS PRESENT

None.

SCHEDULED REQUESTS AND APPEARANCES

None

NEW BUSINESS

CONTRACTS/AGREEMENTS

- Wabash Valley fuel price contract for the remainder of 2017.
This contract is an annual agreement to set a negotiated price for a percentage of our fuel purchases for the year. This is beneficial to the town to guard against inflation and price increases.

Motion by Mr. Kavanaugh to accept this agreement with Wabash Valley Fuel.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

- Umbaugh Services Agreement to re-establish a CCD fund and Annual Budget Analysis. The result of this agreement would be an increase of our CCD distribution by \$40,000 per year. This is not an additional tax to be levied, it is a tax that is already being collected and the town is just requesting the full distribution.

Motion by Mr. Kavanaugh to approve the service agreement with Umbaugh.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

SEWER PROJECTS

- List Station 2 Pump Base Replacement

- Change Order #01 to BBI

Replacement of a 10" plug valve this was an item that was discovered after the contract was let for the project. The change order is for an increased value of \$2,058.72. This change comes with engineering's recommendation.

Motion by Mr. Kavanaugh to approve the change order based on engineering's recommendation.

Second by Mrs. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

- Certificate of Substantial Completion to BBI.

A certificate of substantial completion has been submitted effective February 17, 2017. This certificate is being submitted with engineering's recommendation.

Motion by Mr. Kavanaugh to accept the certificate of substantial completion effective February 17, 2017.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

- Pay Application #01 and Final Pay application to BBI

This is the first and only pay application to be received for this project. All punch list items have been met and it is the recommendation of engineering to pay the entire amount of the invoice with no retainage. The invoice amount is \$89,554.72

Motion by Mrs. Hughes to accept the pay application for \$89,554.72 and not retain any funds based on engineering's recommendation.

Second by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

- Plum and West Jennings MH Replacement
 - Certificate of Substantial Completion to Deig Brothers

Motion by Mrs. Hughes to accept the certificate of substantial completion with the warranty period beginning on March 8, 2017.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

- Pay Application #03 and Final Pay Application Deig Brothers

Motion by Mrs. Hughes to accept pay application in the amount of \$4,203.21 which includes release of retainage from previous payments per engineering's recommendation.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

- Brookstone V

- Recommendation for Sewer Plan Approval

The sewer action plan has been reviewed by engineering and they recommend its adoption.

Motion by Mrs. Hughes to approve the sewer plan per engineering's recommendation.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

- IDEM Permit and contract

IDEM Permit 2016-16 and contract 2016-16 have been reviewed by counsel and engineering and are being recommended for approval. The total amount of the contract is \$51,171.00.

Motion by Mr. Kavanaugh to approve both IDEM permit 2016-16 and Contract 2016-16 for \$51,171.00 based on counsel and engineering's recommendations.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

- Halston FM Relocation Project

- Vectren agreement for Gas Main Relocation

It was found that it will be less expensive for Vectren to relocate the utilities than having the town do the relocation. This will save the town a considerable amount of money. The cost of Vectren to relocate the utilities will be \$17,787.80. The town will reimburse Vectren for the service.

Motion by Mr. Kavanaugh to approve the agreement with Vectren for the Gas Main Relocation at an estimated cost of \$17,787.80.

- Second by Mrs. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0
- WOW Agreement for Cable Relocation
At the time the gas main is being relocated by Vectren, WOW will also be relocating their cable. The cost for the relocation of the cable will be \$1,465.87 which will be a PO Agreement issued to WOW.
Motion by Mr. Kavanaugh to approve the expenditure of \$1,465.87 and issue a PO for the work to WOW.
Second by Mrs. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0
 - Encroachment Agreement for Jeffrey and Susan Gibson at 3055 Capstone Court.
This is a fence encroachment on the sewer right of way.
Motion by Mr. Kavanaugh to allow for the encroachment as long as the property owners are aware that any repairs to the fence is their responsibility should any damage occur.
Second by Mrs. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0
 - Encroachment Agreement for George and Laurel Rawden at 3199 Megan Drive.
This is a fence encroachment on the sewer right of way.
Motion by Mr. Kavanaugh to allow for the encroachment as long as the property owners are aware that any repairs to the fence are their responsibility should any damage occur.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0
 - Encroachment Agreement for Raymond and Trisha Dudlo at 4725 Fieldcrest.
This is a fence encroachment on the sewer right of way.
Motion by Mr. Kavanaugh to allow for the encroachment as long as the property owners are aware that any repairs to the fence are their responsibility should any damage occur.
Second by Mrs. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0
 - Encroachment agreement for Travis and Stacey Pegram 5927 Brookstone Drive.
This is a fence encroachment on the sewer right of way.
Motion by Mr. Kavanaugh to allow for the encroachment as long as the property owners are aware that any repairs to the fence are their responsibility should any damage occurs.
Second by Mrs. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0

- Encroachment Agreement for Ali Tahir and Nida Hashmi 10411 Huntley Court.
The owners have a sidewalk that is over the sewer line.
Motion by Mr. Kavanaugh to allow for the encroachment as long as the property owners are aware that any repairs to the fence are their responsibility should any damage occurs.
Second by Mrs. Krieger.
Discussion: A question to counsel was, are the owners aware that the town is not responsible for any damage that may occur to their sidewalks. Counsel responded in the affirmative that they are aware.
Vote: Ayes 4; Nays 0

UNFINISHED BUSINESS

CONTRACTS/AGREEMENTS

- Amendment to agreement with Ohio Township regarding new fire truck.
Tabled...February 22, 2017
Remain tabled
- Deaconess Healthier U Walk Event Policy
Tabled...March 8, 2017
Motion by Mr. Kavanaugh to have this item removed from the table
Second by Mrs. Hughes.
Vote: Ayes 4; Nays 0

It was asked that this item be removed from the agenda at the request of the requestor.
The event has been moved to another venue.

COMMISSION/COMMITTEE REPORTS

COMMISSION

- Air Authority ~ Mrs. Krieger
No report.
- Board of Zoning Appeals ~ Mrs. McGuire
No report.
- Fire ~ Mrs. Aurand
 - Truck #12 should be placed in service within the next 30 days. About all the needed equipment has been installed.
 - There were a total of 34 runs in February, 29 in the township and 4 in town and 1 mutual aid run. The total person hours for the month were 588, the majority of which were response hours at 367.
 - There is an issue with the drive way south of the fire station where it joins State Street. The trucks cut the corner tearing up the ground. The street department is aware of the situation and they will be fixing the problem as soon as time is available.
 - There needs to be an ordinance drafted that will allow the fire department to charge either insurance companies or individuals for reimbursement of consumable supplies that are used for accident clean up.

Motion by Mr. Kavanaugh to have counsel develop an ordinance to address this event. It should be available and presented at the second meeting in April, 2017.

Second by Mrs. Hughes

Discussion: None

Vote: Ayes 4; Nays 0

-The issue of house numbers arose and it was determined that houses should have house numbers that are visible from the street. This would be beneficial in emergency situations.

Motion by Mr. Kavanaugh to have counsel draft an ordinance that will require homeowners to have house numbers posted on the residence.

Second by Mrs. Hughes

Discussion: None

Vote: Ayes 4; Nays 0

- Historic Preservation ~ Mrs. Krieger
No report.
- Park ~ Mrs. Krieger
-A public forum was held on March 14 and it was attended by at least 30 citizens.
Good information was gathered from those who attended.
- Plan ~ Mrs. McGuire
No report.
- Police ~ Mrs. McGuire
-There was a meeting on 3/21 where a new officer, Joshua Fisher, was sworn in as the latest Newburgh police officer.
-Tim Huber was presented with a Merit Award.
-On 3/29/17, there will be a retirement party at La Veranda for Daryl Healy
-The police department received an anonymous donation of \$1,000 which will be used to purchase trauma kits for the officers.
-There was a DARE graduation at St. John the Baptist School at 9:30 a.m. on March 9, 2017.
- Site Review Committee ~ Mrs. McGuire
-Debbie Rhodes will be coming to the Planning Commission to request approval for an 'Air B and B'. This would be for a permanently parked Airstream Trailer that will be rented for overnight stays. Currently, this is not allowed by any town ordinance.
- Storm Water ~ Mr. Kavanaugh
No Report.
- Street ~ Mrs. Aurand
-Trimming trees and bushes around town
-Cleaned the drains of debris.
-Accident cleanup at State and Jennings streets.

- Gator repair
- Clean flower beds at the cottages.

- Utility ~ Mrs. Hughes, Mr. Kavanaugh Utility Motions
No report.

STANDING COMMITTEES

- Finance ~ Mrs. McGuire, Mrs. Krieger
No report.
- Personnel ~ Mrs. Hughes, Mrs. Aurand
-There will be a meeting on March 27th 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
No report.
- Arts Commission ~ Mrs. Hughes, Mrs. Krieger
Next meeting scheduled for April 3, 2017.
- Rivertown Trail ~ Mrs. Hughes, Mrs. McGuire
-With there being issues with the decking of the bridge on the Rivertown Trail, metal decking materials have been presented and are being reviewed as a potential replacement material for the deck.
-There was discussion regarding a lighting project for Rivertown trail. There are various views regarding whether this is an issue that should even be considered. The trail, like the parks in Newburgh, are closed at dark. Some areas of the trail are currently lit because it traverses metro and residential areas of the town.
-It was suggested that the town should consider the addition of a Trail Ranger whose responsibility will be to monitor activities on the trail. This is just something to be considered.
- 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

-There was a video explaining Reflection Park at the open forum that was held on the 14th.

- Residential Improvement Recognition ~ Mrs. Aurand, Mrs. Krieger
-Mrs. Aurand and Mrs. Krieger traveled around town looking at potential properties which may be considered for recognition.
-It was noted by both that there is much 'trash' around town. They suggested that something needs to be done to remove the trash either by ordinance of a special trash pickup. It appears to be most prevalent around rental properties.
- Parking Committee ~ Mr. Kavanaugh, Mrs. McGuire
No report.
- Growth and Progress Committee ~ Mrs. Krieger, Mrs. McGuire
No report.
- Trash ~ Mrs. Hughes, Mrs. McGuire
-The solid waste public meeting will be at Newburgh Town Hall on 3/23/17 at 10:30 a.m.

ZONING ADMINISTRATOR

No Report

-It was noted that Mr. Mike Wilson has requested an 8 ft setback for a house being built at 318 W First St. Normally, the set back would be 35 feet, but the other homes on W First are constructed with an 8 foot setback and this home would then be in line with the other construction.

CLERK-TREASURER

No report.

TOWN ATTORNEY

-The property owner of the Primrose development on Lincoln would like to provide a cash deposit instead of a letter of credit for the development. The letter of credit expires on May 1st. The cost of the letter of credit would be more than the value of the letter of credit. This has been done before, and it is actually better to have the monies on deposit instead of a letter of credit. The amount of cash that will be provided will be \$2,155.95. If accepted by the council, an amendment will be drafted for the agreement. The monies should be received before our next council meeting.

Motion by Mrs. Hughes to accept the cash deposit in lieu of the letter of credit.

Second by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

TOWN ENGINEER

No report.

TOWN MANAGER

No report.

MISCELLANEOUS BUSINESS

-Permission was requested by the Towns Merchants Group to use Town Hall for the herb fest that will be on April 8, 2017.

Motion by Mr. Kavanaugh to allow the use of Town Hall by the Town Merchants Group
Second by Mrs. Krieger

Discussion: Who will be responsible for unlocking, locking and cleanup? There will be hosts available if there are speakers. The merchants will be responsible for cleanup.

Vote: Ayes 4; Nays 0

-It's prom season, have the police been notified and are they prepared for the additional traffic and congestion?

-On May 13, they will be running the Rivertown Trail 5K. It is also the Philharmonic house tour in Newburgh. There appears as though there is a scheduling conflict with an overlap of end and start times. This needs to be researched and addressed.

-Is there any way that the business owners can be regulated regarding how much that they can charge tenants. The town can look forward to vacant properties and businesses leaving town. Legally, we cannot dictate to merchants how much they can charge tenants.

-There is some property that is in the museum that is definitely town property and was given to the town by Mrs. Lant and Mr. Lewis. The items in question are the trophy case and the assorted trophies.

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 \$190,983.03
Sewer \$196,733.53
SRF1 \$35,700.29
SRF2 \$263.94

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 7:26 p.m.

Second by Mrs. Hughes.

Discussion: None


Vote: Ayes 4; Nays 0

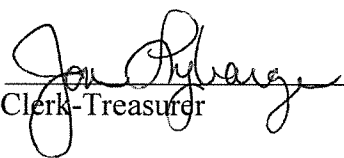
03/22/2017	Town of Newburgh	
	Sign in Sheet	

Name	Address	Area of Concern

APPROVED this 12 day of April, 2017.

Newburgh Town Council


President

Attest: 
Clerk-Treasurer