

Town of Newburgh
Town Council Meeting
Wednesday, June 14, 2017

MINUTES

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.
A moment of silence was shared following the pledge.

REMEMBRANCES

None

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 – Raymond Dudlow - present

MINUTES

The minutes for the May 24, 2017 meeting were submitted for approval as they were electronically distributed earlier.

A motion was made by Mr. Kavanaugh to approve the minutes from May 24 as distributed.

Seconded by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

COMMENTS BY CITIZENS PRESENT

None

SCHEDULED REQUESTS AND APPEARANCES

- Aaron Miller – Sewer Process – Coppers Edge
Although Mr. Miller was on the agenda, this discussion was referred to utility commission and was not discussed in the council meeting.

NEW BUSINESS

COMMUNITY CONCERNS

- Town Hall Parking Lot – Oversized Vehicles
There is a town ordinance that prohibits overnight parking in town lots. A sign needs to be posted stating the parking lot hours. Overnight parking will be allowed by permit only.

A motion was made by Mr. Kavanaugh to have the necessary sign created and posted in the parking lot located at Town Hall.

Seconded by Mrs. Krieger.

Discussion: It was also suggested that we have one made for the Lockmaster Cottages. After discussion, it was decided that this would have to be a decision of the Park Board and not the council.

Vote: Ayes 4; Nays 0

SEWER PROJECTS

- Westlake Sanitary Sewer Relocation Project – Notice of Award to Koberstein Construction.
The total amount of the contract is \$44,862.00 and has been reviewed by counsel and the town engineer and comes recommended by both
A motion was made by Mrs. Hughes to issue the notice of award to Koberstein Construction.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
- Triple Crown Lift Station Elimination –
Continue with the process and design of the replacement of the Lift Station.
 - IDEM 401 WQC Permit Application
This is a general permit that is required and is needed for ditch crossings.
A motion was made by Mrs. Hughes to approve the permit based on engineering's recommendation.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
 - Warrick Co. R/W Permit Application
This permit will allow the utility to encroach on the Warrick County right-of-way in the area of Bell and Libbert Roads.
A motion was made by Mrs. Hughes to
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

- Warrick County Hold Harmless Agreement
This is a standard document and agreement with the county. It is required by the county.
A motion was made by Mrs. Hughes to move forward with the hold harmless agreement.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

- Halston Force Main Relocation Project – (This item is also listed under Unfinished Business and must be un-tabled from the May 24 meeting.)
A motion was made by Mrs. Hughes to remove this item from table.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

- Change Order #01 to BBI
This change order will increase the cost of the project. The project is currently quoted at \$396,557.00 and is being increased by \$6,149.00 bringing the current project cost to \$402,706.00.
A motion was made by Mrs. Hughes to approve change order #01 to BBI for the Halston Force Main. for this project.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

- Pay Application #04 to BBI
BBI is requesting \$99,300.00 with pay request #04, less 5% retainage of \$4,965.00 leaving a net amount due BBI of \$94,335.00.
A motion was made by Mrs. Hughes to approve payment to BBI in the amount of \$94,335.00.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

- Lincoln Ave. Widening Phase III SS Relocation Project – Pay Application #02 to BBI
This is pay request #2 from BBI for the Lincoln Ave Widening project. The total amount of the request is \$171,429.75, less 5% retainage of \$8,571.49 leaving a net amount due BBI of \$162,858.26.
A motion was made by Mrs. Hughes to pay BBI \$162,858.26 for pay application #02 for the Lincoln Ave Widening Project.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

- Deaconess Force Main and Lift Station Rehabilitation Project
 - Pay Application #04 to PPMI

This is pay request #4 from PPMI for the Deaconess FM and LS Rehab and Project. The total amount of the request is \$97,746.85, less 5% retainage of \$4,887.34 leaving a net amount due PPMI of \$92,859.51.
A motion was made by Mrs. Hughes to pay PPMI \$92,859.51 for pay app #04.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
 - Change Order #02 to PPMI

This change order will increase the total project cost by \$32,505.00, bringing the total cost of the project to \$1,275,882.00.
A motion was made by Mrs. Hughes to approve change order #02 in the amount of \$32,505.00.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
- Gateway Business Park
 - Approval of construction Plans and Contract

According to engineering the contract is a standard contract and the plans are acceptable.
A motion was made by Mrs. Hughes to approve the construction plans and contract.
Seconded by Mr. Kavanaugh.
Discussion: Legal has prepared the construction permit and the contract. The first tenant is ready to move it.
Vote: Ayes 4; Nays 0
 - Approval of IDEM Permit

The permit needs to be approved according to the rules of the law. The permit approval number is 2017-01.
A motion was made by Mrs. Hughes to approve the IDEM Permit.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
- 420 Cypress Street SS Investigation – Contract Amendment #2 to CEI

This amendment to the contract is being included to cover the cost of the replacement of a culvert.
A motion was made by Mrs. Hughes to approve the contract amendment #2 for 420 Cypress Street.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

PAVING PROJECTS

- Washington Street Improvements – Notice of Award
Due to a change in the bid process, and the information that is required, all received bids were rejected and they will have to be resubmitted by the contractors.
A motion was made by Mrs. Hughes to reject all previously submitted quotes.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0

UNFINISHED BUSINESS

- Halston Force Main Relocation – Change Order #01 to BBI
Tabled on May 24, 2017 (Duplicated on New Business)

This item was considered redundant since it was removed from table and discussed as new business.

STAFF REPORTS

ZONING ADMINISTRATOR

Since the last meeting, there have been 7 projects, with a total value of \$62,396.00. For these projects, 8 permits were issued, with total fees collected of \$410.00.

One (1) COA was issued with HPC approval for windows at 100 Plum Street.

CLERK-TREASURER

No report.

TOWN ATTORNEY

-Two encroachment agreements were brought to the attention of the Council by the town attorney and town manager. Both are fence encroachments onto the sewer right-of-way. One is located at 3139 Capstone Court, Newburgh, IN and the other is located at 3187 Megan Drive, Newburgh, IN. The owners of the properties are aware that this agreement does not grant them any rights or title to the properties.

A motion was made by Mr. Kavanaugh to approve the encroachment agreement for 3139 Capstone Court.

Seconded by Mrs. Hughes

Discussion: None

Vote: Ayes 4; Nays 0

A motion was made by Mr. Kavanaugh to approve the encroachment agreement for 3187 Megan Drive.

Seconded by Mrs. Hughes

Discussion: None

Vote: Ayes 4; Nays 0

TOWN ENGINEER

-When working on the sewer at Driftwood Park, a manhole that is currently there will need to be replaced. It was mentioned that the improvements to the manhole are needed to improve performance and accessibility.

TOWN MANAGER

-Christy presented to the council an issue pertaining to renting of Preservation Hall and the Old Lock and Dam properties. The Lock and Dam and Preservation Hall properties are becoming more and more popular and many of the clients are requesting earlier check in times and later check out times. What is being proposed is a modified rate 1.5 of the rental rate for a 'special' package rental. (i.e. Lock and Dam rental is \$125.00 per day. Under the new package the cost would be \$187.50 but it would allow for Friday set-up, Saturday event, and Sunday clean-up.)

A motion was made by Mr. Kavanaugh to approve the rental package rate.

Seconded by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

-Since the Parks Board has elected to reinstate the swim team. Seventeen (17) members have signed up to participate. Practices have started.

-A recommendation was made to present Dr. Jim Renne with the Newburgh Outstanding Citizen Award. This is in part for his involvement in the community and all that he has done to promote the preservation and history of the town.

A motion was made by Mr. Kavanaugh to nominate Dr. Jim Renne for the 2016 Outstanding Citizen Award.

Seconded by Mrs. Krieger.

Discussion: To be presented at a July meeting.

Vote: Ayes 4; Nays 0

-It was suggested by Mrs. Powell that the construction company working at Driftwood Park be contacted and asked to remove the town entrance sign. Perhaps they can place the sign in storage until construction along 662 is completed.

A motion was made by Mr. Kavanaugh to recommend the removal of the town entrance sign.

Seconded by Mrs. Hughes.

Discussion: There was discussion regarding whether the town entrance sign should be removed and placed in storage until construction is complete or perhaps relocate the sign to a new and safer location. It was suggested that the choice should be left at the discretion of the construction company. Our concern being that the town entrance sign not be damaged.

Vote: Ayes 4; Nays 0

COMMISSION/COMMITTEE REPORTS

COMMISSION

- Air Authority ~ Mrs. Krieger
No report.
- Board of Zoning Appeals ~ Mrs. McGuire

-BZA did not meet in May due to lack of business, however they will be meeting on June 26, 2017 regarding a petition for variance for new construction of a garage at 125 W Jennings St. The request is to reduce the interior side yard setback from 6 feet to ½ of a foot and the rear yard setback from 3 feet to 2 feet. They are replacing a garage that was previously demolished.

- Fire ~ Mrs. Aurand
No report.
- Historic Preservation ~ Mrs. Krieger
 - The Historic Preservation Commission met June 8 regarding a COA application for the construction of the garage at 125 W. Jennings. The application for COA was approved.
 - Distinguished site plaques will soon be available for purchase and display on people's homes. The cost of the plaque will be borne by the home owner. There will be some guidelines on how they should be displayed.
- Park ~ Mrs. Krieger
 - There continued to be discussion regarding the swim team. The swim team will be an entity this year and there will be discussion regarding its future.
 - There was also discussion about the placement of a Ping Pong table at the Lock and Dam Park.
- Plan ~ Mrs. McGuire
Plan Commission did not meet in June due to lack of business.
- Police ~ Mrs. McGuire
No report.
- Site Review Committee ~ Mrs. McGuire
No report.
- Storm Water ~ Mr. Kavanaugh
 - Storm Water did not meet in May, but is planning to meet June 19th.
 - Newburgh River Sweep is scheduled for Saturday, June 17. The command center will be located at the Old Lock and Dam. This is also part of the MS4 requirements.
- Street ~ Mrs. Aurand
 - Cleaning various ditches around town.
 - Performing repairs to Street Department vehicles
 - Repair of potholes.
 - Cut down and removed Bamboo at Preservation Hall.
 - Working of various drainage projects around town.
 - Stained boat dock.

- Utility ~ Mrs. Hughes, Mr. Kavanaugh
All utility motions are presented to council by Mrs. Hughes.

Utility Motions for June 7, 2017

1. Motion: Bill Kavanaugh moved to close the bids for the Westlake Sanitary Sewer Improvement Project.
Motion seconded: Tom Bodkin
Discussion: None
Motion passed unanimously.

No action required by council.

2. Motion: Bill Kavanaugh moved to take the Westlake Sanitary Sewer Improvement Project under advisement for legal and engineering review and award the project at the June 14, 2017 Newburgh Town Council meeting.
Motion seconded: Leon Key
Discussion: None
Motion passed unanimously.

This item was covered under new business.

3. Motion: Tom Bodkin moved to approve the consent agenda.
Motion seconded: Bill Kavanaugh
Discussion: Mrs. Helms stated taps were purchased for eight (8) homes and two (2) of the Warrick Trail apartments. All 14 Warrick Trail Apartment buildings have received taps along with the clubhouse and car wash.
Motion passed unanimously.

No action required by council.

4. Motion: Tom Bodkin moved to recommend to council to issue a capacity letter for Lexington Estates and advise the counsel that based on the XPSWMM Hydraulic Model there may be potential future issues.
Motion seconded: Christy Powell
Discussion: An IDEM packet was presented.
Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

5. Motion: Tom Bodkin moved to recommend to council to approve the special (trunk) connection for the property at 6344 Ferstel Road.
Motion seconded: Bill Kavanaugh
Discussion: Mr. Ainscough will meet with the county engineer for a road cut permit and obtain a sewer tap permit from the Newburgh Utility Office.

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

6. Motion: Tom Bodkin moved to recommend to council to approve the pump repair at the Lift Station #3 at a cost of \$29,985.00 plus freight from contractor Straeffer Pump & Safety, Inc.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

7. Motion: Tom Bodkin moved to recommend to council to approve the \$500.00 certification bonus for Joshua Jewell for obtaining an IWEA CS Class I certification.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

BYPASSED

A motion by Mrs. Aurand to table this item until the next meeting.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

8. Motion: Tom Bodkin moved to recommend to council to approve CEI assistance to develop a corrective action plan for a sanitary sewer problem between MH 13-166 & MH 13-167.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

9. Motion: Tom Bodkin moved to recommend to council to approve the request to purchase a 2017 F150 Ford pickup truck from D'Patrick Ford at a cost of \$21,182.00.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

10. Motion: Tom Bodkin moved to recommend to council to approve the request to declare a 2008 Ford Ranger as surplus and to sell the truck via Wolfe's Auto Auction.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

11. Motion: Tom Bodkin moved to recommend to council to issue the amended FOG permit for Deaconess Hospital.

Motion seconded: Bill Kavanaugh

Discussion: Mr. Key stated the existing 2,750 gallon grease interceptor is insufficient and a 6,000 gallon interceptor is required.

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

12. Motion: Bill Kavanaugh moved to approve the request to provide public notice of the renewed Spec Ops Ammo Industrial Wastewater Pretreatment Permit (IWPP).

Motion seconded: Christy Powell

Discussion: The public notice will be printed once in The Standard and be publicly available in the Utility Office and Clerk's office.

Motion passed unanimously.

FYI

13. Motion: Tom Bodkin moved to recommend to council to acknowledge that Morley and Associates, representing the Gateway Business Park new office building, is seeking a tap to the existing 8" line with the understanding that they will build a new 8" sewer line and tap into the new line.

Motion seconded: Bill Kavanaugh

Discussion: All sewer requirements will be followed.

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

14. Motion: Leon Key moved to recommend to council to approve an Amendment for Construction Engineering with CEI for the Westlake Sanitary Sewer Improvements Project.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

15. Motion: Bill Kavanaugh moved to recommend to council to approve the Phelps Drive Sanitary Sewer Improvement Project Redesign at a total cost not to exceed \$750,000.00 and amend the CEI contract.

Motion seconded: Christy Powell

Discussion: The Jack and Bore redesign is the best option and the line will be 100% on grade.

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

16. Motion: Leon Key moved to recommend to council to proceed with preliminary engineer for the Victoria Lift Station, Gravity Sewer and Force Main Improvements.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

17. Motion: Bill Kavanaugh moved to recommend to council to approve the Deaconess Lift Station and Force Main Project Change Order in the amount of \$21,870.00.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Covered under new business.

18. Motion: Bill Kavanaugh moved to recommend to council to approve the Halston Force Main Relocation Project Change Order #1 in the amount of \$6,149.00.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Covered under new business

19. Motion: Leon Key moved to recommend to council to approve a Lincolnwood Force Main Project contract amendment for permit fees due to wetlands delineation.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

The following motion was returned to Town Council:

20. Motion: Bill Kavanaugh moved to recommend to Council to use Indiana American Water's adjustment of 9,300 gallons in place of the April high consumption amount of 153,200 gallons to make an adjustment on the bill amount for the property located at 670 E Jennings owned by Jacqueline Schen.

Motion seconded: Leanna Hughes

Discussion: Mr. Key stated a bill adjustment has not been granted in the past to customers in this situation. A bill adjustment is not approved when the water enters the sewage system.

Motion tied. Aye-3, Nay-3 (Tom Bodkin, Susan Helms and Leon Key) and will be presented to Council with no recommendation.

Seconded by Mr. Kavanaugh.

Discussion: Much discussion revolving around setting a precedent for the town and being open for all types of sewer rate appeals.

Since the water was processed by WWTF it is believed that the sewer rate should prevail. It was suggested that that summer averaging should be used with a chemical charge included based on actual consumption.

Vote: Ayes 2; Nays 2

With this being a tie, the clerk-treasurer was called upon to cast the deciding vote. After a brief deliberation, an 'Aye' vote was cast. The final vote was

Ayes 3; Nays 2.

21. Motion: Bill Kavanaugh moved to recommend to Council to allow St. Vincent Hospital to purchase a sewer tap after the sanitary sewer line is constructed, tested and the certificate of substantial completion is executed. Because the sewer line must be in the ground 30 days prior to testing, the mandrel test for the gravity sewer line will need to be retested when the line has been in the ground for a minimum of 30 days.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

22. Motion: Leanna Hughes moved to recommend to Council that until the Englebrecht Development LLC, with Allan Holweger as Managing Member,

outstanding balance of \$7,448.90 is paid and a 10% letter of credit is posted, taps will not be issued.

Motion seconded: Leon Key

Discussion: None

Motion passed. Aye-4, Nay-1 (Bill Kavanaugh).

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 3; Nays 1

23. Motion: Leon Key moved to adjourn the meeting.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

No action required by council.

STANDING COMMITTEES

- Finance ~ Mrs. McGuire, Mrs. Krieger
No report.
- Personnel ~ Mrs. Hughes, Mrs. Aurand
-It was brought to council that an employee of the WWTF, who is currently on unpaid suspension, should be considered for termination for falsifying reports and neglecting his responsibilities. The personnel committee had made a decision but the individual in question was at council and wished to address the charges.
He was allowed to speak and he charged that he was only doing what he was taught by his co-workers. He stated that other employees do the same thing and he does not believe it right that he be singled out.
A motion was made by Mr. Kavanaugh to send the issue back to the personnel committee for further investigation and provide a recommendation at the next council meeting.
Seconded by Mrs. Hughes.
Discussion: Many points were made in discussion with the gist of discussion focusing on the fact that he should have known what he was doing was not correct.
Vote: Ayes 3; Nays 1

SPECIAL BOARDS/COMMITTEE REPORTS

- Sidewalk ~ Mrs. Hughes, Mrs. Aurand
No report.
- Arts Commission ~ Mrs. Hughes, Mrs. Krieger
-Short meeting was held and discussion regarding the Freedman Park Amphitheatre.
- Rivertown Trail ~ Mrs. Hughes, Mrs. McGuire
-Good meeting and hiring a very part-time trail ranger. Christy is drawing up a list of responsibilities for that position.

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

AD HOC COMMITTEES

- Sign Committee ~ Mrs. Hughes, Mrs. Aurand
No report
- Open Burning ~ Mr. Kavanaugh, Mrs. McGuire
No report.
- Reflection Park ~ Mrs. Hughes, Mrs. Krieger
-There is still a dispute with a neighbor, negotiations are in process.
- Residential Improvement Recognition ~ Mrs. Aurand, Mrs. Krieger
-A suggestion was made that this would be referred to as the 'Spirit of Newburgh' and all homes that are being submitted for inclusion will be listed by address in an upcoming town newsletter. Home owners will also receive a letter and certificate recognizing their community pride.
- Parking Committee ~ Mr. Kavanaugh, Mrs. McGuire
No report.
- Growth and Progress Committee ~ Mrs. Krieger, Mrs. McGuire
-Dean with Umbaugh has reviewed and corrected the Newburgh map.
- Trash ~ Mrs. Hughes, Mrs. McGuire
-Great participation in heavy trash pickup this year. Last year 1.75 tons of trash was collected. This year 6.74 tons was collected.

MISCELLANEOUS BUSINESS

-Thanks was given to the Parks Board and staff for setting things in motion to have a great start for pool season.

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	\$423,380.64
Sewer	\$836,211.65
SRF	\$141,882.50

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. Hughes to adjourn at 8:01 p.m.

Second by Mrs. Krieger.


Discussion: None

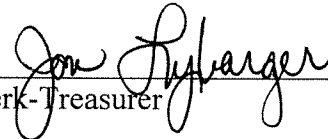
Vote: Ayes 4; Nays 0

06/14/2017	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern

APPROVED this 28th day of June, 2017.

Newburgh Town Council


President

Attest: 
Clerk-Treasurer