



Town of Newburgh  
**Town Council Meeting**  
Wednesday, June 28, 2017

MINUTES

REGULAR SESSION

**CALL TO ORDER** At 5:32 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**

**Nick Doerter** – Grandson of Jack Chaddock former town council member born in Evansville, Ind., on September 22, 1981, the son of William J. and Pamela (Chaddock) Doerter. He graduated in 2000 from Bosse High School, continued on to USI where in 2006, he earned his Bachelor's Degree in Public Relations and Advertising. Nick attended Eastminster Presbyterian Church. One of Nick's proudest accomplishments was that he hiked the Appalachian Trail from the start at Springer Mountain, Ga., to the finish at Mt. Katahdin, Maine. Nick was a very selfless individual and would do anything to help others. He loved to smile, had a great sense of humor and a wonderful personality. He loved Life, Family and Friends. Nick was a beautiful spirit.

**Luis Dias** - Luis and his family sought refuge in France during the Spanish Civil War, in which his father fought. His father was captured and held in a German-run concentration camp in France. He was forced to work until his health gave out, and he died as a result. In 1942, after Germany had occupied most of France in World War II, the American Friends, a Quaker organization, arranged passage to the United States for 40 Spanish children then living in France. Luis and two of his brothers were among those children. After arriving in New York at Ellis Island, they were sent to Wisconsin, and Luis attended school there. He graduated near the top of his class from Hartland High School in 1950.

Luis served in the United States Air Force in Weisbaden, Germany, during the Korean War. Throughout his time in the military, he corresponded with Sally Kincaid, a girl he met via a basic training buddy, and after he finished his military service, he moved to Evansville, Ind., where she lived. Luis attended Evansville College (now the University of Evansville), and he and Sally were married from 1956 until her death in 2015.

An avid fan of University of Evansville basketball, Castle football, and the Green Bay Packers, Luis retired in 1992, after 28 years as a scheduler-planner for ALCOA. A Past President of the Newburgh Kiwanis, he volunteered for 30 years in Boy Scouts and was awarded the Buffalo and Silver Beaver adult awards for his service. He was also an active

member of Newburgh United Methodist Church for 50 years and was a life member of VFW Post #1114 in Evansville.

**Don Hungate** - He was born November 28, 1932, in Reed, Kentucky the son of the late Robert Hungate and Golda (Skaggs) Wilson and was a 1950 graduate of Central High School. He proudly served his country in the United States Navy during the Korean Conflict. Donald retired from Alcoa in 1993 and attended First Church of the Nazarene in Boonville. Donald was a master mechanic with a penchant for fixing the unfixable and he took great pride in his house and yard. Donald loved to spend many relaxing hours with his love, Patty, on their porch, simply watching the rain and enjoying each other's company. He also spent endless hours in his barn, tinkering with machinery, creating amazing toys and tools.

## 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  
Chris Wischer

## MINUTES

The minutes for the June 14, 2017 meeting were submitted for approval as they were distributed earlier. Minor corrections to the minutes were received prior to the meeting and were applied to the minutes.

A motion was made by Mr. Kavanaugh to approve the minutes from June 14 as corrected.

Seconded by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

## COMMENTS BY CITIZENS PRESENT

None

## SCHEDULED REQUESTS AND APPEARANCE

None

## NEW BUSINESS

### ORDINANCES/RESOLUTIONS/PROCLAMATIONS

- Proclamation 2017-03 Newburgh Fireworks  
Originally, this proclamation was requested, but it was determined that it is not required. The statement preceding the town fireworks is an item that is provided by Historic Newburgh, Inc (HNI) and not the Town Council.

## SEWER PROJECTS

- Westlake Sanitary Sewer Relocation Project
  - Construction Contract

A contract with Koberstein Construction has been review by counsel and the town engineer and comes recommended by both.  
A motion was made by Mrs. Hughes to accept the contract with Koberstein Construction.  
Seconded by Mr. Kavanaugh  
Discussion: None  
Vote: Ayes 4; Nays 0
  - Notice to Proceed

A notice to proceed was requested by engineering to be dated June 28, 2017. The project should take about 60 days to complete.  
A motion was made by Mrs. Hughes to issue the notice to proceed to Koberstein Construction effective the date stated by engineering.  
Seconded by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0
- Victoria-Lincoln Wood Exposed FM

Land acquisition is complete and this project is ready to begin

  - IDEM Section 401 Water Quality Certification

A motion was made by Mrs. Hughes to approve the IDEM permit for the Victoria-Lincoln Wood Exposed FM project.  
Seconded by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0
  - ACOE Section 404 Permit

A motion was made by Mrs. Hughes to accept the application and move forward with the Victoria-Lincoln Wood Exposed FM  
Seconded by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0
- Triple Crown Lift Station Elimination Project –

Land acquisition is complete and the final design has also been completed.

  - ACOE Section 404 Permit.

A motion was made by Mrs. Hughes to approve the ACOE permit based on engineering's recommendation.  
Seconded by Mr. Kavanaugh.  
Discussion: None

Vote: Ayes 4; Nays 0

- Berkshire Subdivision – Partial Acceptance of SS.  
A recommendation was made to accept a portion of the sanitary sewer for maintenance. The value of this section of sewer is \$405,086.55. This comes with engineering's recommendation.  
A motion was made by Mrs. Hughes to accept the identified sections of the sanitary sewer in the Berkshire Subdivision for maintenance. The value of the section being accepted is \$405,086.35.  
Seconded by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0
- Pecka Ditch Exposed Sewer Study – Contract with CEI.  
A motion was made by Mrs. Hughes to approve the contract with CEI for the Pecka Ditch SS Study.  
Seconded by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0
- Phelps Drive Sanitary Sewer Repairs – Amendment with CEI.  
Perform repairs to the sewer through lateral drilling and insertion of a new sewer line. This will correct a recurring problem in that area.  
A motion was made by Mrs. Hughes to approve moving forward with the study and repairs of the Phelps Drive SS.  
Seconded by Mr. Kavanaugh.  
Discussion: The dollar amount of this project would be \$62,700.00. Only a small section of roadway will be disrupted and repaired as part of this project. The lateral drilling will result in a double walled sewer line which will make it easier to repair should repairs be required in the future. A hole will be dug in order to place the lateral drilling equipment in proper position. There was other discussion regarding how the repair/upgrade will be accomplished. Some residents in the Phelps Drive area were present and presented their concerns and gratitude for addressing this issue.  
Vote: Ayes 4; Nays 0
- Victoria-Lincolnwood Exposed FM – Amendment with CEI  
A motion was made by Mrs. Hughes to approve the construction plans and contract. Legal has prepared the construction permit and the contract. The first tenant is ready to occupy premises.  
Seconded by Mr. Kavanaugh.  
Discussion: None  
Vote: Ayes 4; Nays 0

## **UNFINISHED BUSINESS**

### **PERSONNEL**

Feedback and decision of suspension and possible termination of a WWTF employee.

(Reviewed at the 6/14/17 meeting and postponed until 6/28/17 meeting so that further investigation into the issue could be conducted by the personnel committee.)

A motion was made by Mrs. Hughes to terminate Mr. Jewell based on findings of the continued investigation.

Seconded by Mrs. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

#### UTILITY MOTION

From the June 14<sup>th</sup> meeting, Utility Motion #7 was tabled until the June 28<sup>th</sup> meeting.

(Motion: Tom Bodkin moved to recommend to council to approve the \$500.00 certification bonus for Joshua Jewell for obtaining an IWES CS Class 1 certification.

Motion Seconded: Bill Kavanaugh

Discussion: None

Motion Passed Unanimously)

Remain on table until after the Utility meeting in July.

### **STAFF REPORTS**

#### ZONING ADMINISTRATOR

Since the last meeting, there have been 4 projects, with a total value of \$69,462.65. For these projects, 5 permits were issued, with total fees collected of \$275.00.

No COA's were issued.

#### CLERK-TREASURER

-A request was made that a petty cash fund be established for the Building and Zoning Department. The amount of liens that are being filed is increasing as well as the cost of filing those liens. This is causing a problem with the petty cash fund in the Clerk's Office.

A motion was made by Mr. Kavanaugh to have counsel craft an ordinance to create a petty cash fund for the Building and Zoning Department.

Seconded by Mrs. Hughes

Discussion: Counsel requested that the delivery of the ordinance be postponed until the first meeting in August. There was a question about whether the \$300.00 would be enough to cover the liens being filed. It was explained that this only replaces the monies needed to file the liens, not the lien itself.

Vote: Ayes 4; Nays 0

-There are annual bond statements which need to be signed by the Town Council president and the President of the Newburgh Redevelopment Authority. These forms are then returned to Umbaugh for filing.

#### TOWN ATTORNEY

-Changes in the status of the law firm. Bamberger, Foreman, Oswald and Hahn, LLC will be merging with Stoll Keenon Ogden PLLC. The merged entity will operate under the name of Stoll Keenon Ogden PLLC. Day to day operations should not change. The

office will still be located in Evansville, although, they will be moving from the Hulman building to the Old National Bank building.

#### TOWN ENGINEER

-This is a time sensitive project on Oak Grove Rd widening project sewer relocation. Some modifications to the plans are required and there needs to be approval of the revised work plan.

A motion was made by Mrs. Hughes to approve the revised Oak Grove Road work plan. Seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0.

#### TOWN MANAGER

-Right-of-way for Rivertown Trail. Two parcels need to be approved with Mulzer's. Mulzer's is very supportive of the trail system and they are very concerned with the safety of the travelers on the trail. These two parcels need to be approved by the end of Aug.

-Community Crossings Grant money that was not used on projects is being returned to INDOT. The town will re-apply for grants for the projects that did not get completed this year. The 2018 grants will require only a 25% match from the town instead of a 50% match.

-Newburgh Fireworks will be Saturday July 1<sup>st</sup> beginning at 6 p.m.

### **COMMISSION/COMMITTEE REPORTS**

#### COMMISSION

- Air Authority ~ Mrs. Krieger  
No report.
  
- Board of Zoning Appeals ~ Mrs. McGuire  
-BZA met June 26<sup>th</sup> regarding a petition for variance for new construction of a garage at 125 W. Jennings Street. 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. This request was approved by BZA.
  
- Fire ~ Mrs. Aurand  
A total of 41 runs were made in May. Seven (7) of those runs were in town, 32 were in the township, 1 public relations run and 1 mutual aid run. The total number of hours expended by the volunteers for May was 514. With 215 response hours, 170 station hours and 129 man hours.
  
- Historic Preservation ~ Mrs. Krieger  
No new information since last meeting. HPC is scheduled to meet next on July 13<sup>th</sup>. There was more discussion regarding the BZA approval of the variance granted by

BZA. There are legal issues that need to be addressed and cleared with the property owners.

- Park ~ Mrs. Krieger
  - No meeting.
  - But, it was noted that the pool looks great this year and there has been good attendance. The family nights at the pool have been a big success.
  
- Plan ~ Mrs. McGuire
  - Plan Commission did not meet in June due to lack of business. The next meeting is scheduled for July 3<sup>rd</sup>.
  
- Police ~ Mrs. McGuire
  - No report.
  
- Site Review Committee ~ Mrs. McGuire
  - No report.
  
- Storm Water ~ Mr. Kavanaugh
  - Storm Water did not meet in June due to lack of quorum. Next meeting is scheduled for July 17<sup>th</sup> at 6 p.m. The EDU cap will be discussed at the July meeting and then brought to Council for final determination. At this time, we will continue to bill using the 8 EDU cap until a final decision is made.
  
- Street ~ Mrs. Aurand
  - Cleaning various ditches around town.
  - Performing repairs to Street Department vehicles
  - Repair of potholes.
  - Replaced stop sign at Plum and Main.
  - Working on various drainage projects around town.
  
- Utility ~ Mrs. Hughes, Mr. Kavanaugh
  - No report

#### STANDING COMMITTEES

- Finance ~ Mrs. McGuire, Mrs. Krieger
  - Preliminary budget meeting.
  - Next budget meeting will be July 11<sup>th</sup> at 4:15 p.m.
  
- Personnel ~ Mrs. Hughes, Mrs. Aurand
  - None

#### SPECIAL BOARDS/COMMITTEE REPORTS

- Sidewalk ~ Mrs. Hughes, Mrs. Aurand
  - No report.

- Arts Commission ~ Mrs. Hughes, Mrs. Krieger  
-Next meeting will be July 10<sup>th</sup> at 5:15 p.m.
- Rivertown Trail ~ Mrs. Hughes, Mrs. McGuire  
-Next meeting will be July 3<sup>rd</sup> at 4 p.m.
- 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 still in process.
- Residential Improvement Recognition ~ Mrs. Aurand, Mrs. Krieger  
-Awaiting plaques and certificates.
- 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.

#### **MISCELLANEOUS BUSINESS**

-HNI hosted the Main Street meeting which was held at Preservation Hall, Anne Aurand and Tavi Wydicks attended. People from all over the state came to the meeting. With there being a rainy day, it was noted that there is a leak in Preservation Hall by the elevator.  
-The No Overnight Parking sign has been received and the council's assistance is needed in selecting a location to place the sign.  
-Should the west town entry sign be stored or just relocated? There is a location where it could be placed and not disturbed. Discussion needs to be conducted with the developers of Driftwood Park who have offered to relocate the sign.

#### **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     \$341,730.83



Sewer \$394,241.57  
SRF \$305,729.40

Motion by Mr. Kavanaugh to approve all claims properly signed to be paid.  
Second by Mrs. Krieger.  
Discussion: None  
Vote: Ayes 4; Nays 0

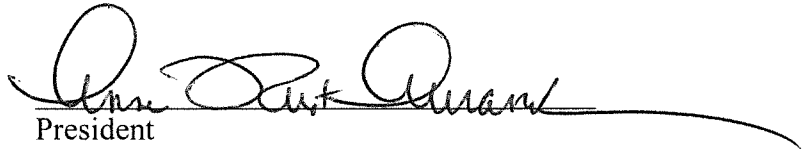
**ADJOURNMENT**

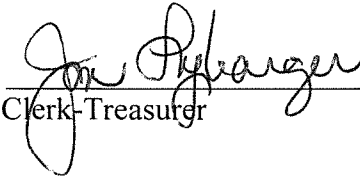
Motion by Mrs. Krieger to adjourn at 6:41 p.m.  
Second by Mrs. Hughes.  
Discussion: None  
Vote: Ayes 4; Nays 0

06/28/2017	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern

APPROVED this 12 day of July, 2017.

Newburgh Town Council

  
President

Attest:   
Clerk-Treasurer