



Town of Newburgh
Town Council Meeting
Wednesday, July 12, 2017

MINUTES

REGULAR SESSION

CALL TO ORDER 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.
A moment of silence was shared following the pledge.

REMEMBRANCES

Andy Guagenti – Andrew was born on December 11, 1927, in Chicago, IL to parents, Andrew and Maria (Portanova) Guagenti. After his military service at Camp Breckinridge, he moved to Evansville, IN and married Charmenz, his wife of 65 years. They owned several area restaurants, including Farmer's Daughter, Sir Beef, Andy's Steak N Barrel and Burger Farm, and co-owned G.D. Ritzys. Andy was deeply involved in the community. Andy and Charmenz founded Jacob's Village, a residential neighborhood for people with disabilities and low-income seniors. In 2013, Andy was the recipient of Leadership Evansville's Visionary Award for community service.

Steve Hempfling – Steve graduated from Castle High School in 1962, and played on the school's first football team. Steve served in the United States Air Force as a cryptographer during the Vietnam era. He was a lifetime member of the American Legion Kapperman Post #44 in Newburgh and retired from American General after more than a 40-year career.

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 – Chris Wischer - present

MINUTES

The minutes for the June 28, 2017 meeting were submitted for approval as they were distributed earlier. A minor correction was made to the minutes. It was noted by counsel

that the attorney that was noted on the minutes was not he, but Raymond Dudlo. The correction was made to the minutes.

A motion was made by Mr. Kavanaugh to approve the minutes from June 28 as corrected.

Seconded by Mrs. Krieger.

Discussion: Vote: Ayes 4; Nays 0

COMMENTS BY CITIZENS PRESENT

Ben Nejad – 17 W Jennings Newburgh. There were a number of issues brought to the attention of council by Mr. Nejad. First, is the old Vecchios building across from his restaurant is in disrepair and an eye-sore to the community. He was wanting to know if there was anything that could be done to force improvements to the structure. Second, the trash pickup situation down town is also a problem. At times, trash containers sit out over the weekend and are very displeasing to persons who have come to Newburgh to shop or dine. Finally, there was an issue with the July 1st fireworks. It appears there were some vendors who came to sell items and they did not have a permits. This takes business away from community merchants and should not be allowed. It was decided that more discussion was required about this issue with HNI who could provide a list of vendors who are approved for the event. This list should be given to the police who would then ask non-approved vendors to leave.

Sandy Schen – Edgewater Grill – His thought was that there should be a sign at the entrance to the town stating that a permit is required to sell items within the town limits.

Jackie Schen – Edgewater Grill – Suggested that there be signs placed around town indicating where public restrooms are located. It puts a burden on the merchants to provide facilities for the general public.

SCHEDULED REQUESTS AND APPEARANCE

None

NEW BUSINESS

ORDINANCES/RESOLUTIONS/PROCLAMATIONS

- Ordinance 2017-08 Flood Plain Area – was presented for approval. This would supersede Ordinance 2017-01 which was passed earlier in the year.
A motion was made by Mr. Kavanaugh to proceed with the first reading of Ordinance 2017-08.
Seconded by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

Counsel performed the first reading of Ordinance 2017-08.

A motion was made by Mr. Kavanaugh to accept the first reading of Ordinance 2017-08.

Seconded by Mrs. Hughes

Discussion: None

Vote: Ayes 4; Nays 0

There being a unanimous vote on the first reading, a motion was made by Mr. Kavanaugh to proceed with the second reading of Ordinance 2018-08.

Seconded by Mrs. Hughes

Discussion: None

Vote: Ayes 4; Nays 0

Counsel performed the second reading of Ordinance 2017-08.

A motion was made by Mr. Kavanaugh to approve the second reading of Ordinance 2017-08 and adopt the ordinance.

Seconded by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

SEWER PROJECTS

- Kingston LS Elimination
 - Pay App #04 to Infrastructure Systems, Inc.
Request from Infrastructure Systems for payment of \$33,022.30 as final payment and release of retainage in the amount of \$22,683.17 for a total distribution amount of \$55,705.47.
A motion was made by Mrs. Hughes to approve the payment to Infrastructure Systems as recommended by the town engineer.
Seconded by Mr. Kavanaugh
Discussion: None
Vote: Ayes 4; Nays 0
 - Change Order #02 to Infrastructure Systems, Inc.
This is a balance change order where the quantities of the project tally at the end of the project. This results in a reduction of the cost of the project by \$3,793.00 bringing the total project cost to \$657,691.00.
A motion was made by Mrs. Hughes to approve change order #2 as recommended by engineering.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
- Deaconess LS and FM Rehab Pay App #05 to PPMI
PPMI has submitted pay application #05 in the total amount of \$101,645.85, less the retained amount of \$5,082.29 leaving a net amount due of \$96,563.56. Engineering recommends the payment of this pay application.
A motion was made by Mrs. Hughes to pay this pay application that comes with engineering's approval
Seconded by Mr. Kavanaugh
Discussion: None

Vote: Ayes 4; Nays 0

- Fadheel Estates Sanitary Sewers
This is located on Grimm Road north of Willow Pond Road.
 - Plan Approval and IDEM Permit
A motion was made by Mrs. Hughes to approve the SS plan and the IDEM Permit as recommended by the town engineer.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
 - SS Contact
A motion was made by Mrs. Hughes to approve the Sanitary Sewer contract with Fadheel Estates.
Seconded by Mr. Kavanaugh
Discussion: None
Vote: Ayes 4; Nays 0
- WWTF Controls Upgrade – Contract with CEI
This is for a controls upgrade at the WWTF.
A motion was made by Mrs. Hughes to approve the contract with CEI .
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
- Orchard View SS Rehab, MH13-166 to 13-167 – Contract with CEI
A motion was made by Mrs. Hughes to approve the contract with CEI for the Orchard View SS Rehab Project.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
- Lincoln Ave Widening Phase III SS Rel – Pay Appl. #3 to BBI
BBI has submitted pay application #03 in the total amount of \$137,320.76, less the retained amount of \$6,866.04 leaving a net amount due of \$130,454.72. Engineering recommends the payment of this pay application.
A motion was made by Mrs. Hughes to approve the payment application for BBI in the amount of \$130,454.72.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
- Halston FM Relocation – Pay Appl. #5 to BBI

BBI has submitted pay application #05 in the total amount of \$12,800.00, less the retained amount of \$640.00 leaving a net amount due of \$12,160.00. Engineering recommends the payment of this pay application.

A motion was made by Mrs. Hughes to approve the payment application #5 to BBI for the net amount of \$12,160.00.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

UNFINISHED BUSINESS

UTILITY MOTION

From the June 14th meeting, Utility Motion #7 was tabled until the June 28th 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)

A motion was made by Mrs. Hughes to remove the issue from the table.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

A motion was made by Mrs. Hughes to pay Joshua Jewell the bonus based on the certification received.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

STAFF REPORTS

ZONING ADMINISTRATOR

Since the last meeting, there have been 4 projects, with a total value of \$307,332.00. Value of improvements is high because of a \$300,000.00 remodel in Jefferson Park. For these projects, 4 permits were issued, with total fees collected of \$325.00.

No COA's were issued

CLERK-TREASURER

No report.

TOWN ATTORNEY

No report.

TOWN ENGINEER

No report.

TOWN MANAGER

-Newburgh Pool – It looks the best it has looked in years. Attendance is up this year due to the better aesthetics and the lack of inclement weather. So far, the pool has been closed for only one day.

-There have been two requests for signs identifying hidden drives, one was submitted via email and the other verbally. The verbal request will be on hold until it is followed by a written request.

-Newburgh Fireworks on Saturday July 1st were a huge success. Lots of people were in attendance, and no major incidents reported.

COMMISSION/COMMITTEE REPORTS

COMMISSION

- Air Authority ~ Mrs. Krieger
No report.

- Board of Zoning Appeals ~ Mrs. McGuire
-BZA met June 26th 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. This meeting was attended by Mrs. Aurand.

- 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 13th.

- Park ~ Mrs. Krieger
-No meeting.

- Plan ~ Mrs. McGuire
No report.

- Police ~ Mrs. McGuire
-Jon Scully reported that there were three incidents related to the July 1st fireworks. Two were property damage incidents and one was an arrest. Egress from the fireworks was handled without incident and the crowd was dissipated quickly.

- Site Review Committee ~ Mrs. McGuire
No report.

- Storm Water ~ Mr. Kavanaugh

-Storm Water did not meet in June due to lack of quorum. 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
 - Trees are being trimmed.
 - Other trimming is being conducted.
 - 75 loads of dirt have been removed from the Lock and Dam lower parking area.
- Utility ~ Mrs. Hughes, Mr. Kavanaugh
 - All utility motions were presented by Mrs. Hughes, seconds and voting by council are indicated.

Utility Motions for July 5, 2017

1. Motion: Tom Bodkin moved to approve the consent agenda.
Motion seconded: Christy Powell
Discussion: Mrs. Helms stated taps were purchased for six (6) homes and four (4) office buildings including taps in Venetian Way and Gateway Business Park.
Motion passed unanimously.

No action Required by council.

2. Motion: Tom Bodkin moved to recommend to council to replace the air conditioning unit at the Master Lift Station and purchase from Bradley's Heating, Air Conditioning and Refrigeration at a cost of \$5,000.00 plus freight.
Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

Seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

3. Motion: Tom Bodkin moved to recommend to council to approve the request to revise the 2017 F150 pickup truck quote of \$21,182.00 made at the June Utility Committee to a quote for a 2018 F150 pickup truck at a cost of \$21,660.64 as the 2017 truck is no longer available. Motion seconded: Leon Key
Discussion: None
Motion passed unanimously.

Seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

4. Motion: Tom Bodkin moved to recommend to council to approve the request for engineering assistance to develop a corrective action plan concerning a sanitary sewer tuberculating problem between MH 09-58 & 09-57 that runs under the Newburgh Elementary School.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

5. Motion: Tom Bodkin moved to recommend to council to accept the 8 foot sanitary sewer easement located south of the 10 foot public utility easement in Spring Creek Subdivision Section One as reflected on the recorded plat.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

6. Motion: Christy Powell moved to recommend to council to acknowledge that John Mattingly, Driftwood Subdivision developer, is seeking a tap to the existing 12" sanitary sewer line on Phelps Drive for one building with two (2) units with the understanding that they will build a new 8" sewer line and tap into the new line and post a 100% Letter of Credit for Driftwood Subdivision.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

7. Motion: Christy Powell moved to recommend to council to approve the request by First Federal Savings Bank for easement and right-of-way vacations in Lexington Estates as detailed in the June 23, 2017 written correspondence from Andy Easley Engineering, Inc.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

Seconded by Mr. Kavanaugh

Discussion: None
Vote: Ayes 4; Nays 0

8. Motion: Tom Bodkin moved to recommend to council to approve Change Order #2 for the Kingston Lift Station, a deduction of \$3,793.00 bringing the contract price to \$657,691.00.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

No action required by council

9. Motion: Tom Bodkin moved to adjourn the meeting.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

No action required by council

STANDING COMMITTEES

- Finance ~ Mrs. McGuire, Mrs. Krieger
 - The finance committee met with the police chief and discussed the budget for 2018. Their requests have been received, but no approval or acceptance has been given. The budget is still in process and will be for several more weeks.
 - The committee will meet with each department head to discuss the needs of the various departments.
- Personnel ~ Mrs. Hughes, Mrs. Aurand
 - The personnel committee discussed the possibility of background checks on potential employees. Counsel was consulted regarding the legality of performing these checks. The response was that most companies perform background checks, and we are within our legal rights to do such.
 - A motion was made by Mr. Kavanaugh requesting that the personnel policy handbook be amended to mention that background checks will be conducted.
 - Seconded by Mrs. Hughes.
 - Discussion: None
 - Vote: Ayes 4; Nays 0

SPECIAL BOARDS/COMMITTEE REPORTS

- Sidewalk ~ Mrs. Hughes, Mrs. Aurand
 - No report.
- Arts Commission ~ Mrs. Hughes, Mrs. Krieger
 - Looking into doing fundraising for arts projects around town.
- Rivertown Trail ~ Mrs. Hughes, Mrs. McGuire

No report.

- 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 letters 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

-Newburgh, Indiana was featured in the latest issue of Destinations Magazine:

-There are still issues with people leaving their empty trash containers at the curb. There will continue to be checks made and warnings given.

-A Newburgh, England commemorative book and postal stamps have been given to the Town of Newburgh, Indiana. This book was sent to the Town Council of Newburgh, Indiana by the Parish Council of Newburgh, England in 1999, but had remained in private hands.

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 \$196,830.36
Sewer \$658,118.88
SRF1 \$49,535.03
SRF2 \$2,226.97

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

Discussion: None
Vote: Ayes 4; Nays 0

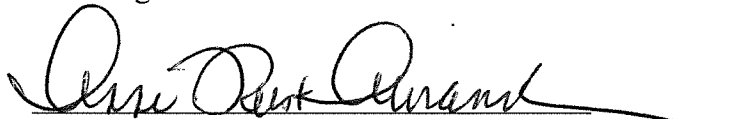
ADJOURNMENT

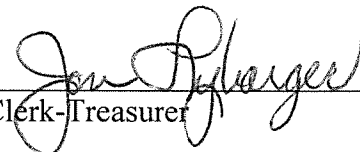
Motion by Mrs. Krieger to adjourn at 7:18 p.m.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0

7/12/2017	Town of Newburgh	
Sign in Sheet		
Name	Address	Area of Concern
Ben Nejad	17 W Jennings St	Jennings St

APPROVED this 26 day of July, 2017.

Newburgh Town Council


President

Attest: 
Clerk-Treasurer