



Town of Newburgh
Town Council Meeting
Wednesday, August 9, 2017

MINUTES

REGULAR SESSION

CALL TO ORDER At 5:31 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

Mary Ann Garrett Kinney – She was a member of Zion United Church of Christ and the Women's Auxiliary American Legion Kapperman Post #44.

James R Martin – Jim began his career in education at the young age of 27 as a principal with the Warrick County School Corporation in Southern Indiana. He served as superintendent the last 14 years of his 33 years in education. In a school corporation of nearly 10,000 students, Jim took great pride in knowing all of the teachers and staff by name and countless students and their families personally. Jim was honored at his retirement in June of 2003 by Indiana Governor Frank O'Bannon with the distinguished "Sagamores of the Wabash" award for his outstanding service in education. Jim has left a legacy in Southern Indiana that will be remembered by many.

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 July 26, 2017 meeting were distributed prior to the meeting.
A motion was made by Mrs. Krieger to approve the minutes as distributed.
Seconded by Mrs. Hughes.
Discussion: Vote: Ayes 3; Nays 0; Abstention 1

COMMENTS BY CITIZENS PRESENT

Hap Hanson – 600 E Jennings St – Concerned about the trimming of the tree canopy ordered by Vectren on the West entrance to the town. There was much concern and discussion regarding the quality of the trimming. It is understood that the tree limbs need to be removed from the proximity of the power lines, but the way in which the trimming was completed was appalling. There is concern that the trimming may have been completed in such a way that the lives of some of the trees may be in jeopardy. Perhaps there should be another company consulted at the town's expense to assess the trimming of the trees and provide input regarding the viability of the trees. It was also mentioned that a letter should be written from our attorney to Vectren regarding the town's dissatisfaction with the trimming.

A motion was made by Mrs. Hughes to have the town attorney write a letter to Vectren and a copy be sent to the tree company regarding the tree trimming and that the town should also contact a third party to assess the trees and provide a report to the town.

Seconded by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

Ron Herrell – 500 E Jennings – was present to address the council about placing stop signs on E Jennings at various intersecting streets. Currently, most of the intersections stated (See attached letter) are three way stops. Vehicles do not stop when northbound on the mentioned streets and this causes a safety hazard. One of the main concerns is speeding.

A motion was made by Mr. Kavanaugh to have Police Chief Eric Mitchell and town engineer David Hynes review the intersections and provide a report at the next meeting stating the feasibility and practicality of making the intersections 4 way stops.

Seconded by Mrs. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

SCHEDULED REQUESTS AND APPEARANCE

Friends of Newburgh – Fiddler Fest – Shari Sherman requested the use of the Old Lock and Dam by the Friends of Newburgh for the annual Fiddler Fest. The Fiddler Fest will be August 25-26, beginning at 5 p.m. on the 25th and opening at 12 p.m. on the 26th.

They are also requesting assistance from the town street department on 24th for event set-up and 28th for event tear down.

The Town of Newburgh and various departments within the town are most always recipients of proceeds from this event.

There was a motion by Mr. Kavanaugh to allow the use of the facility by the Friends of Newburgh without charge and have the street department render whatever assistance is needed.

Seconded by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

NEW BUSINESS

ORDINANCES/RESOLUTIONS/PROCLAMATIONS

- Ordinance 2017-10 Revised EDU Caps
The Storm Water Board reviewed EDU Caps and decided that changes were due and in order. Ordinance 2017-10 was drafted to address these changes.
A motion was made by Mr. Kavanaugh to hear the first reading of Ordinance 2017-10 Revised EDU Caps.
Seconded by Mrs. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0

The Ordinance 2017-10 was read by counsel.

A motion was made by Mr. Kavanaugh to accept the first reading of Ordinance 2017-10.
Seconded by Mrs. Hughes.
Discussion: None
Vote: Ayes 4; Nays 0

With the first reading receiving a unanimous vote;
A motion was made by Mr. Kavanaugh to hear the second reading of Ordinance 2017-10.
Seconded by Mrs. Hughes
Vote: Ayes 4; Nays 0

Again, Ordinance 2017-10 was read by counsel.

A motion was made by Mr. Kavanaugh to accept and adopt the second reading of Ordinance 2017-10.
Seconded by Mrs. Hughes.
Vote: Ayes 4; Nays 0

The Ordinances was passed and accepted.

- Resolution 2017-03 Title VI Implementation Plan
A motion was made to have the reading of Resolution 2017-03 which addresses the Title VI Implementation Plan.
Seconded by Mrs. Krieger.
Discussion: None

Resolution 2017-03 was read by counsel.

A motion was made by Mr. Kavanaugh to accept the reading and adoption of Resolution 2017-03 Title VI Implementation Plan
Discussion: None
Vote: Ayes 4; Nays 0

The resolution was adopted.

SEWER PROJECTS

- Sprint Creek Subdivision SS Extension – Final Acceptance of Sanitary Sewers.
The sanitary sewers are ready for to accept for maintenance. They have been tested and reviewed for compliance. The value of the sewer being accepted is \$161,876.00. A motion was made by Mrs. Hughes to accept the sanitary sewer for maintenance. The motion is based on the recommendation of the town engineer.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
- Warrick Trail Apartment Homes SS Extension – Final Acceptance Sanitary Sewers
The section of sanitary sewer is being presented for acceptance for maintenance. It has been tested and inspected for compliance and found worthy by the town engineer. The value of this section of sanitary sewer is \$20,907.50.
A motion was made by Mrs. Hughes to accept the sanitary sewer for maintenance. The basis of the motion is on the recommendation of the town engineer.
Seconded by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 4; Nays 0
- Halston Force Main Relocation – Pay Application 06 to BBI
Payment application number 06 is being presented to council for payment. The gross payment amount requested is \$35,132.00. The retainage amount would be \$1,756.60 leaving a net payment amount of \$33,375.40.
A motion was made by Mrs. Hughes to pay the net amount of \$33,375.40 to BBI for payment application 06.
Seconded by Mr. Kavanaugh.
Vote: Ayes 4; Nays 0
- Newburgh Elementary SS Investigation – Contract with CEI
This is a contract with CEI to perform a study and investigation on how to repair a clog in the sanitary sewer line at the Newburgh Elementary School. It appears that the line runs under the school.
A motion was made by Mrs. Hughes to approve the study and investigation in regard to the sewer line.
Seconded by Mr. Kavanaugh.
Discussion: The question was raised regarding how this happened. The site where Newburgh Elementary School is located was once the site of Newburgh High School. The thought is that once the High School was razed, the elementary school was expanded and people forgot about the location of the sewer line. It was also mentioned that Monroe Street was never vacated between Gray and First Street
Vote: Ayes 4; Nays 0
- NW Corner of Ellerbusch Rd and SR 662 SS Study – Contract with CEI

This item will be covered under the Utility motions and is being deferred until that time.

- Village Lane SS Rehab, MH03-04A to 03-06 – Contract with CEI
This item will be covered under the Utility motions and is being deferred until that time.

UNFINISHED BUSINESS

None.

STAFF REPORTS

ZONING ADMINISTRATOR

Since the last meeting, there have been 4 projects, with a total value of \$48,700.00 for these projects; seven (7) permits were issued, with total fees collected of \$305.00.

No COA's have been issued since the last meeting.

CLERK-TREASURER

No report.

TOWN ATTORNEY

-PPMI – Has closed their doors. They have declared bankruptcy. The town has met with the default attorneys' for PPMI and progress is being made on continuing with the project at Deaconess Hospital. Any increase in cost that may be incurred will be covered by insurance.

-Oak Grove Rd – The County is using FHWA funds to widen Oak Grove Rd. Newburgh Sewer has easement rights in several conflicts regarding right-of-way and the town is working with the county to resolve. FHWA funds will not be used to reimburse Newburgh Sewer for sewer line relocation.

TOWN ENGINEER

-Deaconess PPMI project – Just to restate the information provided by counsel, the bond company contracted by PPMI will pay any differences if replacement contractor cost are higher than what was quoted by PPMI. Also, all legal fees will be covered by the bond company.

-Grants will be awarded again this year to communities through INDOT for infrastructure enhancements. A number of items applied for last year had not been started or completed and are going to be requested again in the 2018 Grant Request. The town's match with this year's grant process will be 25%. We could potentially get more enhancements completed for a lesser amount of investment. One of the primary projects to be addressed will be rebuilding Washington Street between Main and Jennings.

-Washington Street project – since the town has received bids on this project, the town engineer is requesting that the previous bids be rescinded and new specifications distributed for the bid process.

A motion was made by Mr. Kavanaugh that all previous bids be rescinded for the Washington Street project and new specifications will be made available and advertised.
Seconded by Mrs. Hughes.

Discussion: None

Vote: Ayes 4; Nays 0

TOWN MANAGER

-Town entry sign – The proposed location for the town entry sign would be on the south side of Hwy 662, directly across from Casey's. It is property owned by the town and should pose no problem to the Rivertown Trail or the Mattingly development which is under construction. The only concern is a GW vehicle sign at the entrance of the town which may have to be relocated.

-Town parking lot sign is in and has been placed at the town parking lot facing State Street. Shrubs have been trimmed so that the sign is more visible.

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 / Reported by Ms. Wydicks
I have been working on getting in contact with the owners of the properties that are showing signs of deterioration. David Hynes and I have met with two so far, and have three more inspections scheduled for Thursday, August 10, 2017. HPC will meet again on August 10th to discuss the next steps.

- Park ~ Mrs. Krieger
 - Wrap up report was reviewed for the year.
 - Only one issue was experienced at the pool.
 - Thank you awards were given to Alyssa and Gerald for all that they did for the pool.
 - Alyssa has been hired as a full time teacher this fall.

- Plan ~ Mrs. McGuire / Reported by Mrs. Aurand
 - Plan Commission did not meet in July due to lack of quorum. Plan Commission will meet Monday, August 7th to discuss the request for an Airstream trailer to be used as an Air B&B on the lot behind The Refinery. There may need to be a modification by ordinance to allow the multi uses of properties.
 - The Zoning Administrator and President of the Planning Commission may sign off on Secondary plats.

- Police ~ Mrs. McGuire / Reported by Eric Mitchell.
 - The next meeting will be held on August 14th.
 - Eric is working on a number of reports to indicate all areas and issues in which the police are involved.
 - Eric was asked to review the streets around town and identify any hidden drives which should be marked.
 - Chief Mitchell will also work with David Hynes by reviewing the need for stop signs on East Jennings St.

- Site Review Committee ~ Mrs. McGuire
No report.

- Storm Water ~ Mr. Kavanaugh
 - At the July meeting, Storm Water discussed the EDU cap and made a motion to recommend to Council to keep the cap at 8 EDU's and the at AMAX field. The board asked Mr. Hynes to contact Warrick County regarding the drainage ditch issues at and around AMAX field. The next Storm Water meeting will be August 21st.

- Street ~ Mrs. Aurand
 - Dumped Rip Rap at Water St and Madison.
 - Cleaning various ditches around town.
 - Weeds and limbs are being trimmed.
 - Other trimming is being conducted.

- Utility ~ Mrs. Hughes, Mr. Kavanaugh

All utility motions are made by Mrs. Hughes:

Utility Motions for August 2, 2017

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

Motion seconded: Leon Key

Discussion: There are several projects that have been on the Priority Projects List for some time. The most recent bond will allow those projects to be complete. The importance of the Triple Crown Elimination Lift Station Project caused the adjustment of many projects.

Motion passed unanimously.

No action required by council.

2. Motion: Leon Key moved to recommend to council to designate Commonwealth Engineering Inc (CEI) to review and propose recommendations to provide sanitary sewer to the Grimm property and northbound along Ellerbusch Road.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

3. Motion: Tom Bodkin moved to approve Utility Committee correspondence with BP requesting their cooperation as sewer services are made available along the east side of Ellerbusch Road.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

No action required by council.

4. Motion: Bill Kavanaugh moved to recommend to council to approve the request for CEI engineering services for a Priority 1 project; the project is required to resolve grade issues between Manhole (MH) 03-04A and 03-06 at 604 Village Lane.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

5. Motion: Bill Kavanaugh moved to recommend to council to approve the request to replace the Bar Screen Control Panel at the Wastewater Treatment Plant at a cost of \$12,284.00 plus freight from Toric Engineering.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

6. Motion: Tom Bodkin moved to recommend to council to approve the request to purchase two (2) Sequencing Batch Reactor (SBR) Decant Actuators for inventory at a total cost of \$8,606.00 plus freight from Action Automation. The existing actuators on SBR's 1 through 5 are fifteen years old, obsolete and can't be repaired.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

7. Motion: Tom Bodkin moved to recommend to council to approve the following FOG Discharge Permits: a. TownePlace Suites, Permit No. 071917; b. Modified permit for Cypress Grove Rehab, Permit No. 042313; and, c. Wings, Etc. LLC, Permit No. 072017.
Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

8. Motion: Tom Bodkin moved to recommend to council to approve the following sanitary sewer repairs:
a. Tap replacement at 5444 Rosalie Court by Blankenberger Brothers, Inc., cost \$5,500.00;
b. Tap replacement at 314 Shady Lane by Blankenberger Brothers, Inc., cost \$5,500.00;
c. Tap replacement at 5333 Ironwood Drive by Blankenberger Brothers, Inc., cost \$5,500.00;
d. Tap replacement at 8188 Sharon Road by: Blankenberger Brothers, Inc., cost \$9,400.00;
e. Tap Replacement at 4533 Crestwood Dr by Altstadt, cost \$3,850.00; and
f. Tap Replacement at 4599 Crestwood Drive by Altstadt, cost: \$3,850.00.
Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh

Discussion: A number of these are replacements for older taps.

Vote: Ayes 4; Nays 0

9. Motion: Christy Powell moved to recommend to council to approve replacing the laboratory's existing seven (7) year old Hach DR 2800 with a Hach DR 3900 offered at a 20% trade discount. The original cost of \$4,301.00 will be discounted to \$3,440.80 plus freight.
Motion seconded: Tom Bodkin
Discussion: None
Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

10. Motion: Bill Kavanaugh moved to recommend to council to allow CEI to enter the bidding phase for the Chemical Containment projects.
Motion seconded: Tom Bodkin
Discussion: None
Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh
Discussion: None
Vote: Ayes 4; Nays 0

11. Motion: Bill Kavanaugh moved to recommend to council to approve the request for a point repair on Owens Drive by Hydromax at a cost of \$4,295.00.
Motion seconded: Tom Bodkin
Discussion: None
Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh
Discussion: None
Vote: Ayes 4; Nays 0

12. Motion: Tom Bodkin moved to recommend to council to approve the request for a point repair at Adams and Jennings north of the intersection by Hydromax at a cost of \$8,625.00 and close Adams during the repair process.
Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh
Discussion: None
Vote: Ayes 4; Nays 0

13. Motion: Tom Bodkin moved to recommend to council to refund the sewer tap fee to Laura Ellsworth at 125 W Jennings subject to Historic Preservation Commission and Building and Planning Commission approval of the modified plans and issuance of the modified building permit.
Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh
Discussion: Refunding the purchase of a sewer tap because of usage change of the property.
Vote: Ayes 4; Nays 0

14. Motion: Bill Kavanaugh moved to recommend to council to purchase an Electronic Transaction Systems (ETS) Corporation credit card machine at a cost of \$649.00.
Motion seconded: Christy Powell
Discussion: ETS is the provider and processor of our sewer online payments. \$3.50 will be charged per transaction.
Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh

Discussion: None
Vote: Ayes 4; Nays 0

15. Motion: Tom Bodkin to recommend to council to pay Maken Corporation \$9,397.05 for betterment to the Berkshire sanitary sewer extension and do not hold the funds in trust.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Council motion seconded by Mr. Kavanaugh

Discussion: None
Vote: Ayes 4; Nays 0

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

Motion seconded: Leanna Hughes

Discussion: None

Motion passed unanimously.

No action required by council.

Two items that were suspended from New Business were items #02 and #04 on the utility motions. The question being, does the town wish to enter into contracts with CEI on the two issues?

A motion was made by Mrs. Hughes to enter into the contracts with CEI on the two identified issues.

Seconded by Mr. Kavanaugh.

Discussion: None

Vote: Ayes 4; Nays 0

STANDING COMMITTEES

- Finance ~ Mrs. McGuire, Mrs. Krieger
-Met with Ms. Wydicks from Building and Zoning and discussed budget needs for the next year. It is more of a distribution of funds than an increase in the budget.
- Personnel ~ Mrs. Hughes, Mrs. Aurand
No Report.

SPECIAL BOARDS/COMMITTEE REPORTS

- Sidewalk ~ Mrs. Hughes, Mrs. Aurand
No report.
- Arts Commission ~ Mrs. Hughes, Mrs. Krieger
-Working on grant request. Two are to be completed by September 30th and they will include interviews with companies who will be donating. It was also recommended that we no longer refer to the riverfront project as the amphitheatre since there is an

amphitheatre already at Friedman Park. The riverfront improvement will now be referred to as the Pavilion.

- Rivertown Trail ~ Mrs. Hughes, Mrs. McGuire
Next meeting August 14th.
- Nominating ~ Mrs. Hughes, Mrs. Krieger
-There is still a slot to be filled on HPC. The town needs to determine who should fill the position.

AD HOC COMMITTEES

- Sign Committee ~ Mrs. Hughes, Mrs. Aurand
No report
- Open Burning ~ Mr. Kavanaugh, Mrs. McGuire
No report.
A motion was made by Mr. Kavanaugh to disband the Open Burning Committee due to lack of business or agenda. All burning issues are covered by existing Ordinances. Seconded by Mrs. Aurand.
Discussion: None
Vote: Ayes 4; Nays 0
- Reflection Park ~ Mrs. Hughes, Mrs. Krieger
-An amended agreement has been composed by counsel and will be presented to the HPC and neighbors of the property for approval before coming to council for final approval.
- Residential Improvement Recognition ~ Mrs. Aurand, Mrs. Krieger
-A notice is being placed in the Fall Newsletter regarding the nomination of any homes to be included for the recognition process.
- Parking Committee ~ Mr. Kavanaugh, Mrs. McGuire
-Old Recycle Center – Remove Lattice from the fencing, need to check with Vectren.
-Check on status of building at the recycle center. If no one needs, it could be relocated and used by the street or parks department. Need to check with Scott Anslinger on status of building.
-ATT Parking – no action taken.
- Growth and Progress Committee ~ Mrs. Krieger, Mrs. McGuire
No report.
- Trash ~ Mrs. Hughes, Mrs. McGuire
No report.

MISCELLANEOUS BUSINESS

-August 12th – the merchants of Newburgh will be celebrating the Dog Days of Summer. Matching merchant dogs with merchant owners. The event is to help stimulate business in downtown Newburgh.

-Mosquito spraying area – The spraying map needs to be reviewed to make sure that all areas of town are being sprayed. Some citizens are complaining about no spraying in their area.

-New Lock and Dam water and sewer utilities need to be reviewed. The water has been separated and the town is now paying the water bill, but the sewage is still being treated by ACOE. What will it take to add a new sewer line for IHOP?

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 \$213,337.47
Sewer \$501,124.61

A motion was made by Mr. Kavanaugh to approve all claims and sewer adjustments properly signed to be paid.

Second by Mrs. Krieger.

Discussion: None

Vote: Ayes 4; Nays 0

ADJOURNMENT

A motion was made by Mrs. Krieger to adjourn at 7:48 p.m.

Seconded by Mrs. Hughes.

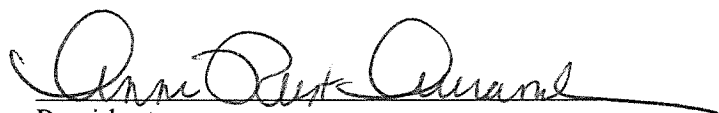
Discussion: None

Vote: Ayes 4; Nays 0

8/09/2017	Town of Newburgh	
Name	Address	Area of Concern
Hap Hanson	600 E Jennings St	Tree Canopy
Ronald Herrell	500 E Jennings St	Stop Signs

APPROVED this 23 day of August, 2017.

Newburgh Town Council


President

Attest: Jon DeHaven
Clerk-Treasurer