



Town of Newburgh
Town Council Meeting, Wednesday, February 10, 2016

The regular session was opened and called to order by Mrs. McGuire at 5:30 p.m. on February 10, 2016.

The pledge of allegiance was lead by the Newburgh Town Council. A moment of silence was observed as a memorial to all police officers and firefighters. During the time of silence, if you pray, please remember our troops.

ROLL CALL was conducted by the clerk-treasurer

District I – William F Kavanaugh
District II – Leanna K Hughes
District III – Stacie M Krieger
District IV – Anne Rust Aurand
Council at large – Tonya R McGuire
Clerk-Treasurer – Jon Lybarger
Town manager – Christy M Powell
Town Attorney – Chris Wischer

All members were present with the exception of Mrs. Hughes..

APPROVAL OF MINUTES

January 27, 2016 – Regular Session were presented for approval.

Motion by Ms. Krieger to approve the January 27, 2016 Town Council Minutes.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 3; Nays 0; Abstaining 1

NEW BUSINESS

1. Epworth Rd Corridor SS Exp – Change order #5 to BBI.
It was reported that the change order would be for a reduction in the cost of the project by \$26,609.45. The cost of the reduction was brought about by a change in the scope of the project.

Motion by Mr. Kavanaugh to approve the change order request.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

2. Epworth Rd Corridor SS Exp – Pay Application #10 to BBI.
A pay application was presented by Blankenburger Brothers Inc for a total payment of \$229,487.65. There would be a 5% retainage for

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the payment of \$11,474.38. Resulting in a net payment amount of \$218,013.27

Motion by Mr. Kavanaugh to approve payment of the net amount to BBI.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

3. 6522 and 6544 Yorkshire Ct SS Investigation – Services Agreement with CEI

This area of concern is located between manholes 2145 and 2143

Motion by Mr. Kavanaugh to approve payment the agreement.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

4. 2014 PER, Multiple Sewer Projects – Amend for Service Agreement with CEI.

SRF Fund projects report required. This would be an archeological review

Motion by Mr. Kavanaugh to approve the agreement.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

5. 8311 N. Birch Dr. SS Investigation - Services Agreement with CEI Between manholes 11249 and 11334

Motion by Mr. Kavanaugh to approve the agreement.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

6. Annual CMOM Audit – Services Agreement with CEI

Each year Commonwealth Engineering, Inc assists the Town of Newburgh with the preparation of the CMOM report with is due to be filed by the end of March.

Motion by Mr. Kavanaugh to approve the agreement.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

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7. INDOT Utility Permit - Jack and Bore State Highway
Utility Right of way permit needed to perform work in the area of Lynch Road.

Motion by Mr. Kavanaugh to approve the agreement.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

8. Newburgh Elementary School is requesting Use of the River Town Trail for use of the annual Wildcat Mile on Friday, May 21st with a rain date of May 23rd. Craig Parker, Kurt Cordel presented the request.

This run was conducted in 2015 and was a huge success. It will take place during the day and multiple chaperones will be in attendance to supervise the participants.

Motion by Mr. Kavanaugh to approve the agreement.

Second by Ms. Aurand

Discussion: It was asked if this event had been discussed with the police and an affirmative answer was received. They asked if the route could be expanded this year for the entire length of Water Street. Port-a-Pots will be secured and available for use at the expense of the school.

Vote: Ayes 4; Nays 0

9. Ordinance #2016-02 – An ordinance prohibiting use of public ways for private purposes and prohibiting children playing in streets.

This is an ordinance for debate not for approval at this time. It is based on an ordinance in effect in Indianapolis. It is an ordinance in two sections. The first section addresses equipment in the streets and the second section deals with children playing in the street.

Counsel is requesting council to provide input into the development of the ordinance. It needs to be tailored to address issues specifically to Newburgh.

Motion by Ms. Aurand to table this item until February 24, 2016 to allow for more investigation and discussion.

Second by Mr. Kavanaugh

Discussion: None

Vote: Ayes 4; Nays 0

UNFINISHED BUSINESS

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1. Jennings and State St. SW Improvements – pay Appl. #6 to River Town Construction...tabled 1/27/2016
Remain tabled.

COMMISSION/COMMITTEE REPORTS

COMMISSION

Air Authority – Ms. Aurand
No meeting, No report.

Board of Zoning Appeals – Mrs. McGuire
No meeting.

Fire – Ms. Aurand
Beaver Creek Apartment fire on February 10, 2016. Newburgh Fire Department was at the scene with multiple other departments.
New pick-up should be here by the end of the month.

Historic Preservation – Stacie M Krieger
No report – next meeting will be on 2/11/16

Park – Ms. Krieger

- At the last council meeting, Patty Bowser will run the concession stand at the pool.
- Various units of the park will be divided among the committee members. The members will be responsible for reviewing their respective charge and present any suggest any repairs or upgrades to the park board and then pass to the town to have them addressed.

Planning – Mrs. McGuire
No meeting.

Police – Mrs. McGuire

- Brett presented his crime report for 2015 and for the month of January 2016. A copy of the report is available in the clerk's office should anyone wish to review the details. A copy of the report was also presented to the council for their review.
- Initiated new SOP regarding recording of officers by the public. Guidelines on how to deal with the situations.
- The police should consider replacing the copier at the police station.
- Surplus 2007 Ford Crown Victoria since the two new police cars have been received and placed in service.

Motion by Mr Kavanaugh
Second by Ms. Aurand

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Discussion: Is the car currently in use? No, it has been stripped and ready to go to auction.

Vote: Ayes 4; Nays 0

- Accepting applications for the police department. Need to create a pool of potential officers if an opening should arise. The applicants need to be screened and trained and be ready to fill a position if the need arises.
- Radar trailer has been received. Training has been received. A fantastic piece of equipment. Available for use by any departments in the town.
- There are some new reserve officers
- Brett also presented a petition to request the state to keep the Chiefs Association license plate. It is up to be discontinued.
- Reviewed current proposed legislation that is currently in the service.
- Approached the Newburgh Women's Club about doing a memorial service.
- It was noted that Chief Sprinkle has received the Leader of Leaders award that is presented by the Chiefs of Police Association.

Site Review Committee – Mrs. McGuire
No meeting, No Report.

Storm Water – Mr. Kavanaugh

Many issues discussed at latest meeting

- Flooding at 4th and Monroe Street. Discussed that the problems can be addressed in house by our street department.
- Erosion control in Copper Creek and how it should be permitted.
- Culvert at State and Sharon needs to be addressed.
- MS4 Audit may be put off for some time because of promotions within the state.
- Dr. Gatti offered property to town and there is a need to address a potential drainage problem.

Streets – Ms. Aurand

- Worked on barricades so they can be in service this summer
- Cleaned many drains around town.
- Fire extinguisher inspection
- Cleaned up rocks and mud due to all the rail
- Fixing pot holes.
- Spreading lots of sand and salt on the streets.
- No major calls regarding modified

Trash – Mr. Kavanaugh

Nothing to report, but mentioned that in the next town newsletter we should remind residents that their trash bins should be returned to their property after trash pick-up.

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Utility – Mrs. Hughes

With the absence of Mrs. Hughes, the utility motions were presented by Mrs. McGuire.

Motion by Mrs. McGuire to approve all utility motions as presented to council as a group and not have each motion presented and discussed.

Second by Mr. Kavanaugh

Discussion: Copies of motions are available in the back of council chambers for the public if they are interested. Ms. Aurand very much against the wholesale approval of the utility motions, she believes that it is imperative that the public be aware of what is happening in the town. Mrs. McGuire stated again that the motions are available if the public is interested.

Vote: Ayes 3; Nays 1

Utility motions presented and approved are noted below:

Utility Motions from February 3, 2016 Utility Meeting

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

Motion seconded: Tom Bodkin

Discussion: Susan Helms stated 67 taps were sold in January mainly for Primrose.

Motion passed unanimously.

2. Motion: Bill Kavanaugh moved to recommend to Council to approve the ITT Jogging Path Plan submitted by Morley & Associates Inc.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

3. Motion: Tom Bodkin moved to recommend to Council to adjust the May 2015 sewer bill for Jesse Davis, 6406 Paradise, using a 6 month average from June to December 2015.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

4. Motion: Tom Bodkin moved to allow Moore and Associates, representing Mark Loehr, to lower a manhole off Highway 66 on Hickory Lane by removing the 3' cone and placing an 8" cap on the manhole provided it meets required specifications, passes the vacuum test and is inspected by Ed Hodges.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

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5. Motion: Christy Powell moved to table the Bell and Vann Development request to relocate the sanitary sewer pending the Warrick County Drainage Board discussion.

Motion seconded: Tom Bodkin.

Discussion: None

Motion passed unanimously.

6. Motion: Bill Kavanaugh moved to recommend to Council to adjust the November 2015 sewer bill for Mrs. Russ Wink, 8933 Hickory Lane, using an 11 month average contingent upon revising Ordinance 1989-9 "An Ordinance Establishing Summer Sewer Rates and Establishing Procedures for Adjustment to Sewer Bills" to exclude no billing adjustments for irrigation.

Motion seconded: Leanna Hughes

Discussion: None

Motion passed unanimously.

7. Motion: Tom Bodkin moved to recommend to Council to revise Ordinance 1989-9 "An Ordinance Establishing Summer Sewer Rates and Establishing Procedures for Adjustment to Sewer Bills" to allow for irrigation adjustments and that the adjustment process follow the same procedure as leak adjustments.

Motion seconded: Christy Powell

Discussion: An affidavit must be signed to receive the adjustment and if applicable a sod receipt presented. The filling of pools will not be adjusted.

Motion passed unanimously.

8. Motion: Leon Key moved to recommend to Council to allow Commonwealth Engineering Inc. (CEI) prepare a cost estimate on 25 Priority Level 1 items, excluding the items previously calculated, on the Capacity, Management, Operation and Maintenance (CMOM) Project Priority List.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

9. Motion: Leon Key moved to recommend to Council to allow CEI to prepare a contract to conduct a study on the Victoria Lift Station.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

10. Motion: Tom Bodkin moved to recommend to Council to allow CEI to prepare a cost estimate for the additional reimbursable engineering and construction work requested by the Lochmueller Group to complete the design of the Lincoln Ave. Widening Phase III Project.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

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11. Motion: Tom Bodkin moved to recommend to Council to amend the services contract for additional Construction Engineering (CE) and Resident Project Representative (RPR) for the Epworth Medical Corridor Sanitary Sewer Expansion and that the additional costs to the town be recovered by AT&T.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

12. Motion: Bill Kavanaugh moved to recommend to Council that CEI continue to be paid during the services contract extension approved in the previous motion for the Epworth Medical Corridor Sanitary Sewer Expansion.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

13. Motion: Tom Bodkin moved to recommend to Council to approve Epworth Medical Corridor Sanitary Sewer Expansion Change Order #5 to Blankenberger Brothers Inc. consisting of:

1-The floor in the control building was sloped toward the door in lieu of installing a floor drain. The lower floor elevation required an alternative threshold at an additional cost of \$320.00.

2-The jack and bore at Sta 73+50 was replaced with open cut installation requiring full depth granular backfill. The deduct for removing the jack and bore was included in Change Order #001. The additional cost for Granular Backfill is \$10,125.00.

3-The interior liner for the wet well and inlet manhole has been removed from the project resulting in a deduction of \$39,005.00.

4-Two fiber optic cables were located within the sewer easement. The cables are owned by AT & T and were relocated. This conflict caused a delay for critical path items. The contractor is requesting an additional 60 calendar days due to this delay. The delay was found December 10, 2015 and resolved January 31, 2016, a period covering 53 calendar days.

5-Due to the elevation difference between the lift station site and the surrounding area, the fence is being constructed on the retaining wall. Also, barb wire will not be installed along the top of the fence. Additional cost for mounting the fence to wall is \$1,950.30. Total cost for change order # 5 is a deduction of \$26,609.45.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

14. Motion: Leon Key moved to recommend to Council to approve the Halston Gravity Sewer Amendment to add CE and RPR to the services agreement.

Motion seconded: Tom Bodkin

Discussion: None

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Motion passed unanimously.

15. Motion: Bill Kavanaugh moved to recommend to Council to submit a contract amendment to allow meters be added to the system for the Master Lift Station Basin Flow Study.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

16. Motion: Bill Kavanaugh moved to recommend to Council to add an easement acquisition amendment to the services agreement for the Kenosha Hills Lift Station Elimination Project.

Motion seconded: Tom Bodkin

Discussion: None.

Motion passed unanimously.

17. Motion: Tom Bodkin moved to recommend to Council to approve the 2 year General Services Agreement (GSA) between the Town and CEI.

Motion seconded: Bill Kavanaugh

Discussion: None.

Motion passed unanimously.

18. Motion: Tom Bodkin moved to recommend to Council to approve the waiver request for Nate Mominee at 5766 Cliftmere for plumbing standards in the basement of his new home, provided a pop off valve is installed on the lateral outside the home to prevent sewer back-up into the home and add a back flow preventer to the lateral. Nate Mominee must sign a waiver releasing the Newburgh Sewer from all liabilities and the waiver must be recorded.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously

STANDING COMMITTEES

Finance – Mrs. Hughes

- A meeting was scheduled to review the budget changes required after receiving our change orders from the state. The meeting has not yet been rescheduled.

Personnel – Mrs. Hughes

- Christy Powell presented a request from Heath Dill for the distribution of his entire HAS distribution due to hardship. This has been done before and proper procedures were followed in making the request.

Motion by Mrs. McGuire to approve the request for distribution

Second by Ms. Krieger

Discussion: None

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Vote: Ayes 4; Nays 0

SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk – Mrs. Hughes
No Report

Arts Commission – Mrs. Hughes
No report

River Town Trail – Mrs. McGuire
Committee met with engineers regarding the bridge needed for the River Town Trail. Requesting increased spending cap to get the project back on track. January or July letting date with construction beginning the second quarter

ZONING ADMINISTRATOR

- Secondary Plat for neighborhood subdivision has been filed.

CLERK-TREASURER

- Paperwork has been completed and submitted for title and plates for the two new police vehicles.
- We have received plates and title for the latest fire vehicle.

TOWN ATTORNEY

- Meter reading agreement with Chandler is approved through the end of march. We should continue to meet and develop a long term agreement. Should Mrs. Hughes and Mrs. McGuire and attorney continue to meet with Chandler representatives. It was decided that they should continue in their roles as representatives for the town of Newburgh.

TOWN ENGINEER

No report

TOWN MANAGER

- Roof is leaking in the stairwell. There is an estimate to repair the roof of \$4,300. Will be seeking a second estimate for repair.
- Cold in chambers we need to have the thermostat checked.

COMMENTS BY CITIZENS PRESENT

- Sarah Simpson Taylor – Thanked town for donating land for relocating the building. She was talking with Dr. Renne regarding the red brick house, or Simpson mortuary museum.
- Sandra Wells – Wants to clarify the proposed ordinance 2016-02 to be more about Newburgh and the issues related to this town.

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MISCELLANEOUS BUSINESS

- Dip on Ellerbush Rd needs to be addressed. Is this section of road the responsibility of the town or the county? It is town property and has been looked at in the past. The town street crew will look at the situation.
- Welcome to new business, Honeysuckle Vines on Plum Street.
- Commission boards and committee appointments (aka. Frog Legs) when will they be ready for appointment. This needs to be voted on. They will try to have them available for next meeting.
- Mrs. McGuire attended IACT legislative group.

APPROVAL OF CLAIMS

Mrs. McGuire requested that the totals of claims be presented for approval. The following would be the totals with any sewer adjustments that there may be.

Civil Town - \$243,728.79

Sewer - \$519,103.93

SRF - \$240,803.79

Motion by Mr. Kavanaugh for the approval of all claims.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

ADJOURNMENT

Motion by Ms. Krieger to adjourn.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 4; Nays 0

Meeting adjourned at 6:45 p.m.

Persons signing in to speak at the council meeting were:

Name	Address	Discussion Topic
Sarah Simpson Taylor		Mortuary Museum
Sandra Wells		Basketball Goal

APPROVED this 27 day of February ~~January~~, 2016.

Newburgh Town Council



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President

ATTEST:


Clerk-Treasurer
