

**Town of Newburgh
Town Council Meeting, Wednesday, June 8, 2016**

Town council met at 4:30 in Executive Session at Newburgh Town Hall, 23 W. Jennings St., Newburgh, Indiana. The purpose of the meeting is discussion of pending litigation and personnel issues. (This notice is given in accordance with Indiana Code 5-14-1.5-6.1)

The Regular Session was opened at Newburgh Town Hall, 23 W. Jennings, Newburgh, IN at 5:35 p.m. by Mrs. Hughes

The Pledge of Allegiance was led by the Town Council.

We then celebrated a time of remembrance. Irma Friedman co-owner of Victoria National Gold Course.

ROLL CALL

The roll was called with the following results.

District I – William F. Kavanaugh - present
District II – Leanna K. Hughes - present
District III – Stacie M Krieger - absent
District IV – Anne Rust Aurand -present
Council-at-Large – Tonya R. McGuire –present
Clerk-Treasurer – Jon Lybarger - present
Town Manager – Christy Powell - present
Town Attorney – Christopher Wischer –present

APPROVAL OF MINUTES

The minutes from the May 25, 2016 meeting were distributed electronically prior to the meeting.

Motion by Mr. Kavanaugh to approve the May 25, 2016 minutes as distributed.

Second by Ms. Aurand.

Vote: Ayes 4; Nays 0

SCHEDULED REQUESTS AND APPEARANCES

1. Thomas Bodkin – Newburgh Remembers – This is an event scheduled for July 15th thru July 17th that commemorates the raid on Newburgh During the Civil War. Mr. Bodkin expounded upon the numerous events that will transpire this weekend and also stated that schedules of the events are available on-line at the Historic Newburgh, Inc website as well as elsewhere around the community. His purpose for attending the meeting was to request the use of various town properties for the designated weekend. The properties in question would be Preservation Hall, the Lockmaster Cottages and the Old Lock and Dam.

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Chief Sprinkle wished to make note that French Island Trail will be closed on Saturday the 16th 1 p.m. until 4 p.m. and on Sunday from 9 a.m. to 1 p.m. for the reenactments.

Motion by Mr. Kavanaugh to allow the use of the facilities for the weekend.
Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 4; Nays 0

2. Brent Holweger – Sanitary Sewer Extension Tap - He was scheduled to appear, but an agreement was reached regarding his concern prior to the meeting.

3. Carol Schaefer – Portable facilities for the Farmers Market – Two topics were presented as follows:
 - Fireworks and evening in the park, button sales is going well. Preparations are well underway. There will be fundraisers taking place.
 - Farmers Market – Well attended so far. Record numbers of people. Kids program now a part of the market, it is called POP (Power of Produce). There is an issue of availability of facilities. Nix has offered to provide a portable facility if a location can be identified and is acceptable.Motion by Mr. Kavanaugh to locate the facilities in the town hall parking lot.
Second by Mrs. McGuire
Discussion: Ms. Aurand presented her objection to the extended use of the portability in downtown. It was finally suggested that the town hall be opened at 6 a.m. and see how that goes and then determine if the use of portable facilities could be avoided.
Motion by Ms. Aurand to table until June 22 council meeting.
Second by Mrs. Hughes
Discussion: none
Vote: Ayes 4; Nays 0
 - Cruise in on Saturday June 11 in Town Hall Parking lot.
 - What plans does the town have for the soon to be vacated recycling center? A number of different uses for the property have been discussed, but no decision has been made.

NEW BUSINESS.

1. Washington Street Improvements – Contract with CEI for engineering services and grand assistance for community crossing matching Grant. New program with INDOT 50-50 match for paving projects. There are three projects which are on the list for potential use of these funds. They are Washington Street between Main and Jennings, Jefferson Point Bridge project and Ellerbush Road repaving.
Motion by Mrs. Hughes to proceed with joining into the program and submitting our projects for grant acceptance.

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Second by Mrs. McGuire
Discussion: None
Vote: Ayes 4; Nays 0

2. Halston Gravity Sewer Main Ext – Pay Appl #2 to Koberstein Construction
A request was made for payment in pay application #2 for \$91,543.50 there is a 5% retainage of \$4,577.18 leaving a net amount for payment of \$86,966.33.
Motion by Mr. Kavanaugh to pay the amount of \$86,966.33 to Koberstein Construction.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 4; Nays 0

COMMENTS BY CITIZENS

No Comments were presented

UNFINISHED BUSINESS.

1. Continuance of Bond Ordinance for the Sewer department
Ordinance 2016-08 was introduced at the last meeting in May and is now being presented for approval by the council.
Motion by Mr. Kavanaugh for the first reading of Ordinance 2016-08
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 4; Nays 0

Ordinance was read by the town attorney, Mr. Wischer.

Motion by Mr. Kavanaugh for the acceptance of the first reading of Ordinance 2016-08
Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 4; Nays 0

Since the vote was unanimous for the ordinance, the council was able to proceed with the second reading of the ordinance.

Motion by Mr. Kavanaugh to proceed with the second reading of Ordinance 2016-08.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 4; Nays 0
Again, the ordinance was presented by Mr. Wischer.

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Motion by Mr. Kavanaugh to Adopt Ordinance 2018-08.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 4; Nays 0

COMMISSION/COMMITTEE REPORTS

COMMISSION.

Air Authority ~ Ms. Aurand
No meeting. No report.

Board of Zoning Appeals ~ Mrs. Hughes
No meeting. No report

Fire ~ Ms. Aurand
No Report

Historic Preservation ~ Ms. Krieger
No meeting. No report.
June meeting is being cancelled due to lack of agenda.

Park ~ Ms. Krieger

In Ms. Krieger's absence, Mrs. Hughes presented the following two items from the last park meeting.

-The pool co-managers are doing a great job of keeping everything flowing smoothly at the pool. They also presented some good ideas for improvements for the pool such as more programs for the children who regularly attend the pool. Another suggesting that a lightning detector be installed for the safety of the pool guests.

-Wanda Kavanaugh presented a request asking that the town help in creating access to the shelter from the Park Drive. It has been common practice to drive through the playground to get to the shelter.

Motion by Mr. Kavanaugh to build a drive to the shelter from Park Drive provided the costs will be minimal.

Second by Mrs. Hughes

Discussion: It was mentioned that Mulzer's has offered to donate a load of stone that will be used as the base for the drive. Costs to be determined. The town will provide assistance in financing the installation of a drive.

Vote: Ayes 4; Nays 0

-Discussion regarding group use of the pool. Guidelines have been published and it seems to be quite the issue. These guidelines were

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developed last year at the recommendation of our town insurance carrier. There are guidelines regarding the ratio of Life Guards to persons present at the pool.

Plan ~ Mrs. McGuire

-Ordinance changes are needed for properties that are zoned C2 to allow outside storage with limitations. Some businesses in town require outside storage and should be allowed, but fencing should be installed to shield the area from public view. Public hearing regarding changes will be presented at the August Planning Commission meeting.

-Wal-Mart will be pulling back their plat of their proposed site on the William's property. Once withdrawn, the plat will be null and void.

-Next meeting will be July 5, 2016.

Police ~ Chief Sprinkle

-Police patrols have been increased at the park since there have been reports of many clandestine activities. There was one strong arm robbery reported, one weapon confiscated and the observance of other illegal activities.

-River town trail patrols. Request to have the exit portion of the boat ramp and the actual ramp to be cleared so that emergency vehicles or equipment can be launched

-Police have been talking to people that the new trailer ordinance will affect. No tickets are being written.

-Special meeting on June 28th to swear in a new officer.

-Parking issues on Jennings Street and where cars are parked over the designated lines. No ordinance is in place that dictates parking locations on Jennings Street so tickets cannot be written.

-Parking issue at Jefferson and Jennings streets vehicle may be parking on the sidewalk. Location should be reviewed by council to determine if that section of Jennings should be marked as no parking.

Motion by Mr. Kavanaugh to

Second by Mrs. McGuire

Motion by Ms. Aurand to delay a vote until next meeting so that council has an opportunity to review.

Second by Mrs. Hughes.

Discussion: none

Vote: Ayes 3; Nays 2

(Note: Since the council vote was 2-2 the Clerk-Treasurer is called upon to cast the deciding vote. Therefore, the tie was broken with a 3-2 vote.)

Site Review Committee ~

No meeting. No report.

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Storm Water ~ Mr. Kavanaugh
No meeting. No report

Street ~ Ms. Aurand

-Storm drain markers are being placed around town. This is part of the MS4 project. These markers notify townspeople and visitors that we are involved in keeping our waterways clear.

-Clean-up continues around town so that walkways are clear and passable.

-Some parking bollards have been replaced and repaired.

-Drainage project of French Island trail will start soon. Will keep the council apprised of progress.

Trash ~ Mrs. Hughes

-June 25 Community Garage Sale

-June 28 Heave trash pick-up

Utility ~ Mrs. Hughes

Motion by Mrs. McGuire to approve the motions through a consent agenda. (Approve all motions in on vote and not go through each one individually.)

Second by Mr. Kavanaugh

Discussion: Ms. Aurand and Mrs. Hughes do not agree. They believe that The public should be informed of what is being voted upon. It was mentioned by Mrs. McGuire that copies of the motions could be printed and made available to the citizenry present should they wish to know what is being proposed. That would also give them the opportunity to address the council with any issues.

Vote: Ayes 2; Nays 2; (being a tie vote, the clerk-treasurer was again called upon to cast the deciding vote. The final vote was Ayes 3; Nay 2)

Motion by Mr. Kavanaugh to approved all utility motions from June 1, 2016 as presented.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 3; Nays 1

The utility motions that were addressed in this motion and vote are as follows:

Utility Motions for June 1, 2016

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1. Motion: Leon Key moved to recommend to Council to approve the consent agenda.

Motion seconded: Tom Bodkin

Discussion: Mrs. Helms stated the taps figures have increased due to construction expansions at Crossroads Christian Church and the Deaconess Hospital Energy Center.

Motion passed unanimously.

2. Motion: Tom Bodkin moved to recommend to Council that the utility department utilize 4,300 gallons of water usage per month for a new structure that has no usage history for watering a lawn under the new ordinance.

Motion seconded: Leanna Hughes

Discussion: None

Motion passed unanimously.

3. Motion: Tom Bodkin moved to recommend to Council to reject the request for additional capacity letters for the Martin parcel other than the capacity letter for 29 lots previously granted in the Spring Creek Subdivision at this time.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

4. Motion: Tom Bodkin moved to recommend to Council to direct Commonwealth Engineering Inc. (CEI) to solicit bids on the Kingston Lift Station sewer upon advice of council that all necessary easements have been acquired for the Town of Newburgh.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

5. Motion: Bill Kavanaugh moved to recommend to Council to replace manhole #02-127 by Hydromax at a cost not to exceed \$3,380.00.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

6. Motion: Bill Kavanaugh moved to recommend to Council to rehab manhole #15-189 by Hydromax at a cost of not to exceed \$3,300.00.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

7. Motion: Bill Kavanaugh moved to recommend to Council to install a water softener, reverse osmosis system and deionized water system in the lab/office building by Kinetico of Vincennes at a cost not to exceed \$10,270.00.

Motion seconded: Tom Bodkin

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Discussion: Mr. Key stated the lab currently uses a filtering system with a preliminary still. The plan is to soften the water to the whole building and then use reverse osmosis going to the lab followed by deionization resulting in Class One water. The process will save \$7,930.00 over a seven (7) year period.
Motion passed unanimously.

8. Motion: Bill Kavanaugh moved to recommend to Council to purchase acoustic panels for the digester blower building from eNoise Control at a cost not to exceed \$4,540.00.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

9. Motion: Bill Kavanaugh moved to recommend to Council to replace the AC unit for the plant laboratory from Bradley's Heating, AC and Refrigeration at a cost not to exceed \$8,500.00.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

10. Motion: Bill Kavanaugh moved to recommend to Council to request engineering assistance concerning a sanitary sewer problem at 515 St. Catherine Court consisting of: a. manhole 13-180 and an 8-inch main are experiencing erosion at a ditch in the rear of the property; b. the sanitary sewer between MH 13-177 and MH 13-179 goes under a garage; and, c. manholes 13-179 & 13-180 need replacement along with the 8-inch main running between them (approx. 15').

Motion seconded: Christy Powell

Discussion: The plan will correct the drainage problem.

Motion passed unanimously.

11. Motion: Christy Powell moved to recommend to Council to reschedule the July 6, 2016 Utility Committee meeting to June 29, 2016 at 10:00 am due to a conflict with the Newburgh vs. INDOT trial.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

12. Motion: Tom Bodkin moved to recommend to Council to approve Fat Boy's Pizza Fats Oil and Grease (FOG) Discharge Permit No. 052516 and: a. the permit waives the installation of an external grease interceptor; and, b. the permit requires the installation of a 50 gallon per minute (gpm) grease trap servicing all kitchen plumbing fixtures prior to any discharge.

Motion seconded: Bill Kavanaugh

Discussion: The facility is offering carryout only.

Motion passed unanimously.

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13. Motion: Tom Bodkin moved to recommend to Council to advise Hamilton Point that the Town of Newburgh will not accept ownership or control of the grinder station. Hamilton Point is to accept ownership of the main line and, within 30 days, install the main line macerator or install seven (7) individual macerators on each lateral line coming from the buildings on private property. A Notice of Violation (NOV) with fines at \$2,000.00 per day will be issued if the situation is not resolved within 30 days from the date of letter.

Motion seconded: Leon Key

Discussion: The fines are detailed in the Notice of Violation ordinance and are also detailed in the state statutes. The letter will be issued by legal counsel. Ray Dudlo will prepare a draft for Chris Wischer to present at the June 8, 2016 council meeting.

Motion passed unanimously.

14. Motion: Tom Bodkin moved to recommend to Council to notify the Evansville Christian School that they are exempt from the FOG ordinance.

Motion seconded: Christy Powell

Discussion: Any proposed changes will require the completion of the FOG wastewater discharge permit questionnaire with periodic inspections conducted.

Motion passed unanimously.

15. Motion: Tom Bodkin moved to recommend to Council to grant a FOG ordinance waiver for the Epworth United Christian Church subject to the completion of the FOG wastewater discharge permit questionnaire prior to any changes and that periodic inspections be conducted.

Motion seconded: Bill Kavanaugh

Discussion: Taps have not been obtained. Tap fees for churches are based on the number of pew seats. The church is currently on septic but will tap into the sewer.

Motion passed unanimously.

16. Motion: Leon Key moved to recommend to Council to place the Forest Park Drive sanitary sewer repair on the Project Priority List as a priority one (1) project with the repair option to be determined on the easement acquisition.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

17. Motion: Leon Key moved to recommend to Council to place the Lift Station #1 Force Main Erosion Control repair on the Project Priority List as a priority one (1) project with the repair option of 1North and 1South which is to install rip rap to stabilize the erosion.

Motion seconded: Tom Bodkin

Discussion: The problem occurred when Jordan Estates II was developed.

Motion passed unanimously.

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18. Motion: Tom Bodkin moved to recommend to Council to accept the first work plan for the Lincoln Avenue Phase III Widening Sanitary Sewer Relocation project and be sent to the county's consultant for acceptance.

Motion seconded: Leon Key

Discussion: The work will begin in November and the easements need to be obtained.

Motion passed unanimously.

19. Motion: Christy Powell moved to recommend to Council to deny the Willow Estates Subdivision sign and the encroachment agreement.

Motion seconded: Bill Kavanaugh

Discussion: None

Motion passed unanimously.

20. Motion: Christy Powell moved to recommend to Council to allow CEI to prepare a task order to determine the cost to add sanitary sewer for the 2511 Libbert Road area.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

21. Motion: Christy Powell moved to recommend to Council to allow the leak adjustment for Mr. Ozses using the 4,300 gallon usage amount for watering his new sod subject to council approval.

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

STANDING COMMITTEES

Finance ~Mrs. Hughes, Mrs. McGuire

-Budget workshop on May 26, 2016 attended by budget committee.

-Budget meetings to begin within the next 30 days in regards to creating the 2017 budget.

-Christy mentioned that she would like the town to approve the beginning of the Jefferson Park Bridge enhancement project.

Motion by Mrs. McGuire to move forward with the enhancements.

Second by Mrs. Hughes

Discussion: None

Vote: Ayes 4; Nays 3

Personnel ~ Mrs. Hughes, Mrs. McGuire

No Discussion

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SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk ~ Mrs. Hughes

No report

Arts Commission ~ Mrs. Hughes, Ms. Krieger

-Summer Sundays have started. Music has been scheduled through most of the summer. Music will be at Waterfront Plaza.

-Amphitheatre discussions have re-started. Possibly new location will need to be considered.

River town Trail ~

Committee met on June 6th and completed drafting the Trail Use Guidelines. They were presented to council prior to meeting.

Motion by Mrs. McGuire to adopt the Trail Use Guidelines

Second by Mr. Kavanaugh

Discussion: It was noted that the Trail Use Guidelines will be a work in progress and will periodically be updated. The effective date of the guidelines will be August 1, 2016.

Vote: Ayes 4; Nays 0

ZONING ADMINISTRATOR

-Seven (7) projects have been requested with a total value of \$126,868. Also, 7 building permits issued and fees received of \$340.

-Public hearing in August. To be advertized

-Officer McIntosh delivered the raze order for the 2 Gray Street house.

CLERK-TREASURER.

No report.

TOWN ATTORNEY.

-approved sewer agreement and permit issued at last meeting did not state that that property would remain private property and would not become property of the town. The sewer agreement has been amended to reflect that the ownership of the property would remain private.

Motion by Mr. Kavanaugh to approved both the agreement and permit as recommended by counsel.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 4; Nays 0

TOWN ENGINEER.

No further report.

TOWN MANAGER.

No report.

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MISCELLANEOUS BUSINESS.

-Thank you from Footloose in America for Newburgh Hospitality when they stayed in Newburgh when they were on their trip from Arkansas to Maine with their mule. This commemorated the release of their book.

-Letter from Brownie Troop 364 providing ideas to the town for recycling on the River Town Trail. There were some good ideas and they will be looked into to determine feasibility. A thank you letter from the town should be sent to the troop to acknowledge their suggestions.

APPROVAL OF CLAIMS.

Claims to be paid including any sewer adjustments there may be.

Civil Town \$89,696.87
Sewer \$669,070.26
SRF \$271,656.83

Motion by Mr. Kavanaugh to approve presented claims.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 4; Nays 0

ADJOURNMENT.

Motion by Mrs. McGuire to adjourn at 7:47 p.m.

Second by Mrs. Hughes.

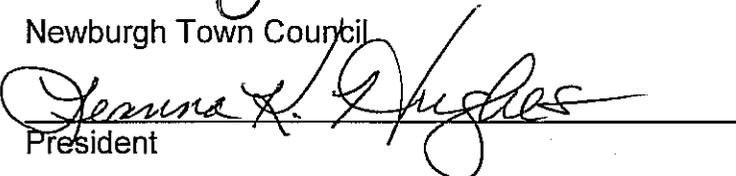
Discussion: None

Vote: Ayes 4; Nays 0;

6/08/2016	Town of Newburgh	
Name	Address	Area of Concern

APPROVED this 22 day of June, 2016.

Newburgh Town Council


President

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ATTEST:


Clerk-Treasurer
