



Town of Newburgh
Town Council Minutes for Wednesday, August 10, 2016

5:00 p.m. – Executive Session, Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana. The purpose of the meeting was to discuss pending litigation and/or personnel issues. The proper notice is given in accordance with Indiana Code 5-14-1.5-6.1.

The Regular Session of Newburgh Town Council was called to order at 5:35 p.m. at Newburgh Town Hall, 23 W. Jennings, Newburgh, IN

The Pledge of Allegiance was led by the Town Council.

REMEMBERANCES

Then following names were mentioned to be remembered:

-Mildred Marx – She retired from AT&T, where she had worked as a telephone operator for over 30 years. Mother of a former Newburgh Chief of Police, Charles Marx.

-Donald Hazelrigg – He graduated from Bosse High School in 1959, and earned a pharmacy degree in 1963 from Butler University. In 1969, Don graduated from Indiana University School of Medicine. He practiced Dermatology at Welborn Clinic for 31 years, retiring in 2006.

-Catherine Hester – Catherine and her family moved to Evansville, IN 1926, then to Millersburg and finally to Newburgh in 1932, purchasing 20 acres that has now become York Road, and the Newburgh Rivertown Trailhead. Catherine was a teacher at the Newburgh Elementary School for 26 years, teaching first and third grades.

-Scott Freudenberg – A lifelong resident of Newburgh. Scott graduated from Castle High School with the class of 1982 and was an Eagle Scout. He received his Associate's Degree from Vincennes University in Diesel Mechanics and worked for the past 25 years at Evansville Brake Supply. He worked in the hydraulic pump shop and then the hydraulic test bench.

Joan Bolten –
Scott Northen –

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 – Christopher Wischer – present

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APPROVAL OF MINUTES.

Approval of the July 13, 2016 minutes tabled 7/27/16.

Motion by Mr. Kavanaugh to remove the July 13, 2016 minutes from table

Second by Ms. Aurand

Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to approve the July 13, 2016 minutes.

Second by Ms Krieger

Discussion: None

Vote: Ayes 4; Nays 0

Approval of the July 27, 2016 minutes.

Mr. Kavanaugh noted a correction that needed to be made. The person who was added to the Storm Water Board should be Dan Wollen not Dan Bollen. The correction was made to the minutes.

Motion by Ms. Aurand to approve the Minutes from July 27, 2016 as amended

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

SCHEDULED REQUESTS AND APPEARANCES

1. God is good foundation – Barb Bias

Barb presented a description of the God is good foundation. One of their programs is to provide clothing to school students who are in need. This clothing is provided to children at no cost. The clothing provided does not carry the logo of the God is Good organization. The purpose of their coming to Newburgh Town Council was to request a donation to assist with their program. They are participating in a matching funds program and are requesting donations from many organizations. The more money they receive in donations, the better they will be to meet the needs of children in the community.

It was mentioned to Barbara that the town is unable to provide funds at this point in time but wished them well in their fund raising activities. Several council members and others in attendance indicated an interest in donating at a personal level. Donations may be sent, or delivered, to God is good..., 425 W Jennings St, Newburgh, IN 47630

NEW BUSINESS.

1. BLN CE Agreement for the Sign Retro reflectivity Project.

Motion by Ms. Krieger to approve the annual agreement.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

2. David Hadley in place of Bill Yockey – Southern Indiana Retired Miners.

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Lobbying the town to approve and give support to their organization's efforts to keep from losing any benefits regarding health care and other benefits. They would like the town to adopt a resolution indicating our support. He was also asking that our resolution be passed on to our senators and congressmen to let them know that our town is supporting their cause.
Motion by Mr. Kavanaugh to throw the towns support behind the cause of the Southern Indiana Retired Mine Workers.
Second by Ms. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to suspend the rules of order so that Resolution 2016-02 may be presented.
Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh for reading of Resolution 2016-02 showing support of the Southern Indiana Mine Workers.
Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to adopt Resolution 2016-02 showing support of the Southern Indiana Mine Workers.
Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

3. Ordinance 2016-14 Zoning Amendments
Motion by Mr. Kavanaugh to table this Ordinance
Second by Ms. Krieger
Vote: Ayes 4; Nays 0

4. Ordinance 2016-15 establishing uniform standards for issuance of wastewater discharge permits.

Motion by Mr. Kavanaugh for the first reading of Ordinance 2016-15 establishing uniform standards for issuance of wastewater discharge permits.
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-15.
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

Since the vote was a majority and the minimum qualifications were met, we proceed to the second reading.

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Motion by Mr. Kavanaugh for the second reading of Ordinance 2016-15 establishing uniform standards for issuance of wastewater discharge permits.
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh for the adoption of Ordinance 2016-15
Second by Mrs. Hughes
Discussion: Has been discussed and review by the utility committee and it is recommended by the utility to approve.
Vote: Ayes 4; Nays 0

5. The Town of Newburgh Industrial Pretreatment ERP
This permit has been reviewed by the utility commission and has been approved and recommended. With more manufacturing businesses coming into the community and connecting to our sewer system, standards need to be determined and enforced.
Motion by Mr. Kavanaugh to approve the Industrial Pretreatment ERP
Second by Ms. Aurand
Discussion: This supplements the passage of ordinance 2016-15. Basically gives teeth to the ordinance.
Vote: Ayes 4; Nays 0
6. LPA / INDOT contract for Des # 0710850 Rivertown Trail Phase IIIA
This is a standard annual agreement with LPA/INDOT
Motion by Mr. Kavanaugh to approve the contract with INDOT
Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0
7. Plum St, and W. Jennings Street MH Replacement – Agreement with CEI
This item was bypassed from the agenda. More research is required and it will be resubmitted for consideration at some future date.
8. LS #2 Pump Base Replacement – Agreement with CEI
Contract to replace the base for two pumps. Project is recommended by the Utility committee.
Motion by Mr. Kavanaugh to accept the agreement with CEI
Second by Mrs. Hughes
Discussion: None
Vote: Ayes 4; Nays 0
9. 9377 Emily Ct Encroachment Study – Agreement with CEI
The house may have been built over the existing sewer.
Motion by Mr. Kavanaugh to approve the agreement with CEI.
Second by Ms. Krieger.
Discussion: None
Vote: Ayes 4; Nays 0
10. Lincoln Ave Widening Phase III Reimbursement Agreement
Legal needs to review the documents.

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Motion by Mr. Kavanaugh to table this item.
Second by Ms. Krieger
Vote: Ayes 4; Nays 0

11. Orchard View SS Plan Acceptance, Contract and SS Permit.
This item will be voted on as two separate entities one for the contract and a separate vote for the permit.
Motion by Mr. Kavanaugh to accept the SS contract at Orchard View.
Second by Mrs. Hughes
Discussion: Old Englebreck Orchard on 261 north across from Banterra bank.
Vote: Ayes 4; Nays 0

Motion by Mr. Kavanaugh to accept the SS permit for Orchard View.
Second by Ms. Krieger
Discussion: None
Vote: Ayes 4; Nays 0

12. Kingston LS Elimination – Amendment with CEI for Wetland Study
A third party consultant will be hired to conduct the study to determine if the location is considered a Wetland.
Motion by Mr. Kavanaugh to approve the amendment.
Second by Mrs. Hughes
Discussion: Army Corp of Engineers directives will be used to determine if the area is indeed a Wetland.
Vote: Ayes 4; Nays 0

13. Updates on Meditation Park.
-Neighboring property owners were contacted regarding the development of a meditation park and the installing of a fence on the property. There were and are no objections.
-No news has been received from Carol Schaefer regarding a grant she is applying for that will help with the development of the park.

COMMENTS BY CITIZENS (three (3) minutes per speaker).

None

UNFINISHED BUSINESS.

None

COMMISSION/COMMITTEE REPORTS.

COMMISSION.

Air Authority ~ Ms. Aurand
No meeting.

Board of Zoning Appeals ~ Mrs. McGuire
No meeting

Fire ~ Ms. Aurand
No report

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Historic Preservation ~ Ms. Krieger

No meeting. Next scheduled meeting August 11, 2016

Park ~ Ms. Krieger

-Judy Griffin – donation of table tennis table for use at the Lou Dennis Park and the Lock and Dam. The tables are constructed for outdoor use and do not need to be stored during the winter months. The first table will be placed at the Lou Dennis Park.

Plan ~ Mrs. McGuire

-Planning commission approved the amending of the zoning ordinance.

Police ~ Mrs. McGuire

-Approved two new SOP's that were developed. One pertaining to the use of Narcan and the other on the use of the paint ball launcher.

-Nation Night Out was a great event this year. Lots of good information was distributed. Many adults were present for the event.

-Comments by council and town residents about seeing more a presence of police around town. That's good.

Site Review Committee ~ Mrs. McGuire

No report

Storm Water ~ Mr. Kavanaugh

No report. The next meeting will be August 22, 2016

Street ~ Ms. Aurand

-Same old sink hole at IHOP which required another 20+ loads of fill.

-Another sink hole found in Copper Creek. Just reported will be addressed on 8/11.

-A tree fell blocking part of Jefferson Street. The street department cleared the debris.

-The town crew is waiting on Vectren to relocate the gas line on the Gade property so they may proceed with the drainage enhancement.

-Some boards were replaced on the deck at the boat launch.

-Assisted maintenance on placing a stop sign at Lou Dennis Park.

Utility ~ Mrs. Hughes

- Utility Motions (If available)

The following utility motions were presented and actions were taken:

All motions were moved by Mrs. Hughes. Seconds, discussion and voting as indicated.

Utility Motions from the August 3, 2016 Utility meeting

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1. Motion: Tom Bodkin moved to recommend to council to approve a one-time sewer adjustment for Dominic Martin of Allstar Diversified Enterprise using the account average from the months of October 2014 through April 2016 and apply this average during the months of May through August 2016.

Motion seconded: Leanna Hughes

Discussion: Mr. Martin plans to install a sprinkler meter next year.

Motion passed. Leon Key voted no.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

2. Motion: Tom Bodkin moved to allow LAMAC Engineering to tap into the manhole to provide sewer for the All-Breed Pet Care Clinic, 7501 Peachwood, following Wastewater Treatment Facility (WWTF) superintendent approval of all plans, specifications, standards, notes, revisions, requirements and testing.

Motion seconded: Christy Powell

Discussion: Mrs. Helms will review the taps purchased by Parkdale and Warrick Humane. Motion passed unanimously.

N/A

3. Motion: Christy Powell moved to recommend to Council to allow a one month adjustment for June 2016 for Jim Maloney, 4377 Brandywine, for a pool fill using the 4,300 gallon well water average.

Motion seconded: Leanna Hughes

Discussion: Mr. Maloney received instructions to apply for a new sod watering adjustment. The committee will review the ordinance to determine an average for new home owners.

Motion passed unanimously.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

4. Motion: Tom Bodkin moved to recommend to Council that the town send a letter to Jim Wilsbacher that states there is no objection to the vacation of the alley *located between 119 and 111 W Jennings Street, Newburgh, Indiana, being the same alley lying on the east side of Lot 78 and the west side of Lot 79, in the Town of Sprinklesburgh, now Newburgh, in Section 3, Township 7 South, Range 9 West, Warrick County, Indiana*, subject reservation of a sewer easement to the Town of Newburgh for any sewer lines that exist in the alley.

Motion seconded: Christy Powell

Discussion: Mrs. Helms will send the letter.

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Motion passed unanimously.

Second by Ms. Krieger

Discussion: Note that this is a common ally way between two properties uses as a driveway.

Vote: Ayes 4; Nays 0

5. Motion: Tom Bodkin moved to recommend to approve the request of Morley & Associates to allow the county to install three (3) laterals at Friedman Park subject to the condition that no sewage flow through until such time as the sewer laterals are attached to the Berkshire sewer and the Berkshire sewer has been accepted for maintenance by the Town of Newburgh.

Motion seconded: Leon Key

Discussion: Mr. Key asked that the water meter installation be delayed so the lateral cannot be used until the Berkshire sewer is installed and testing requirements completed.

Motion passed unanimously.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

6. Motion: Tom Bodkin moved to recommend to Council that the Town of Newburgh reimburse Maken Corporation the sum of \$9,397.05 for materials to upsize to a 10" diameter main from the smaller 8" diameter main for the Berkshire Subdivision upgrading 2100 feet of pipe.

Motion seconded: Leon Key

Discussion:

Motion passed unanimously.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

7. Motion: Tom Bodkin moved to recommend to Council to grant a waiver on Oak Park Subdivision, subject to execution of an indemnity agreement by contractor, BMB, and developer, Dan Buck, and hold the Town of Newburgh harmless and agree paying the cost to replace a break in any of the laterals as a result of the glued joint for three (3) years. If the developer refuses to sign the indemnity agreement then the contractor will sign a contract with the Town of Newburgh to be responsible and liable for fixing any laterals for the next three (3) years and post a \$5,000.00 line of credit.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

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Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

8. Motion: Tom Bodkin moved to recommend to Council to approve the consent agenda.
Motion seconded: Christy Powell
Discussion: None
Motion passed unanimously.

N/A

9. Motion: Tom Bodkin moved to recommend to Council to approve the request to replace a manhole at 3rd & Monroe, MH 10-83 at a cost not to exceed \$9,950.00 from Hydromax.
Motion seconded: Susan Helms
Discussion: None
Motion passed unanimously.

Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

10. Motion: Tom Bodkin moved to recommend to Council to approve the request to purchase one (1) replacement Variable Frequency Drive (VFD) for pump No. 2 at the Old Plant Lift Station and one (1) spare for inventory at a cost not to exceed \$6,479.10 plus freight from Electric Motors, Inc.
Motion seconded: Susan Helms
Discussion: None
Motion passed unanimously.

Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

11. Motion: Tom Bodkin moved to recommend to Council to approve the request for the repair of two (2) digestive blowers at the WWTP at a cost not to exceed \$7,475.00 from Connersville Machine Works.
Motion seconded: Susan Helms
Discussion: None
Motion passed unanimously.

Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

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12. Motion: Leon Key moved to recommend to Council to approve Ordinance 2016-15, An "Ordinance Establishing Uniform Standards for Issuance of Wastewater Discharge Permits", and the approval of the Town of Newburgh's "Industrial Pretreatment Enforcement Response Plan".

Motion seconded: Tom Bodkin

Discussion: None

Motion passed unanimously.

This motion was already covered under "New Business"

13. Motion: Tom Bodkin moved to recommend to Council to allow CEI to move forward on the design and bidding phase for the Main Street Sewer Rehab Project.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

14. Motion: Tom Bodkin moved to recommend to Council to engage CEI to prepare planning cost estimates on the 2016 Project Priority List dated 6/9/16 for item numbers 28, 36, 38, 49, 50, 52 and 53.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

15. Motion: Tom Bodkin moved to recommend to Council to engage CEI to prepare a design package for Oak Grove Road Phase III Alternative 3.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

16. Motion: Tom Bodkin moved to recommend to Council to accept the Court Appointed Appraisers damage award for \$22,923.00 for the Frederick Martin property at the corner of Bell and Vann Road to be able to continue on Kingston Lift Station Elimination project.

Motion seconded: Leon Key

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Discussion: None
Motion passed unanimously.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

17. Motion: Tom Bodkin moved to recommend to Council to allow CEI begin the process of creating the necessary documentation drawings to proceed with the Triple Crown Lift Station elimination project.

Motion seconded: Christie Powell

Discussion: None

Motion passed unanimously.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

18. Motion: Christy Powell moved to recommend to Council to leave the classification of the Gas Light Square Condominiums' pool, clubhouse and commons grounds as commercial for the billing of the Newburgh sanitary sewer.

Motion seconded: Leon Key

Discussion: Property Management Tri-State is the company that pays the sewer bill for the owners of the condominiums and charges the owners.

Motion passed unanimously.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

19. Motion: Tom Bodkin moved to table the discussion of approval of the adjustment for VanZilen Enterprises for new sod until next Utility meeting on September 7, 2016.

Motion seconded: Christy Powell

Discussion: Susan Helms will be presenting figures to establish the average of the summer average program for all Newburgh customers at the September meeting.

Motion passed unanimously.

N/A

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

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

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N/A

STANDING COMMITTEES

Finance ~ Mrs. Hughes, Mrs. McGuire

-Budget committee has been meeting to fine tune the 2017 budget

Personnel ~ Mrs. Hughes, Mrs. McGuire

-Meeting on August 16, 2016 to interview employees for the open positions at the sewer department.

SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk ~ Mrs. Hughes

No report.

Arts Commission ~ Mrs. Hughes, Ms. Krieger

No report. The next meeting will be held on Thursday at 4:45 p.m.

River town Trail ~ Mrs. McGuire, Mrs. Hughes

-Working on alignment issues with Phase III

AD HOC COMMITTEES

Sign Committee – Mrs. Hughes, Ms. Aurand

Open Burning – Mr. Kavanaugh, Mrs. McGuire

ZONING ADMINISTRATOR.

-No report

-Working on code enforcement.

-Tavi is doing a great job in the position of zoning administrator. It was mentioned by Mrs. Hughes that Tavi is a good 'Dibby'. (Whatever that is!?)

CLERK-TREASURER.

-Working on the 2017 budget

TOWN ATTORNEY.

-Updates and corrections were sent to American Legal Publishing (ALP) for inclusion in our codified ordinances.

-Revision pages were received from ALP and should be applied to our books. A new CD should be received shortly and they are already applied to the on line documents.

-At the next council meeting, we should be able to approve Ordinance 2016-12 Accepting the Codification of Ordinances.

-Shawn Sullivan believes that we should take exception to the offer provided by counsel in the Fred Martin easement. He believes that we should not accept the agreement and that we should file our own exceptions.

Motion by Mrs. Hughes to follow the recommendation by Shawn and file exceptions on behalf of the town.

Second by Ms. Krieger

Discussion: None

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Vote: Ayes 4; Nays 0

-Five sewer projects which are covered by the recently sold bonds. Some easements have not be approved by the property owners and in order to complete closing on the bonds we need to file eminent domain on the properties. Motion by Mrs. Hughes to proceed as directed by counsel.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

TOWN ENGINEER.

-No report.

TOWN MANAGER.

-Jim Beck from ALCOA had discussion with Christy about the property that they own that is for sale. The town asked if the property could be donated to the town, but it is already advertised for auction. The property was sold at auction.

-IHOP – Preparing the annual compliance report for the Corp of Engineers. If things continue to go as planned, we should have the property by the end of the year.

-For 2016, we are looking at performing an upgrade to the computer system at town hall. The upgrade is being precipitated by new enhancements available in a newer release of Incode. But, by upgrading to the newer release, it will require a dedicated server for the Incode software. The sewer utility will contribute up to 60% of the cost of the project. Upgrade cost is \$12,509.00. Only quote received was from PC Quest.

Motion by Mrs. Hughes to table until a later time.

Second by Ms. Krieger

Vote: Ayes 4; Nays 0

MISCELLANEOUS BUSINESS.

-While working on the budget for 2017, we are looking at a new copier for the clerk-treasurer's office. We are in the process of gathering quotes at this time and are hoping to upgrade sometime in 2017.

-Good Neighbor award for 2015

Motion by Mrs. Hughes to approve the issuance of the 2015 Good Neighbor Award to Randle Bright and the Bikers for Jesus group for the assistance that they have rendered the town following events of which they are a part.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

APPROVAL OF CLAIM.

The following amounts are presented to the council for their consideration and approval.

Civil Town	- \$242,921.27
Sewer	- \$480,827.24
SRF	- \$0

Motion by Mrs. Hughes for the approval of all claims.

Second by Ms. Aurand

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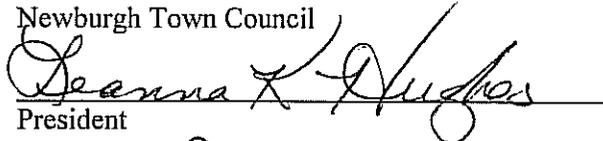
Discussion: None
Vote: Ayes 4; Nays 0

ADJOURNMENT.

Motion by Ms. Krieger to adjourn at 7:30 p.m.
Second by Ms. Aurand
Discussion: None
Vote: Ayes 4; Nays 0

8/10/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern
David W Hadley	5739 Sharon Rd, Newburgh	UMWA Retirees Health Care Resolution
Barbara Bias	109 E Elm St, Boonville, in	God is Good Foundation

APPROVED this 24 day of August, 2016.

Newburgh Town Council

President

ATTEST:


Clerk-Treasurer