



**Town of Newburgh  
Town Council Minutes for Wednesday, August 24, 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 5:40 p.m. at Newburgh Town Hall, 23 W. Jennings, Newburgh, IN

The Pledge of Allegiance was led by the Town Council.

#### **REMEMBRANCES**

There were no names mentioned at the council meeting. A moment of silence was held for all primary responders and military personnel.

#### **ROLL CALL.**

District I – William F. Kavanaugh - Absent  
District II – Leanna K. Hughes - present  
District III – Stacie M Krieger - present  
District IV – Anne Rust Aurand - present  
Council-at-Large – Tonya R. McGuire – present, but left meeting early.  
Clerk-Treasurer – Jon Lybarger - present  
Town Manager – Christy Powell - present  
Town Attorney – Raymond Dudlo – present

#### **APPROVAL OF MINUTES.**

Approval of the August 10, 2016 minutes.

Motion by Ms. Aurand to approve the Minutes from August 10, 2016.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 4; Nays 0

#### **SCHEDULED REQUESTS AND APPEARANCES**

1. Historic Newburgh, Inc – Carol Schaefer
  - Green light to apply for the downtown enhancement grant. This will cover a number of enhancements downtown. Town parking lot, meditation park, and directional signs are just some of the projects to be addressed. The total of the grant will be in the area of \$20,000.
  - For next year, we could apply for this grant again and address the issue of town entrance signs. The signs need to have the sister city designated on the entrance signs.
  - Also possibly a kiosk in downtown to post activities that are scheduled for the community.
2. Red Brick House update – Dr. Renne

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-Red Brick House project – In searching for grants for which to apply it was decided that the movement of the Red Brick House could be joined with the Amphitheatre project. The Red Brick House could potentially be used as a ticket office, concession stand, or equipment storage. Grant request has been submitted for \$29,000 which will cover the cost of providing the foundation for the relocated building. The public will then be asked to contribute the funds that are required to move the house from where it is currently located to the Lock and Dam Park. The cost per foot to move the structure is \$6.

**NEW BUSINESS.**

1. Update from Historic Preservation Commission
  - HPS has decided to include Darby Hills into the historic district map. It will be known as section 4. Some property lines have been in question and they have now been corrected. A public information meeting is being scheduled next month to explain the changes.
  - A request has been issued to make a zoning map available for public viewing at Town Hall.
  - It was noted that some homes will be located in a historic district, but may not be a historic home. Any enhancements to those homes will still come under the control of the HPC, but there will have a separate set of rules governing enhancements.
  - Scattered sights are not being addressed at this time, perhaps they will be addressed later.
  
2. INDOT/Town agreement for the Rivertown Trail Phase IIIA.
  - This should be the last LPA River Town Trail contract. The legal review is complete and recommends that this agreement be approved.
  - Motion by Mrs. McGuire to approve the agreement with INDOT LPA for 2016..
  - Second by Ms. Krieger.
  - Discussion: None
  - Vote: Ayes 4; Nays 0
  
3. Zion Church Car Show street closure on September 10, 2016
  - Two closures are required from Monroe to State and Monroe from Newburgh Elementary School to 2<sup>nd</sup> Street. Also, a blockage of traffic so that a parade may be initiated. The street closure will be from 4:00 until 7:30. Street closures have been reviewed and approved by Newburgh police.
  - Motion by Mrs. McGuire to approve the street closure requested by Zion Church.
  - Second by Ms. Aurand
  - Discussion: None
  - Vote: Ayes 4; Nays 0
  
4. Encroachment Agreement for 10400 Ashton Court – Jeffrey Dickman
  - The agreement has been reviewed by counsel and it is recommended that council approve the agreement.
  - Motion by Mrs. McGuire to approve the Encroachment Agreement for 10400 Ashton Court.
  - Second by Ms. Krieger

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Discussion: None  
Vote: Ayes 4; Nays 0

5. Ordinance 2016-12 Codification of Ordinances – acceptance.  
Motion by Mrs. McGuire to table this Ordinance until the next meeting.  
Second by Mrs. Hughes  
Vote: Ayes 4; Nays 0
  
6. Nuisance violation at 110 East Gray.  
Several attempts have been made to contact the property owner, James Skiles who owns the property at 110 East Gray. The property is in disrepair and has had numerous violations filed all violation notices being returned as being undeliverable. It appears that the property taxes are up to date. The next action will be to file a petition to raze the property. It was speculated that Mr. Skiles may be in a nursing home. All notices have been sent to the address of the property owner on file at the county tax office. It was asked that if anyone knows how contact the property owner they should report the information to the zoning administrator. The last know resident at that address was Sandra K Barnes.
  
7. Meditation Park update  
Grant has been submitted per Carol Schaefer. She presented this earlier in the meeting. The neighboring property owners have been contacted and are supportive of the project
  
8. Epworth Road Medical Corridor SS Exp Project – 100% Release of Retainage to BBI, Inc.  
This would be the final payment to BBI for this project. This would be payment number 15 to release the held retainage in the amount of \$18,806.65  
Motion by Mrs. McGuire to release the held retainage.  
Second by Mrs. Hughes  
Discussion: None  
Vote: Ayes 4; Nays 0
  
9. 2014 Street Resurfacing Project- 100% Release of retainage to Metzger Construction, Inc.  
This would be the final payment to Metzger Construction, Inc. This would be payment number 10 for the release of the retainage in the amount of \$63,754.84.  
Motion by Mrs. McGuire to approve the payment and release of retainage.  
Second by Ms. Krieger.  
Discussion: None  
Vote: Ayes 4; Nays 0
  
10. Phosphorus Removal Phase II Alternate Evaluation – Agreement with CEI  
This agreement would be begin design work at the WWTF for modifications to deal with the removal of phosphorus from waste water.  
Motion by Mrs. Hughes to approve the agreement.  
Second by Mrs. McGuire.  
Discussion: None

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Vote: Ayes 4; Nays 0

11. Triple Crown LS Elimination Project – Agreement with CEI  
The lift station is being eliminated due to enhancements elsewhere in the system which has caused this lift station to be abandoned. It is being replaced with a gravity lift station.  
Motion by Mrs. McGuire to approve the agreement.  
Second by Mrs. Hughes  
Discussion: None  
Vote: Ayes 4; Nays 0
  
12. Oak Grove Road Widening SS Relocation – Agreement with CEI  
Coordinating efforts with the county on making improvements. To complete design of the sewer system and land acquisition so that the work may begin on the project by November 2017.  
Motion by Mrs. McGuire to approve the agreement to complete design of improvements.  
Second by Ms. Krieger.  
Discussion: None  
Vote: Ayes 4; Nays 0
  
13. Lincoln Ave Widening - SS Relocation.  
Rule 5 notice of intent for road widening sewer relocation project. Required by Indiana Department of Environmental Management.
  - A. Application to work RW  
Motion by Mrs. McGuire to approve the application.  
Second by Ms. Krieger  
Discussion: None  
Vote: Ayes 4; Nays 0

Next is the application to do work in the county and crossing of county roads. The permit will be issued by the county

- B. Rule 5 – Notice of intent  
Motion by Mrs. McGuire to approve the application  
Second by Mrs. Hughes  
Discussion: None  
Vote: Ayes 4; Nays 0

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

Mike Keeler – Forest Park – Drainage issues in Forest Park.  
Mr. Keeler is concerned about drainage issues in Forest Park particularly as it relates to his property. His property is bounded on both sides with drainage ditches and when there is a heavy rain, he has to return the rip-rap to the one ditch and the other ditch erodes more of his property. He has concerns that if things continue as they are his garage will be in jeopardy.  
Mr. Keeler was assured by the council that they are aware of the situation and the project to address the drainage will be addressed soon.

**UNFINISHED BUSINESS.**

1. Ordinance 2016-14 Zoning Amendments  
Tabled on August 10, 2016

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Remain on table.

2. Lincoln Ave widening Phase III Reimbursement Agreement  
Tabled on August 10, 2016

Motion by Mrs. Hughes to remove this item from table  
Second by Mrs. McGuire  
Vote: Ayes 4; Nays 0

Counsel and engineering have reviewed the agreement and support the approval of the agreement. This is an agreement with the county. This will not cost the town any money. The total cost of reimbursements is \$349,260.00.

Motion by Mrs. McGuire to approve the agreement per counsel and engineering's endorsement.  
Second by Ms. Aurand  
Discussion: None  
Vote: Ayes 4; Nays 0

Note: At this point, Mrs. McGuire vacated her seat due to prior commitments.

**COMMISSION/COMMITTEE REPORTS.**

**COMMISSION.**

Air Authority ~ Ms. Aurand  
No meeting.

Board of Zoning Appeals ~ Mrs. McGuire  
No meeting

Fire ~ Ms. Aurand

Fire Chief Paul Campbell was present to file the following report.

-For the month end of July, the fire department made a total of 40 runs. Sixteen of those runs were in the town and 21 were in the township. They responded to one mutual aid request and also made two public relations runs.

-A total of 818 firefighter hours were expended during the month. With 665 hours being amassed on fire response calls. Thirty-six hours being expended at the station for equipment and station repair and maintenance. And 117 hours being expended for general services related to training and other activities.

-It was also noted that due to an Emergency Response System study, the communication system at the fire house is being enhanced. This is a mandated upgrade by the state. The new radios needed to meet this requirement will cost about \$4,000 each and the department will need to purchase about 30 radios. This expenditure will be looked at when developing the 2017 budget.

-The township has sold the ladder truck that is housed at the fire house and it has been delivered to its new owner. The replacement truck will arrive in late November or early December.

-A new communications antenna needs to be installed for the department. It was also noted that this antenna can be used by the Police department and they are

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willing to share in the \$1,500 cost to install the new antenna. This is also being required for the ERS upgrade being mandated by the state. The cost of the antenna can be split between the police and fire departments.

Motion by Ms. Aurand to proceed with the installation of the new antenna.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 3; Nays 0

Historic Preservation ~ Ms. Krieger

No report

Park ~ Ms. Krieger

-A new tennis net has been donated to the town by a citizen to be installed at the Lou Dennis Park tennis courts. The street and maintenance departments will coordinate efforts to install the new net.

-Ms. Krieger will not be available for the next Parks Board meeting and she is looking for another council member to attend on her behalf.

Plan ~ Mrs. McGuire

No report

Police ~ Mrs. McGuire

No Report

Site Review Committee ~ Mrs. McGuire

No report

Storm Water ~ Mr. Kavanaugh

-Drainage plan drawings for the new Coppers Edge Estates were submitted, reviewed and approved. They will next go to plan to for review and approval.

Street ~ Ms. Aurand

-Continuing to fill various sink holes around town. Definitely related to the excessive amounts of rain that has been received this year.

-Grooming of the RTT has been a priority.

-Also cleaning around Town Hall, the Lock and Dam, Cottages and other trees on town property

Utility ~ Mrs. Hughes

- Utility Motions (If available)

No motions presented.

**STANDING COMMITTEES**

Finance ~ Mrs. Hughes, Mrs. McGuire

-Work continues on the 2017 budget. The goal is to have the budget submitted to the state before the end of September.

Personnel ~ Mrs. Hughes, Mrs. McGuire

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-There are three new hires pending for the sewer department. These employees are needed to fill vacant positions and new positions at the sewer department. Each individual will be voted on separately and all offers being made for employment will be dependent on a negative drug screening.

Motion by Mrs. Hughes to hire Darin Martin at the waste water plant maintenance technician at the rate of \$17.00 per hour.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 3; nays 0

Motion by Mrs. Hughes to hire Richard Pendergraft as the sewer department waste water pump station operations and maintenance specialist at the rate of \$19.00 per hour.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 3; nays 0

Motion by Mrs. Hughes to hire Joshua Jewell at the sewer department collection operations maintenance and technician at the rate of \$15.00 per hour

Second by Ms. Aurand

Discussion: None

Vote: Ayes 3; nays 0

**SPECIAL BOARDS/COMMITTEE REPORTS**

Sidewalk ~ Mrs. Hughes

-It has been noted that there are no sidewalks on 1<sup>st</sup> street. This causes a hazard for students who walk to Newburgh Elementary School. Should the town look into new sidewalks in the area?

Arts Commission ~ Mrs. Hughes, Ms. Krieger

No report.

River town Trail ~ Mrs. McGuire, Mrs. Hughes

No report. Next meeting there will be discussion on the bridge over the waterway on the Williams property.

**AD HOC COMMITTEES**

Sign Committee – Mrs. Hughes, Ms. Aurand

-They met on August 24<sup>th</sup> and Mr. Wischer, the town attorney, is performing some research of questions that arose at the meeting.

Open Burning – Mr. Kavanaugh, Mrs. McGuire

-No report

-It was noted by Ms. Van Sant that burning of drift wood is not only an issue for open burning, but an issue for people who burn it in their fireplaces or stoves. The smoke given off by this wood has a very distinct odor and is very offensive to

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neighbors. Should the open burning committee also look into any type of burning of driftwood in persons in the community?

Trash – Mrs. Hughes

-Decals to place on the on top of or on the front of the recycle container. Andrea will be looking into this issue.

**ZONING ADMINISTRATOR.**

- Fifteen projects have been started in the town with a value of \$179,350.00.
- Twenty-two building permits have been issued with fees collected of \$789.50.
- Dieg Brothers will begin work on the Jefferson Park Bridge.

**CLERK-TREASURER.**

No report

**TOWN ATTORNEY.**

No report

**TOWN ENGINEER.**

- The council requested a zoning map for that could be displayed at Town Hall Mr. Hynes said that he would be happy to provide a map.
- Community Crossings Grant Fund through INDOT has been granted to the Town of Newburgh. This was tied with the ADA transition plan which was submitted a couple years ago. Projects being included in the grant are as follows:
  1. Washington Street paving project. This is needed to improve storm water drainage.
  2. Main street paving.
  3. Paving of a section of 662 which was not paved due to other issues.
  4. Paving on Williams Lane.
  5. Paving on Yorkshire Drive.
  6. Ellerbusch Road paving and culvert repair.
  7. Jefferson Park Bridge reconstruction and repair.

**TOWN MANAGER.**

- Declaration of Emergency issued on August 12<sup>th</sup> for \$5,498.60 has been approved.
- The dollar amount of the grant received was \$201,000.00.

**MISCELLANEOUS BUSINESS.**

None

**APPROVAL OF CLAIM.**

The following amounts are presented to the council for their consideration and approval. Plus any sewer adjustments there may be.

Civil Town	- \$180,218.62
Sewer	- \$407,453.97
SRF	- \$1,276.86

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Motion by Mrs. Hughes for the approval of all claims.  
Second by Ms. Aurand  
Discussion: None  
Vote: Ayes 3; Nays 0

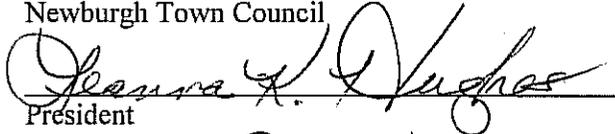
**ADJOURNMENT.**

Motion by Ms. Krieger to adjourn at 7:40 p.m.  
Second by Mrs. Hughes  
Discussion: None  
Vote: Ayes 3; Nays 0

8/24/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern
Mike Keeler	Forest Park Drive	Drainage

APPROVED this 14 day of Sept, 2016.

Newburgh Town Council

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer