

Town of Newburgh
Town Council Minutes for Wednesday, September 28, 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 5:33 p.m. at Newburgh Town Hall, 23 W. Jennings St, Newburgh, IN by Mrs. Hughes.

The Pledge of Allegiance was led by the Town Council.

REMEMBERANCES

Glen Allen – At 94 he was a torch bearer for the bicentennial torch through Warrick County. He graduated from Newburgh High School in 1939. Glenn was a United States Army World War II Veteran of the 25th Infantry Division, Tropical Thunder, serving in the Philippines and part of the Occupational Force in occupied Japan. Glenn was a longtime member of the Epworth United Methodist Church and the American Legion Kapperman Post #44 member for 71 years

Gerald 'Jerry' Malcolm Snyder – He was a U.S. Navy Veteran and worked in the oil fields as a geologist right after college. Before retiring from Essex Wire in Boonville after 20 years of service, he had also previously worked at Alcoa. Gerald was very active in Jaycee's where he was the project leader for the building of Newburgh Pool. He also coached little league baseball, enjoyed karaoke and was a member of Boonville Country Club and American Legion Kapperman Post #44.

Barbara Winsett – She was the office manager for Warrick County Local Development Corp. She belonged to a Warrick Co. Home Ec. Club and was a member of the Red Hat Society.

A moment of silence was shared and all were asked to remember our troops.

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 – present
Clerk-Treasurer – Jon Lybarger - present
Town Manager – Christy Powell - present
Town Attorney – Christopher Wischer – present

APPROVAL OF MINUTES.

Approval of the September 14, 2016 minutes.

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Motion by Ms. Krieger to approve the Minutes from September 14, 2016 as they were distributed to the council electronically.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 4; Nays 0

SCHEDULED REQUESTS AND APPEARANCES

No scheduled request or appearances.

NEW BUSINESS.

1. Ordinance 2016-17 Copper's Edge Rezoning

This is not a public hearing; it is a rezoning of property for a PUD. Christy Powell presented a request from Aaron Miller to rezone property located on the east side of Frame Rd. from R3 to R3-PUD. The petitioner asked to relax the right of way requirements from 60 feet to 44 feet. Emergency Services did not have a problem with the reduction in Site Review. The Drainage Plan received formal approval. The Sewer capacity is in question and will be reviewed at the next Utility Meeting on October 10th. Concerns were discussed from adjacent property owners about the drainage from the east portion of the property into the water way that flows through that property and then into Jefferson Park. Currently there are no notice requirements for drainage approval to adjacent property owners of land rezonings and / or subdivision so the remonstrators were not notified of the initial Drainage Board meeting and therefore were not present to bring up their issues before the drainage plan was approved. Bill Kavanaugh and Christy Powell relayed the Stormwater Board's concerns about the approved drainage plan and wanted to make sure we reviewed the Albion's concerns. Dave Hynes, town engineer supported the approval and the plans on file stating the issue the neighbors are concerned with should be resolved with the erosion control plans the developer has filed. It was also discussed that this is a 'Waters of the US' waterway and that they will have to satisfy the Army Corps of Engineers as well as IDEM.

Comments were presented by Greg and Lacinda Rideford regarding storm water runoff. More specifically, the concern was to where the storm runoff water will be directed. They were also concerned about the disposition of the sewer system with regards to this construction. They do not live in the town, but live West of the proposed addition and they are currently on a septic system with hopes of connecting to the town sewer sometime in the future.

Motion by Mr. Kavanaugh for the first reading of Ordinance 2016-17 Copper's Edge Rezoning.

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 5; Nays 0

Ordinance 2016-17 was read by Mr. Wischer, Town Attorney.

Motion by Mr. Kavanaugh to accept the first reading of Ordinance 2016-17 Copper's Edge Rezoning.

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Second by Ms. Krieger.
Discussion: None
Vote: Ayes 5; Nays 0

The vote was unanimous and the Town Council proceeded with the second reading.

Motion by Mr. Kavanaugh for the second reading of Ordinance 2016-17
Copper's Edge rezoning.
Second by Ms. Krieger
Discussion: None
Vote: Ayes 5; Nays 0

Ordinance 2016-17 was again read by Mr. Wischer, Town Attorney.

Motion by Mr. Kavanaugh to accept the second reading and adoption of
Ordinance 2016-17 Copper's Edge rezoning.
Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 5; Nays 0

2. Encroachment Agreement – Toby and Sonja Phillips – 4595 Fieldcrest Place Circle.

This is a standard fence encroachment agreement. An existing fence was built over an existing sewer line. Recommended by counsel and Mr. Keys.

Motion by Mr. Kavanaugh to approve the agreement as presented.
Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 5; Nays 0

3. West MLS Pump Base Replacement

Town staff monitored this project to make sure that the project was completed properly.

- a. Payment appl. #1 to PPMI
Payment request #1 for \$40,890.00 to be paid PPMI less 5% retainage of \$2,044.50 for a net amount of \$38,845.50.

Motion by Mr. Kavanaugh to approve payment application #1 to PPMI in the amount of \$38,845.50.
Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 5; Nays 0

- b. Payment Appl #2 Release of Retainage to PPMI.
Since the project has reached the point of completion and Mr. Keys has signed off on the project, PPMI is requesting the release of retainage in the amount of \$2,044.50.

Motion by Mr. Kavanaugh to approve the release of Retainage to PPMI in the amount of \$2,044.50.

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Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 5; Nays 0

4. Halston Gravity Sewer Main Ext.

Balance change order at the end of the project.

a. Change Order #2 to Koberstein Contracting, Inc.

The change order is a reduction in the amount that was set aside for the project. Costs for the project were less than expected.

Motion by Mr. Kavanaugh to approve change order #2 which will reduce the cost of the project by \$2,721.50 to Koberstein Contracting, Inc.

Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 5; Nays 0

b. Payment Appl. #4 to Koberstein Contracting, Inc.

Payment request #1 for \$16,343.00 to be paid Koberstein Contracting, Inc. less 5% retainage of \$817.15 for a net amount of \$15,525.85.

Motion by Mr. Kavanaugh to approve payment application #4 to Koberstein Contracting, Inc for \$15,525.85.

Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 5; Nays 0

5. Kingston LS Elimination – Amendment #3 to CEI.

Changes to design plan

Motion by Mrs. Hughes to approve amendment #3 to CEI.

Second by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 5; Nays 0

6. Deaconess F.M. and L.S. Rehabilitation – Amendment #1 to CEI.

This came from the Utility committee Amendment due to changes in construction in the area of Deaconess Gateway.

Motion by Mr. Kavanaugh to approve amendment #1 to CEI.

Second by Mrs. McGuire.
Discussion: None
Vote: Ayes 5; Nays 0

7. Sanitary Sewer Collection System Modeling Study – Task Order Amendment 2016-21 to CEI.

This is an annual contract agreement where sewer capacity is measured for the Waste Water Treatment Facility new additions are added to the system.

Motion by Mr. Kavanaugh to approve Task Order Amendment 2016-21 to CEI.

Second by Ms. Krieger.
Discussion: None

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Vote: Ayes 5; Nays 0

8. Local Roads and Bridges Matching Grant Agreement.
Annual agreement with INDOT for matching grants.

Motion by Mr. Kavanaugh to approve the annual Local Roads and Bridges Matching Grant Agreement.

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 5; Nays 0

9. Martin Trust Easement Acquisition – Settlement Agreement.
Martin trust-property, will be completed when council approves this settlement agreement. The property has been sold, but Greg Moore has retained the right to the settlement. The settlement is in the amount of \$22,923.00.

Motion by Mr. Kavanaugh to approve the settlement agreement.

Second by Mrs. McGuire.

Discussion: None

Vote: Ayes 5; Nays 0

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

-New radio's are needed now, Chief Campbell is looking into other possible suppliers.

-The new ladder truck is now about 45 days out. It should be available for final inspection by the end of November. The engine may be here and in service the first of January.

-Next week October 3 thru 7 is Fire Prevention Week. There will be many PR runs and tours of the firehouse as part of Fire Prevention Week.

-Spider infestation at the fire house. The town will contact pest control and have a special visit.

-There has been no word on the firefighters grant for 2016, but the request for grant monies for 2017 is in process.

-Mandatory training is complete for the new recruits. Testing has been administered to ten of the eleven recruits with all ten passed. The eleventh recruit had a scheduling conflict and will be taking the test later.

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Historic Preservation ~ Ms. Krieger

No report.

Park ~ Ms. Krieger

No meeting, no report.

Plan ~ Mrs. McGuire

No report.

Police ~ Mrs. McGuire

No report, but next meeting will be on October 10.

Major Mitchell provided the following two pieces of information.

-Mr. Jason Daily will be returning to the Newburgh Police Department as a reserve officer and will be sworn in at the next commission meeting.

-Lt. Healy has not changed his mind about retirement and his last day of work will be on October 16th. He will be using his accumulated PTO until the end of the year.

Site Review Committee ~ Mrs. McGuire

According to Christy, she met with John Mattingly and they discussed the possibility of rezoning the Williams property back to residential so that a 60 lot sub division may be plotted.

Also, traffic counts will need to be reviewed for application to this new usage. It was mentioned that if there will be residences on the Williams property, they may wish to look into having two ways of entering and leaving the property.

Storm Water ~ Mr. Kavanaugh

-Copper's Edge drainage plan was discussed. This topic was covered earlier in the evening.

Street ~ Ms. Aurand

-Cleaning drains at IHOP.

-Fall is here and so are the leaves. The town crew has been dealing with them all around town.

-Measured Williams Lane for paving.

-Working on completing the drainage enhancements on 662 and Gray Street.

-Some street lights have had bulbs replaced and there are more to do.

-As a point of information, the town to date has spent \$16,450.00 for mowing of the various properties around town. Billing for September is still to be received and there will probably be bills for October and part of November.

-The town may need to revisit travel through town. Consider the possibility of making Main Street one way east bound. Acting Chief Eric Mitchell was asked to review traffic flow.

Utility ~ Mrs. Hughes

- Utility Motions (if available)

No utility motions

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STANDING COMMITTEES

Finance ~ Mrs. Hughes, Mrs. McGuire
No Report

Personnel ~ Mrs. Hughes, Mrs. McGuire
Two employees from the Sewer Department are requesting unpaid leave of absence:
-Michael Burch –

Motion by Mrs. McGuire to approve the one week of unpaid leave for Michael Burch.
Second by Mr. Kavanaugh.
Discussion: None
Vote: Ayes 5; Nays 0

-Clyde Parker - Will be having surgery November 17 and request three days of unpaid leave of absence until he is eligible for FMLA benefits.

Motion by Mrs. McGuire to approve the three days of unpaid leave for Clyde Parker.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes 5; Nays 0

SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk ~ Mrs. Hughes
No report.

Arts Commission ~ Mrs. Hughes, Ms. Krieger
-The Arts Commission is looking at the Lock and Dam Park for potential placement of the proposed Amphitheatre.
-There are also citizen concerns regarding having an amphitheater close to residential areas.

River Town Trail ~ Mrs. McGuire, Mrs. Hughes
No Report

AD HOC COMMITTEES

Sign Committee – Mrs. Hughes, Ms. Aurand
-Still waiting on work from counsel regarding new regulations regarding signage.

Open Burning – Mr. Kavanaugh, Mrs. McGuire
No report.

Meditation Park – Mrs. Hughes, Ms. Krieger
-Thank you to Carol Schaefer for the grant that was submitted to complete a number of down town projects. Such as the meditation park, the town parking lot

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sign and landscaping and directional signage. The grant was approved and work may begin.

Residential Improvement Recognition – Ms. Aurand, Ms. Krieger
-They will be responsible for selecting homes in the town which exhibit pride in ownership and the community.

Parking Committee – Mr. Kavanaugh, Mrs. McGuire
No Report

Growth and Progress Committee – Ms. Krieger, Mrs. McGuire
New Committee just created

ZONING ADMINISTRATOR.

No report.

CLERK-TREASURER.

Budget submitted to the state for public hearing.

TOWN ATTORNEY.

-All SRF easements have been acquired for the Kingston and Lincoln projects. Still need some easements signed for Deaconess and Halston projects. Hope to have everything tied up by the end of the year.

TOWN ENGINEER.

No report.

TOWN MANAGER.

-The Hester Memorial Park Plaque has been received and is ready to be installed. A bench needs to be ordered to complete the memorial. Once prepared, a memorial will be scheduled with the Hester family.
-The Blight Elimination Program(BEP) has opened back up and they are looking for more community properties which may be eligible. There are four properties in town which may be eligible since they are abandoned and condemned. They are located at 514 Polk St, 517 Section St, 2 Gray St, and 110 Gray St. Further research needs to be conducted to determine if they are eligible.

MISCELLANEOUS BUSINESS.

-Newburgh Senior Center – the Porkapalooza was a big success. The weather cooperated and there was a fantastic turnout.
—Special thanks to those who carried the Bicentennial torch through the town of Newburgh; Carol Schaefer, Randy Wheeler, Lisa Gish, Marine Corporal Eric Gouge and his mother Catherin Kellims, and Myra Till.
-Christy mentioned that the Property Casualty Insurance for the town has been reviewed and it was recommended that the deductible be raised from \$1000 to \$2500. This change would amount to a savings of a little over \$5,000 per year on premium charges.
Motion by Mrs. McGuire to raise the deductible on our Property Casualty Insurance.
Second by Mrs. Hughes.

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Discussion: None
 Vote: Ayes 5; Nays 0

-Discussion ensued about the upcoming IACT Conference and if it needed to come through Council for approval. It was mentioned that although council members have a discretionary spending limit of \$1,000.00, the expenses still have to be approved by council. Christy Powell requested permission for her and Mrs. Hughes to attend.

Motion by Mrs. McGuire to approve the attendance at IACT of Mrs. Hughes and Mrs. Powell.

Second by Mrs. Hughes

Discussion: The original motion was also amended and approved to allow Mr. Kavanaugh to be added to the list of persons attending the conference.

Vote: Ayes 4; Nays 1

APPROVAL OF CLAIMS.

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

Civil Town - \$176,572.05
 Sewer - \$476,980.35
 SRF - \$0

Motion by Mrs. McGuire to approve the warrants as presented.

Second by Ms. Krieger.

Discussion: None

Vote: Ayes 5; Nays 0

ADJOURNMENT.

Motion by Mrs. McGuire to adjourn at 7:20 p.m.

Second by Ms. Krieger.

Discussion: None

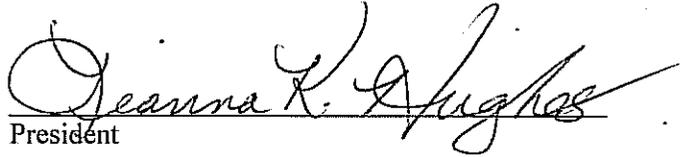
Vote: Ayes 5; Nays 0

9/28/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern

APPROVED this 12 day of October, 2016.

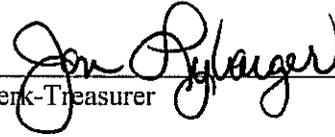
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President

ATTEST:



Clerk-Treasurer