

**VIRTUAL UTILITY COMMITTEE MEETING
June 9, 2020 9:00 a.m. Newburgh Town Hall**

Present: Steve Shoemaker, Carol Schaefer, Christy Powell, Susan Helms, Leon Key, David Hynes and Chris Wischer. Others in attendance: Randy Pruden, Jeramy Elrod, Cody Simpson, Liz Bavitz, Justin Hall, Brock Morrison, Bethany Holmes.

Utility Chair Steve Shoemaker called the meeting to order at 9:08 AM with a quorum present.

Consent Agenda

Monthly Tracking Report, Inspection Status Report, Sewer Repairs Report, Tap Report, Financial Report, Monthly Sewer Adjustment and approval of May 6, 2020 minutes.

Motion: Christy Powell moved to approve the consent agenda.

Motion seconded: Carol Schaefer

Discussion: None

Motion passed unanimously.

Petitions and Comments from Citizens Present

9:15 am – Randy Pruden, Subdividing 6 Acres at 7200 Sharon Road

Mr. Pruden is interested in subdividing his property at 7200 Sharon Road into ¾-acre lots plus a 2-acre lot for the homestead, creating 6 residential lots on the 6-acre parcel and would like to connect to the sanitary sewer. A 10" line is located in the middle of Lenn Road. Mr. Key requested a point of connection, anticipated nominal and peak flows and a basic layout of the proposed subdivision. Easements might be necessary. Mr. Key suggested Mr. Pruden complete the Procedures for Construction checklist found in the Sanitary Sewer Design and Construction Standards on the Town's website.

Committee Discussion Items

Wastewater Treatment Facility Superintendent, Leon Key

1. Request for a recommendation to Council for engineering service for a corrective action plan concerning an exposed 10-inch sanitary sewer between Manhole (MH) 13-243A and Structure 13-213.

Mr. Key stated Structure 13-213, a sealed manhole with pipe extension, feeds into Station 2. The torrential rainfall exposed the line. He requested the assistance of Commonwealth Engineering Inc (CEI) to research the area and suggest repair options.

Leon Key moved to recommend to council to approve engineering service for a corrective action plan concerning an exposed 10-inch sanitary sewer between MH 13-243A and Structure 13-213.

Motion seconded: Christy Powell

Discussion: None

Motion passed unanimously.

2. Request for a recommendation to Council for the formal approval of two emergency approvals for sanitary sewer repairs:

a. On 5-6-20 an emergency approval was granted for a sanitary sewer repair at 325 Cypress by Deig Brothers at a cost of \$19,200.00. The repair consisted of lateral and tap replacement in the right-of-way.

Leon Key moved to recommend to council to approve an emergency lateral and tap replacement repair in the right-of-way at 325 Cypress on May 6, 2020, at a cost of \$19,200.00 by Deig Brothers Construction.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

b. On 6-4-20 an emergency approval was granted for a sanitary sewer repair at 173 Driftwood Lane. The cost was \$12,275.00 and the contractor was Blankenberger Brothers, Inc (BBI). The repair consisted of repairing a lateral in easement that was bored through by another utility.

Leon Key moved to recommend to council to approve an emergency lateral repair in the easement at 173 Driftwood Lane on June 4, 2020, at a cost of \$12,275.00 by Blankenberger Brothers, Inc (BBI).

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

Engineering Report, David Hynes

1. Powers Place Subdivision

Mr. Hynes stated the Powers Place Sewer Relocation & Kimberly Lane Sewer Rehabilitation (10264 Powers Dr.) Projects were moved from a Priority 3 to Priority 1 at the last meeting. A contract will be prepared to complete the repairs including a sewer relocation that runs under two (2) homes.

2. Amphitheater

Mr. Hynes stated CEI researched the connection of sanitary sewer to the Little Red Brick House at the Old Lock and Dam Park. A sewer main extension will be required and/or a sewer lateral extension. The details will be discussed with Mr. Key and then presented to the committee.

3. Update on Triple Crown Lift Station Elimination Construction

Mr. Hynes stated there is an issue with the Triple Crown Lift Station Elimination Project due to rock in the bore pits making it difficult to keep the bore on grade. The first option was to open-cut the roadway for which Ragle submitted a changeover order request in the amount of \$490,000.00. A soil consultant found a clear path a bit further south of the original crossing on Libbert Road which did not change the scope of the project. CEI prepared a work plan of the new configuration and a suggested change order; however, CEI received notification that Ragle pulled off the site as of June 8, 2020. A violation of specifications was sent to Ragle with a return to the site expected. The bid from Ragle was nearly \$1,000,000.00 lower than the other bids. A construction progress meeting will be held this week.

Petitions and Comments from Citizens Present (cont.)

9:45 am – Jeramy Elrod, Morley Corp, Victoria Cottages, Liz Bavitz, project architect, and Justin Hall and Brock Morrison with Sampson Construction

Mr. Elrod stated an IDEM packet, under review by CEI, was submitted for the northwest cottages in the Victoria National Subdivision. Capacity was granted for these four (4) golf cottages at the Feb. 5, 2020 Utility Committee meeting due to their special nature and limited usage. Mr. Elrod stated five (5) additional cottages with an estimated flow of 480 gallons per day per cottage and a housekeeping unit are planned in the southeast Victoria National Subdivision near Roslin Road; these units were recorded on a previous plat. A capacity study showed there is no capacity in the line and that surcharging has occurred. Capacity will be available when the Blue Lake Lift Station gravity sewer connects to the Victoria Lift Station and Force Main. Mr. Elrod presented the actual flows of the existing four (4) cottages and stated the estimated flows for the original cottages were higher than actual usage; therefore, an additional four (4) cottages could be built with no extra usage. Mr. Hynes stated numbers can be moved and manipulated but that doesn't change the fact that there is no capacity in this line. Mr. Wischer stated that remaining or unused capacity on other projects should not be taken under consideration. Mr. Hynes stated a model could be run on actual vs theoretical but it would be very time consuming and costly. Mr. Key stated he is responsible for EPA reporting and administrating the Capacity,

Management, Operation and Maintenance (CMOM) report and, therefore, is not in favor of granting any additional builds on this sewer line. Adding more builds does not following the requirements as stated in The Standards and the reporting process. As the license holder, Mr. Key is responsible for dealing with the EPA. The model must be used for inflow and infiltration and the model did show surcharging. Mr. Hynes stated sewer capacity must be available when usage is at the peak. Mr. Elrod asked if the four (4) cottages in the southeast corner could be switched with the northwest cottages since the northwest cottages have been approved for capacity? Installation of a holding tank or septic system were suggested. If either of these options are appealing to the owner, the Newburgh Sewer will provide appropriate information to the health department. As to why this sewer line is at capacity, Mr. Hynes stated the flow modeling study was completed in 2016 and showed the possibility of surcharging; hundreds of residential homes have been constructed since 2016 causing the line to surcharge significantly. Town Council and Utility Committee members were notified that this project must be completed. Mrs. Helms stated that from April 2019 through May 2020, 180 residential taps were sold with 75% in the area served by this sewer line. Mr. Key is not in favor of allowing a swap or any additional structures added to the line. The decision to not add structures to the line was made months ago. Mr. Wischer stated four (4) cottages have been approved and the Town has transferred in the past.

Carol Schaefer moved to recommend to council to allow the previously approved four (4) taps for the northwest Victoria cottages to be transferred to the four (4) southeast cottage locations at the owner's discretion provided the taps are purchased within six (6) months.

Motion seconded: Steve Shoemaker

Discussion: Only approved subdivisions are in the 2016 flow modeling study.

Roll Call Vote: In favor of the motion were Carol Schaefer, Steve Shoemaker, Christy Powell and Susan Helms. Leon Key opposed. Motion passed.

10:00 am – Cody Simpson & Jeramy Elrod, Morley Corp, Warrick Trail Drinking Fountain

Mr. Elrod stated a new bank is planned on High Pointe Drive in the Belmoore Subdivision. The bank, Indiana Members Credit Union (IMCU), would like to add a trailhead with water fountain and connect the fountain to the bank building's lateral using a 6-inch line. IMCU will be responsible to maintain the water and sewer lines. Morley will determine the proper elevation to avoid any flooding.

Motion: Leon Key moved to recommend to Council to approve the request to allow a water fountain, located along the Warrick Trail at Libbert and State Road 66, connect to the same lateral used by the Indiana Members Credit Union (IMCU).

Motion seconded: Susan Helms

Discussion: IMCU will assume all responsibilities for water and sewer.

Motion passed unanimously.

10:15 am – Bethany Holmes, RQAW Engineering, Encroachment for Warrick Trail

Ms. Holmes stated RQAW Engineering is designing a pedestrian trail near Castle High and Middle School which is part of the Indiana Department of Transportation's (INDOT) Safe Routes to School program. Encroachments are needed where the right-of-way coincides with the Town's existing sewer easements. Construction will take place in the spring/summer of 2021. Mr. Wischer will prepare the encroachment agreements.

Motion: Carol Schaefer moved to recommend to Council to allow the Warrick County Trail Project request for encroachments in the sewer right-of-way along Vann Road at State Rd 261.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

Utility Chair, Steve Shoemaker

No report.

Utility Committee Member, Carol Schaefer

1. Amphitheater - Restroom

Mrs. Schaefer stated nearly \$47,000.00 has been donated for the Amphitheater and specifically for restrooms including a handicap facility in the Little Red Brick House (House). Bayer Plumbing has donated the restroom fixtures plus an additional sink for the concession area. Mrs. Helms stated the tap fee for the House is \$2,580.00 using the calculation for picnic/park. The tap for a second building will contain two (2) restrooms with a tap fee of \$5,160.00. Tap fees are generally not waived or reduced as the ratepayers would be responsible to subsidize the tap. Mr. Hynes stated there should be a sewer direction determined by the end of next week; however, if the sewer has to go through a main, an IDEM permit will be required and approved by council. Mr. Key stated a FOG permit is not needed since the concession stand will serve only drinks and snacks; however, a grease trap may be needed under the sink to comply with state codes.

Town Attorney, Chris Wischer

1. Baker Tilly Services Agreement for Sewer Bond

2. Bank of New York Fee Schedule for Refunding Bond

Mr. Wischer stated the Baker Tilly Services Agreement is their standard agreement for bond services at an hourly rate. The Bank of New York's Fee Schedule is a standard agreement representing their services as paying agent. The fee for their service is a \$350.00 fee at the onset plus a \$750.00 annual fee.

Motion: Susan Helms moved to recommend to Council to approve the Baker Tilly Services Agreement for the Sewer Bond and the Bank of New York Schedule for the Refunding Bond.

Motion seconded: Leon Key

Discussion: None

Motion passed unanimously.

Green Springs Valley

Mr. Wischer stated the remaining easement acquisitions for the Green Springs Valley project are in the condemnation process. The court appointed appraisers must be reimbursement for their work in obtaining the appraisals which is extremely expensive; ten could cost \$30,000.00 plus attorney and court fees, and these appraisals are generally higher than the original offers. After the court appraisals are filed, following payment, the Town can begin work on the property.

Victoria/Blue Lake Projects

Mr. Wischer stated property appraisals are underway and expected to be completed by end of June. Offers will be sent and, if necessary, the condemnation process can begin in August with land acquisitions obtained by year's end.

Capacity Issues

Mrs. Schaefer expressed the need to expedite all options to rectify the capacity needs in the northern part of the sewer territory. Mr. Key stated a new study was completed in 2016 which showed the potential for major surcharging in the area; the Town relied upon the 1996 model for 15 years reiterating the importance to recalculate the model every five (5) years. Green Springs Valley has been on the project list since 2007 but has been bumped due to higher priority and emergency projects and projects that won't affect the rate. The latest timeline, distributed in the spring, was configured at an accelerated rate to complete the projects as quickly as possible. The Green Springs Valley Project will be completed in 2022 with all capacity issues rectified. Mr. Key stated that the Victoria Project was allocated in the 2016 bond but had to be reallocated for

the Triple Crown Project. Mrs. Powell added that Warrick County is rapidly developing. Mr. Hynes stated the preliminary design has been completed on many of the projects to expedite the easement process. The Town also has a comfortable monetary reserve that allows paying for the preliminary design and easements out of pocket and not having to rely on a bond issue. The Council was prepared to begin the new bond and rate increase process in May but due to the pandemic the process will likely begin this fall. Public hearings could be held in July. Committee members discussed capacity as related to contractors purchasing or not purchasing taps after being approved for capacity. Mrs. Schaefer stated the Town is halting future development with insufficient sewer capacity. She further stated that sewer decisions should be made according to the needs of the community and not based on politics. Mrs. Powell stated that oftentimes there is, or could be, a private septic system available to large acreage developments. Though this option is not ideal to the Newburgh Sewer Utility, it would solve a developer's immediate need for sewer.

Town Manager, Christy Powell

No report.

Utility Manager, Susan Helms

1. Financial Report

Mrs. Helms stated the Sewer Operating Account balance is \$6,459,918.85. Approved projects in the amount of \$360,269.22 have not been disbursed.

2. 6566 Oak Grove Road – Proposed 8700 pole barn with restroom – capacity request

Mrs. Helms stated the property owner at 6566 Oak Grove Road requested permission to connect a proposed pole barn with restroom to the sewer system which connects to the Roslin Road line. The tap cost for the 8,700-foot pole barn is \$5,780.00. The pole barn is within 300 feet of the nearest connection; however, capacity is not available on the Roslin Road line. The property owners will be notified accordingly.

Motion: Christy Powell moved to recommend to Council to notify the property owners of 6566 Oak Grove Road that capacity is not available for the addition of a pole barn.

Motion seconded: Susan Helms

Discussion: None

Motion passed unanimously.

3. Request to vacate a 45-foot Ashland Oil easement – Morley Corp.

Mrs. Helms stated Morley Corporation requested the vacation of a 45-foot Ashland Oil easement at 7477 Oak Park Drive. Mr. Key stated sewer is not located in the easement and he approves the vacation. Mrs. Helms will notify Morley that there is no objection.

Motion: Christy Powell moved to recommend to Council to allow the request to vacate a 45-foot Ashland Oil Easement at 7477 Oak Park Drive.

Motion seconded: Carol Schaefer

Discussion: None

Motion passed unanimously.

4. Sewer Revenue and Penalties for May 2020

Mrs. Helms stated due to the hardships caused by the Corona virus, in May, \$12,847.00 in penalties and late fees were waived. Sewer revenue has definitely decreased in April and May due to the pandemic. Indiana American Water is following the state's order of no shut offs through June 30th. The committee felt late fees and penalties should also be waived in June. Liens have also been suspended during the period.

Motion: Carol Schaefer moved to recommend to Council to waive all penalties and late fees on sewer bills sent in May and due in June 2020.

Motion seconded: Steve Shoemaker

Discussion: None

Roll Call Vote: In favor of the motion were Carol Schaefer, Steve Shoemaker, Christy Powell, Leon Key and Susan Helms. None opposed. Motion passed unanimously.

5. New Sewer bill and letter to be sent out to customer in June-July

A new sewer bill layout has been approved and will be sent in August. Customers will be sent a sample bill with explanation in advance of the August billing month.

6. New Hiring Request

Mrs. Helms stated employee Marilyn Doyle has submitted her intent to retire on October 5, 2020 after nine (9) years of employment with the Town; however, Marilyn stated she is willing to continue on a part-time basis if needed. Mrs. Helms was given permission to begin the hiring process.

Motion: Christy Powell moved to recommend to Council to approve the request to begin the hiring process for a Sewer Utility Office Customer Service Specialist to replace Marilyn Doyle who will be retiring this fall.

Motion seconded: Carol Schaefer

Discussion: None

Motion passed unanimously.

Mr. Shoemaker adjourned the meeting at 11:59 AM.

Respectfully submitted,
Marilyn Doyle