



Town of Newburgh  
**Town Council Meeting**  
Wednesday, December 14, 2022

**MINUTES**

**5:30 p.m.: REGULAR SESSION**

**CALL TO ORDER**

**Time: 5:30 p.m.**

**PLEDGE OF ALLEGIANCE**

**REMEMBRANCES AND ACKNOWLEDGEMENTS**

Stacie Krieger congratulated David Hynes on his retirement and thanked him for the time he served the Town of Newburgh. Stacie stated that David has been wonderful to work with and she and Town Council appreciate all of his efforts over the years.

*Standing ovation for David Hynes.*

**ROLL CALL**

District I ~ Steve Shoemaker  
District II ~ Allyson Shelby  
District III ~ Stacie M Krieger  
District IV ~ Anne Rust Aurand  
Council-at-Large ~ Leanna K. Hughes  
Clerk-Treasurer ~ Nannette Angel  
Town Manager ~ Christy Powell  
Town Attorney ~ Christopher Wischer

Also, in attendance were Drew Flamion and David Hynes, Town Engineers; and Andrea Balboni, Facilities Coordinator

**MINUTES**

- ***Approval of the November 22, 2022 Town Council Minutes***  
MOTION by Anne Rust Aurand for the approval of the November 22, 2022 Town Council Minutes  
SECONDED by Leanna K. Hughes  
Discussion: None  
MOTION carries: ayes 5; nays 0
- ***Approval of the November 28, 2022 Round Table Memorandum***  
MOTION by Anne Rust Aurand for the approval of the November 28, 2022 Round Table Memorandum  
SECONDED by Leanna K. Hughes  
Discussion: None

MOTION carries: ayes 4; nays 0 (Allyson Shelby abstained)

## SCHEDULED REQUESTS AND APPEARANCES

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

#### *Max Goffinet – 921 W Phelps Drive*

Max Goffinet wanted to thank the Town for everything over the past many years. Mr. Goffinet stated that he wanted to especially thank Chris Wischer for helping him with a messed-up situation. Mr. Goffinet stated that Chris Wischer took the bull by the horn and helped him with a property line issue. Mr. Goffinet stated that Chris Wischer busted in and handled the situation, he is an absolute jewel and the Town of Newburgh is lucky to have him. Mr. Goffinet stated that David Hynes has also been with the Town for what seems like forever but has always been above board and gave kudos to Mr. Hynes on his career and his retirement. Mr. Goffinet explained the property line issue and how it was resolved by Mr. Wischer. Mr. Goffinet then went on to tell Christy Powell that she is the best and for her to keep up the good work. Mr. Goffinet ended the conversation by stating that if Town Council loses Chris Wischer, they would regret it. Stacie Krieger stated that it is very refreshing to hear such praising compliment and is a nice Christmas present for Town Council.

## NEW BUSINESS

### CIVIL

- ***Solid Waste and Recycling Collection Service Contract Bid Opening***

MOTION by Leanna K. Hughes to close the bids for the Solid Waste and Recycling Collection Service Contract

SECONDED by Steve Shoemaker

Discussion: None

MOTION carries: ayes 5; nays 0

There were three bids submitted and opened by Chris Wischer:

Company Name	Base Bid Per Month	Total Annualized Assuming 1517 x 12	Heavy Waste per Ton	Extra Waste Can Per Month
Waste Management	\$21.20	\$385,924.80	\$49.00	\$7.35
Renewable Resources	\$18.49	\$336,591.96	\$60.00	\$5.00
Republic Services	\$17.40	\$318,023.88	\$92.21	\$5.00

Anne Aurand asked about heavy waste and how it would be handled. Christy Powell stated that currently we have a once-a-year heavy trash pickup and during conversations with each contractor, they all had different ways of handling heavy trash and we will look into those ways while reviewing the bids. Mrs. Aurand asked if the container sizes were all the same. Andrea Balboni stated that the specifications call for a 96-gallon tote but a 64 gallon can be requested. Mrs. Aurand also asked about the cost for an additional can and Christy Powell stated if that cost is absorbed by the Town or passed on to the resident will be up to Town Council.

MOTION by Leanna K. Hughes to take the bids for the Solid Waste and Recycling Collection Service Contract under advisement.

SECONDED by Allyson Shelby

Discussion: None

MOTION carries: ayes 5; nays 0

Leanna K. Hughes thanked Andrea Balboni for all the work she put into gathering data and working on the specifications.

- ***Ordinance 2022-11 2023 Salary Ordinance***

MOTION by Leanna K. Hughes for the first reading of Ordinance 2022-11 2023 Salary Ordinance

SECONDED by Steve Shoemaker

Discussion: None

MOTION carries: ayes 5; nays 0

Chris Wischer read Ordinance 2022-11 2023 Salary Ordinance

MOTION by Leanna K. Hughes for the acceptance of the first reading of Ordinance 2022-11 2023 Salary Ordinance

SECONDED by Steve Shoemaker

Discussion: None

MOTION carries: ayes 5; nays 0

MOTION by Allyson Shelby for the second reading of Ordinance 2022-11 2023 Salary Ordinance

SECONDED by Steve Shoemaker

Discussion: None

MOTION carries: ayes 5; nays 0

Chris Wischer read Ordinance 2022-11 2023 Salary Ordinance

MOTION by Leanna K. Hughes for the acceptance of the second reading and the adoption of Ordinance 2022-11 2023 Salary Ordinance

SECONDED by Allyson Shelby

Discussion: Christy Powell stated that the Ordinance reflects nine-percent (9%) raises across the board with a few wage adjustments made by Wastewater Superintendent Russell Powell. Christy stated that staff adjustments for Susan Helms and Nannette Angel office will need to go to the Finance and Personnel Committees.

MOTION carries: ayes 5; nays 0

- ***2023 Salary Spreadsheet***

Christy Powell explained that the 2023 Salary Ordinance approves the pay range per job title only. The Salary Spreadsheet reflects the percentage of the pay increase and dollar amount per hour for each employee for the coming year. The Salary Spreadsheet is not on the agenda but needs to be approved as well.

MOTION by Anne Rust Aurand to approve the 2023 Salary Spreadsheet

SECONDED by Leanna K. Hughes

Discussion:.

MOTION carries: ayes 5; nays 0

- ***Ordinance 2022-12 Check Fees, Etc. for the Sewer Department***

Chris Wischer stated that this ordinance amends Chapter 51, applying the fees to e-checks and making the ordinance clear. When a bill is paid online and information is entered incorrectly, the error being made by sewer customer, and the charged is declined, the Town is charged an Administration Fee and this would allow the Utility Office to pass that fee on. The Utility Office does not have to pass the fee on, but this would give them the option to do so, especially for regular violators.

MOTION by Steve Shoemaker for the first reading of Ordinance 2022-12 Check Fees, Etc. for the Sewer Department

SECONDED by Leanna K. Hughes

Discussion: None

MOTION carries: ayes 5; nays 0

Chris Wischer read Ordinance 2022-12 Check Fees, Etc. for the Sewer Department

MOTION by Steve Shoemaker for the acceptance of the first reading of Ordinance 2022-12 Check Fees, Etc. for the Sewer Department

SECONDED by Leanna K. Hughes

Discussion: None

MOTION carries: ayes 5; nays 0

MOTION by Steve Shoemaker for the second reading of Ordinance 2022-12 Check Fees, Etc. for the Sewer Department

SECONDED by Leanna K. Hughes

Discussion: None

MOTION carries: ayes 5; nays 0

Chris Wischer read Ordinance 2022-12 Check Fees, Etc. for the Sewer Department

MOTION by Steve Shoemaker for the acceptance of the second reading and the adoption of Ordinance 2022-12 Check Fees, Etc. for the Sewer Department

SECONDED by Leanna K. Hughes

Discussion: None

MOTION carries: ayes 5; nays 0

- ***Ordinance 2022-13 Check Fees for Civil Town***

Chris Wischer stated that this ordinance mimics Ordinance 2022-12 but applies the fee to Civil Town. This ordinance was created so that Sewer and Civil Town fees match.

MOTION by Steve Shoemaker for the first reading of Ordinance 2022-13 Check Fees for Civil Town

SECONDED by Leanna K. Hughes

Discussion: None

MOTION carries: ayes 5; nays 0

Chris Wischer read Ordinance 2022-13 Check Fees for Civil Town

MOTION by Steve Shoemaker for the acceptance of the first reading of Ordinance 2022-13  
Check Fees for Civil Town  
SECONDED by Leanna K. Hughes  
Discussion: None  
MOTION carries: ayes 5; nays 0

MOTION by Steve Shoemaker for the second reading of Ordinance 2022-13 Check Fees for  
Civil Town  
SECONDED by Leanna K. Hughes  
Discussion: None  
MOTION carries: ayes 5; nays 0

Chris Wischer read Ordinance 2022-12 Check Fees, Etc. for the Civil Town

MOTION by Steve Shoemaker for the acceptance of the second reading and the adoption of  
Ordinance 2022-13 Check Fees for Civil Town  
SECONDED by Leanna K. Hughes  
Discussion: None  
MOTION carries: ayes 5; nays 0

- ***Resolution 2022-14 Year End Additional Appropriation***

Nannette Angel stated that this appropriation is standard practice and adds additional  
appropriations at the end of the year in case something pops up.

MOTION by Steve Shoemaker for reading of Resolution 2022-14 Year End Additional  
Appropriation  
SECONDED by Leanna K. Hughes  
Discussion: None  
MOTION carries: ayes 5; nays 0

Chris Wischer read Resolution 2022-14 Year End Additional Appropriation

MOTION by Steve Shoemaker for the acceptance and adoption of Resolution 2022-14 Year End  
Additional Appropriation  
SECONDED by Leanna K. Hughes  
Discussion: None  
MOTION carries: ayes 5; nays 0

- ***Creation of Committee – Engineer and RFP Study***

Chris Wischer stated that this issue came up during the November 28, 2022 Round Table and the  
creation of a committee was discussed on how future projects should be handled. Mr. Wischer  
stated that Town Council could choose to create an official committee or create a working group.  
Stacie Krieger stated that she thinks a working group should be created and does not need to  
report to Town Council each meeting, only when there is information to share or a  
recommendation is given. Mr. Wischer stated that this working group would look into services  
and decide what projects would be appropriate for an RFP and have discussions on engineering  
services versus having an engineer on staff. Mr. Wischer stated that this group would setup the  
framework for Town Council to make the final decision. Mr. Wischer stated that the working

group should include Town Manager, Christy Powell; Town Attorney, Chris Wischer; Wastewater Superintendent, Russell Powell; and two Town Council members. Mr. Wischer stated as the group meets if additional employee input is needed, additional employees can be added to the group.

Stacie Krieger stated that Leanna K. Hughes would like to serve on the group and asked Steve Shoemaker and Allyson Shelby if either one of them would like to be assigned to the group. Steve Shoemaker stated that he would like to be in the Engineer/RPF Working Group. Stacie Krieger stated that she would like to see some sort of minutes from this working group to keep the rest of Town Council apprised. Ms. Krieger stated that they do not have to be formal minutes, they can be bullet pointed but would like to see the ongoing thought process and what the group is deciding on. Christy Powell stated that she will get a meeting date set.

- ***Ellerbusch Road Relief Culvert and Culvert Replacement – Change Order #01***

Drew Flamion stated that Change Order #01 for the Ellerbusch Culvert Project had an unforeseen condition under the road. During excavation an additional portion of a 28” culvert was located and removed. Removal of this additional culvert damaged asphalt, which needed to be replaced. The cost of this change order is \$604.52.

MOTION by Steve Shoemaker to approve Change Order #01 for Ellerbusch Road Relief Culvert and Culvert Replacement

SECONDED by Leanna K. Hughes

Discussion: None

MOTION carries: ayes 5; nays 0

- ***Ellerbusch Road Relief Culvert and Culvert Replacement – Final Invoice***

Drew Flamion stated that the Ellerbusch Road Relief Culvert and Culvert Replacement project is complete and the final invoice, payable to SAMM, is \$30,147.32 (which includes the recently approved change order).

MOTION by Steve Shoemaker for approval of the Ellerbusch Road Relief Culvert and Culvert Replacement Final Invoice in the amount of \$30,147.32

SECONDED by Leanna K. Hughes

Discussion: Steve Shoemaker stated that they completed the project quickly. Drew Flamion stated that there is still a watermain issue that needs to be addressed and some additional small improvements to be made but this part of the project is complete.

MOTION carries: ayes 5; nays 0

- ***Miscellaneous Civil Retainer – Engineer Contract***

Drew Flamion stated this contract is for miscellaneous work associated with relatively small Civil Town projects which includes project coordination meetings, Town Council meetings, monthly board, commission and committee meetings as needed, verbal consultation, emergency responses, investigations and cost estimates. This contract will be paid on a monthly basis.

MOTION by Leanna K. Hughes to approve the Commonwealth Engineers, Inc. Miscellaneous Civil Retainer – Engineer Contract

SECONDED by Anne Rust Aurand

Discussion: Steve Shoemaker stated that the monthly charge has not gone up and is the same charge as in the past. Drew Flamion confirmed.

MOTION carries: ayes 5; nays 0

- ***Approving the Order and Purchase of Salt Spreader for the Street Department***

Nannette Angel stated that the cost of a new salt spreader was included in the 2023 budget and stated that cost is \$6,367.51.

MOTION by Anne Rust Aurand to approve the purchase of a new salt spreader for the Street Department

SECONDED by Leanna K. Hughes

Discussion: Anne Rust Aurand stated that this is not just for the spreading of salt but can also spread sand and other mixtures

MOTION carries: ayes 5; nays 0

## SEWER

- ***Blue Lake Lift Station, Force Main, and Gravity Sewer Improvements Project – Construction Stormwater Certifications for both divisions***

Drew Flamion stated that this project has been split into separate divisions to reduce construction costs making it smaller manageable construction projects.

MOTION by Steve Shoemaker to approve the Construction Stormwater Certifications of the Blue Lake Gravity Sewer Upgrades.

SECONDED by Leanna K. Hughes

Discussion: None

MOTION carries: ayes 5; nays 0

MOTION by Steve Shoemaker to approve the Construction Stormwater Certifications of the Blue Lake Lift Station and Force Main Upgrades.

SECONDED by Leanna K. Hughes

Discussion: None.

MOTION carries: ayes 5; nays 0

- ***Anderson Road and Vann Road Roundabout – Engineer Contract***

Drew Flamion stated that Warrick County Department of Engineering has requested verification of facilities for their proposed roadway improvement project at Vann and Anderson Road, which is a roundabout. Warrick County gave a very short time frame and with this contract engineering will be working directly with utility to provide survey, conflict analysis, verification of existing facilities, official written response as requested by Warrick County.

MOTION by Steve Shoemaker to approve Anderson Road and Van Road Roundabout Engineering Contract

SECONDED by Leanna K. Hughes

Discussion: None.

MOTION carries: ayes 5; nays 0

- ***Victoria National Force Main Improvements – Pay Application #4***

Drew Flamion stated that Pay Application #4 for Victoria National Force Main Improvements now puts the work at 67% complete and is in the amount of \$1,398,932.00. Retainage for this pay application is \$69,946.60 making the total amount due to the contractor, Cleary Construction, \$1,328, 985.40.

MOTION by Steve Shoemaker to approve Victoria National Force Main Improvements Pay Application #4 in the amount of \$1,328,985.40.

SECONDED by Leanna K. Hughes

Discussion: Steve Shoemaker asked if the project was on schedule. Drew Flamion stated that as of right now they are ahead of schedule due to the great weather they have had. Drew stated that if the weather holds out they will continue ahead of schedule.

MOTION carries: ayes 5; nays 0

- ***Miscellaneous Sewer Retainer – Task Order Agreement with Engineer***

MOTION by Steve Shoemaker to approve Miscellaneous Sewer Retainer – Task Order Agreement with Engineer for miscellaneous work associated with SEWER retainer and projects.  
SECONDED by Leanna K. Hughes

Discussion: Drew Flamion stated that this is for the monthly utility meetings, subdivision work, project lists, questions from staff and coordination with legal. Steve Shoemaker wanted the minutes to reflect that Commonwealth has kept the pricing the same for several years when many companies are raising prices.

MOTION carries: ayes 5; nays 0

- ***Interlocal Agreement Blue Lake Subdivision and Warrick County***

Chris Wischer stated that the Town is planning a capital improvement project at the existing Blue Lake Lift Station and Warrick County is planning a capital improvement project in the same location to replace a culvert. The culvert project runs underneath Briarcliff Drive and through the existing Blue Lake Lift Station. As the Town is replacing the existing lift station, Warrick County will be working on the culvert. The Town will work on their portion, give Warrick County time to work on their project and then the Town will finish their project. The existing gravity sewer lines will be in conflict with the County's new culvert and an extension to the culvert is needed. The Town will pay for all expenses related to the extension of the culvert. Drew Flamion stated that agreeing to this allows for materials to be purchased since they keep going up in price. Steve Shoemaker stated that it makes sense to coordinate with Warrick County and this agreement that Drew Flamion and David Hynes came up with is a good plan.

MOTION by Steve Shoemaker to approve Interlocal Agreement Blue Lake Subdivision and Warrick County

SECONDED by Leanna K. Hughes

Discussion: None.

MOTION carries: ayes 5; nays 0

## **UNFINISHED BUSINESS**

- ***Ordinance 2022-07 – An Ordinance Amending Chapter 157 of the Newburgh Code of Ordinances Regarding Variances***

MOTION by Steve Shoemaker to remove Ordinance 2022-07 – An Ordinance Amending Chapter 157 of the Newburgh Code of Ordinances Regarding Variances from the table

SECONDED by Leanna K. Hughes

Discussion: None.

MOTION carries: ayes 5; nays 0

MOTION by Steve Shoemaker to approve amended Ordinance 2022-07 – An Ordinance Amending Chapter 157 of the Newburgh Code of Ordinances Regarding Variances

SECONDED by Anne Rust Aurand



Discussion: Chris Wischer stated that the ordinance will be sent back to Plan Commission with the amendments. Plan will then review and the ordinance will come back to Town Council.  
MOTION carries: ayes 5; nays 0

## STAFF REPORTS

ZONING ADMINISTRATOR – Since the last meeting, there have been 5 projects with a total value of \$199,498.00. For these projects, 15 permits were issued, with total fees collected of \$725.00.

### FACILITIES COORDINATOR

#### *Emergency Sirens*

Andrea Balboni stated that in her report there is information on the two emergency sirens in Town. Andrea Balboni stated that she will be bringing a final request to Town Council shortly, but if anyone has any questions or suggestions to please reach out to her.

#### *Parks and Recreation Master Plan*

Andrea Balboni also stated that she received the checklist back from DNR on the Parks and Recreation Master Plan. Mrs. Balboni stated that there are a few suggestions and areas that need more attention but overall, the comments were positive. The final draft is due back to DNR by April of 2023.

#### *Preservation Hall Water and Drainage Issues*

Steve Shoemaker asked about the drainage and water issues at Preservation Hall. Andrea Balboni stated that she talked to Drew Flamion the day before and they have the assessment and they are currently reviewing and will have it for Town Council shortly. David Hynes stated that they have the preliminary report back from the architect, there were no real surprises, but they are just wrapping up the drainage portion, final draft and cost estimates. David stated that they will meet with Christy Powell and Andrea Balboni next week and will present to Town Council by the end of the year.

### CLERK-TREASURER

#### *Staffing*

Nannette Angel stated Louann Woodford will be promoted to Deputy Clerk-Treasurer position. Mrs. Woodford has years of municipality experience, is very experienced and has been a huge support to the Clerk's Office. Julie Lee will be starting with the title of Administrative Assistant at the end of the year and will support both the Clerk-Treasurer and the Deputy Clerk-Treasurer.

#### *Police Car Financing*

Mrs. Angel stated that the Police Department received their three (3) new vehicles today. After gathering several bids, we are looking for approval to finance two (2) of the vehicles with Banterra Bank at a 3.7% 24-month loan. The third vehicle was paid for in cash, which is why only two (2) need to be financed.

MOTION by Steve Shoemaker to financing two of the three police vehicles with Banterra Bank at a 3.7% 24-month loan.

SECONDED by Leanna K. Hughes

Discussion: None.

MOTION carries: ayes 5; nays 0

TOWN ATTORNEY – No Report

TOWN ENGINEER

*American Council of Engineering Companies (ACEC) State Finalist Award*

Drew Flamion reported that Commonwealth Engineers, Inc. and Town of Newburgh, was recognized for an ACEC State Finalist Award for engineering excellence, for the work completed on the Lift Station No. 2 Sub Basin Recalibration Study. The Award Ceremony will be held on Thursday, April 27, 2023 in Indianapolis.

Newburgh's Sewer Utility used a proactive approach and persistence, which ended in remarkable results. The Lift Station 2 sub-basin Recalibration Study showed a reduction in what could have been \$8.8 million in capital improvement projects. Previously, a hydraulic model identified existing system deficiencies and future growth impacts on the system. The master plan summarized and identified the Lift Station 2 sub-basin as a high risk for sanitary sewer overflows. The Utility targeted high-risk areas to determine the cause, which led to finding a major direct source contributor exposed in a ditch, which was repaired in house by Utility. The Utility had also been completing many small point repairs on the system and completed one large capital improvement project to reduce inflow and infiltration into the system. This capital project, Forest Park Project, included the Engineer, Town and Utility working in unison on the Town's CCMG project in which failing lines and structures were replaced. The results of the improvements and repairs reduced environmental impacts and minimized operations and maintenance on the Utility, all of which is passed on to the local Newburgh citizens and ratepayers in continuing to maintain affordable rates.

TOWN MANAGER

*Rivertown Trail Bridge Project – Commonwealth Contract*

Christy Powell presented the Commonwealth Engineering Services Rivertown Bridge – Structure Refinish and Wood Decking Rehab proposal to Town Council seeking their direction. Mrs. Powell stated that they received the American Rescue Plan Act (ARPA) funding for the project in the amount of \$175,000 with a \$25,000 match from the Town of Newburgh. This proposal is not to exceed \$21,150. Steve Shoemaker asked David Hynes to speak on the proposal. David Hynes stated that this proposal will have Commonwealth complete the quote package and see the project through. Christy Powell stated that this is for preliminary design, final design, quote and negotiating, construction and commissioning.

MOTION by Steve Shoemaker to approve the contract with Commonwealth Engineering for the Rivertown Trail Bridge Project

SECONDED by Leanna K. Hughes

Discussion: None.

MOTION carries: ayes 5; nays 0

*Tree Removal*

Christy Powell stated that American Eagle is requesting several road closures to remove nine (9) trees that the arborist identified as posing a high risk to public safety. One (1) of the nine (9) along French Island Trail that was identified already fell across the road. American Eagle was called out and will be removing that tree along with the other eight (8). Stacie Krieger asked how many trees will be removed in the tree canopy. Christy Powell stated there are twelve (12) trees in total that need to be removed with three (3) of them being in the tree canopy. Christy Powell will use Facebook and Towny to alert the public of street closures.

### *2016 Accident*

Steve Shoemaker asked about the 2016 accident lawsuit in the Town Manger Report. Christy Powell stated that they have spoken with the attorney, that maintenance has been done to the grate, but Drew Flamion will be investigating the inlet to make sure it is structurally sound. Christy Powell stated they are making sure they are navigating this issue correctly.

## **COMMISSION/COMMITTEE REPORTS**

### COMMISSION

- Air Authority – Stacie Krieger stated that in eleven (11) days someone special will be flying over the Town of Newburgh.
- Board of Zoning Appeals – Meeting will take place on December 27, 2022.
- Fire – Chief Nick Donnan stated that they have had a slower year this year and will have a yearend report to Town Council shortly. Chief stated that they have done 714 runs, with 51 of those runs being fire (this number is higher than normal), and at least 50% being health runs. Chief stated that they currently have an eight minute and thirty second response time. Chief also stated that he asks all volunteers to account for their time, meaning to account for the time they are available to respond to a call. This does not include incidents, classes or training. They have logged 21,830 hours between the 27 volunteers. Anne Rust Aurand thanked the Newburgh Volunteer Fire Department for the way they handled the accident behind the Subway off of Stacer Road. Chief stated that it was an unfortunate accident and he will pass on the compliment to the department.
- Historic Preservation – Stacie Krieger stated that Tavi Wydicks discussed two (2) COA's in her Zoning Report and stated that the Commission held final discussion and made a final decision on how to move forward with the 221 State Street garage issue.

### *221 State Street Garage*

Chris Wischer sent out an email explaining the Commission's decision and request for fines. Mr. Wischer stated that this has been a long process starting in 2018 with the Certificate of Appropriateness (COA) approval. The COA approval in 2018 was for an attached garage made of stone and cement siding. The property owner changed the garage from attached to detached but made no other changes to the COA. In 2020 the garage was built and vinyl siding was added to the building. Mr. Wischer stated that HPC, legal and staff met with the property owner to discuss ways to resolve the issue. The resolution was the vinyl siding had to be removed and replaced within ten (10) years or earlier if the property is sold or damaged. A covenant was created and submitted to the property owner but has not been signed by the property owner. Historic Preservation Commission met and did not want to continue waiting and decided on a resolution to send the property owner a letter to sign the covenant. If not signed by January 1, 2023 a five dollar (\$5) fine per day would be assessed for the first year. If the covenant remained unsigned after the first year, the daily fine would increase to ten dollars (\$10) a day. If after the second year the covenant remained unsigned fee would increase by five dollars (\$5) a day every year until the vinyl is replaced with an appropriate material. Stacie Krieger stated that the letter, deadline and fine had to be created so that future homeowners would adhere to the HPC guidelines. HPC could not set a future precedent. Mr. Wischer stated that vinyl siding is not within the HPC guidelines especially within the core district. All properties need to follow guidelines, including new construction.

Even though the building is not historic, the look needs to be consistent. The property owner did ask for vinyl but it was not approved. A cement-based material was approved. Vinyl was installed on the building. If there was no consequence to the vinyl siding, HPC and the Town lose the ability to tell other property owners no when asked for vinyl siding. Mr. Wischer stated ten (10) years is more than fair and have even told the property owner the ten (10) years will start once the covenant is signed.

Stacie Krieger asked if Town Council needs to approve the letter to be sent to the property owner. Mr. Wischer stated that the letter and fine was a recommendation from HPC and Town Council would need to approve the letter and fine.

MOTION by Stacie Krieger to approve HPC recommendation to send a letter to the property owner to sign the covenant and apply a fine if not signed.

SECONDED by Leanna K. Hughes

Discussion: Stacie Krieger stated that the property owner will have ten (10) years from signing the covenant to replace the vinyl.

MOTION carries: ayes 5; nays 0

- Park - Allyson Shelby stated that Parks Board met on December 1, 2022 and had a regular meeting followed by their holiday party.

#### *Township Park*

A representative from Ohio Township met with the Parks Department and showed them the plans for their ten-million-dollar park, located at the new fire station on Libbert Road. The park will include a splash pad, 11,000 square foot playground accommodating toddlers to teens, sensory areas, handicap accessible, adult fitness, picnic tables, shelters and a rentable event room. The ten million dollars will come from ARPA funding, TIFF, and READI grants but not all funding is secure. The park will be lit to allow use after dark, they will not have an attendant on duty, the splash pad will automatically shutoff during storms. They used a design firm out of Kentucky to create the splash pad and park area. Ms. Shelby stated that it is very important to look at funding opportunities that the Town can take advantage of. Discussion was had on how the Township decided to add the park to the fire station location which also takes advantage of the Wellness Trail nearby and gives the future indoor sports park users a place to go as well.

#### *Christmas Tree Lights at Veterans Monument*

Parks Board discussed using the flag pole at Veterans Monument to create a Christmas tree out of Christmas lights. Chad Bennett approached Parks Board and pros and cons were discussed. Byron and Sherri Sherman were okay with removing the flags and adding the lights, but additional questions and concerns came up. Mr. Bennett is going to discuss the idea with American Legion.

#### *Umbrella Signage*

This needs to be installed before freezing temperatures since it was part of the grant requirement.

- Plan – Next meeting will be January 3, 2023.
- Police – Next meeting will be December 19, 2022.

- Storm Water – No Report.
- Street – Anne Rust Aurand stated that the Street Department cleaned and maintained catch basins, replaced worn out bollards by the walkway bridge and installed two new bollards on the walkway, continued cleaning up leaves on Town properties, installed 120 feet of pipe and poured two catch basins on the Monroe and Fourth Street Project, put up and took down the wooden buildings for Historic Newburgh, Inc. and planted two (2) trees in tree wells at Water and State Street.
- Utility  
MOTION by Steve Shoemaker to approve the December 7, 2022 Utility Motions.  
SECONDED by Leanna K. Hughes  
Discussion:  
*Motion #5*  
Steve Shoemaker stated Class C certification is higher than a Class B certification. The amendment will allow for a Class B with 5+ years of experience instead of a Class C.  
Christy Powell stated that there is a shortage of operators and that this will hopefully help fill those positions.

*Motion #6*

Steve Shoemaker wanted to acknowledge and congratulate the five (5) employees for their new IWEA Certifications and all their hard work:

Elizabeth Williams – Wastewater Laboratory Analyst I

Desiree Murphy – Wastewater Laboratory Analyst I

James “Colton” Camden – Wastewater Collection System Operator I

James “Andy” Byers – Wastewater Collection System Operation II

Jason Tillotson – Wastewater Collection System Operator II

*Motion #4*

Allyson Shelby asked for Motion #4 to be explained. Steve Shoemaker stated that this would allow an alarm system to be installed instead of a holding unit at the Pickleball Association lift station since there will not be a lot of wastewater produced there. Superintendent, Russell Powell, was comfortable with the decision. Drew Flamion stated that during storm events, they will not be playing or using the facilities.

MOTION carries: ayes 5; nays 0

STANDING COMMITTEES

- Finance – No Report
- Personnel – Anne Rust Aurand stated that she has reviewed all the evaluations, around fifty (50). Leanna K. Hughes asked if Personnel did the evaluations. Mr. Aurand stated that Supervisors did the evaluations and Personnel just reviewed.

SPECIAL BOARDS/COMMITTEE REPORTS

- Arts Commission – Leanna K. Hughes stated that Arts Commission met at her house for their holiday/social event. They discussed their dreams and wishes for the commission and what they would like to see within Newburgh. Some members are leaving and they will be looking for replacements.

- Diversity and Inclusion Committee – Allyson Shelby stated that the Committee is looking into doing a Diversity Celebration Day in 2023 for the Town of Newburgh and the greater Newburgh area.
- Sidewalk Committee – Leanna K. Hughes stated they are continuing to look into ADA Regulations within Driftwood subdivision.

### **MISCELLANEOUS BUSINESS**

Allyson Shelby stated that she received complaints from non-town residents of the Triple Crown subdivision. The residents were struggling with utility work within the area and did not know who to reach out to. Allyson Shelby wanted to compliment Brad Ellsworth for reaching out to the residents and answering the complaints and addressing the issues with the subcontractors. Allyson Shelby stated that there were some sewer issues out there, with a line maybe being nicked and wanted to know if anything came of that. Christy Powell stated that she will reach out to Russell Powell at the Wastewater Plant.

Anne Rust Aurand gave Andrea Balboni information on where to find Newburgh history for the 220th anniversary next year.

Stacie Krieger stated that the end of year is almost here and if any Town Council member want to be removed or added to a Board, Committee or Commission to let her know. If she does not hear anything, she will assume everyone wants to stay where they are. Anne Rust Aurand stated that in years past Town Council members switched so that everyone could learn about the different areas of the Town. Andrea Balboni stated that she and Tavi Wydicks are working on the Frog Legs (list of board, committee, and commission volunteers) and they should be completed shortly.

Leanna K. Hughes asked if the Good Citizen and Good Neighbor Awards are still given. Christy Powell stated they have brought up names in the past, but no decision has been made.

### **APPROVAL OF CLAIMS**

**These claims have been provided to Council 5 days prior to this Council meeting for review. Therefore, I would like to present these claims to Council for consideration and approval of payment plus any sewer adjustments.**

**For Civil Town: \$449,973.55**

**For Sewer: \$814,864.75**

MOTION by Stacie M. Krieger to approve all claims properly signed including any sewer adjustment to be paid.

SECONDED by Leanna K. Hughes

Discussion: None

MOTION carries: ayes 5; nays 0

### **ADJOURNMENT**

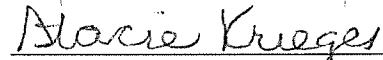
MOTION by Leanna K. Hughes for adjournment at 7:08 p.m.

SECONDED by Stacie Krieger

Discussion: None

MOTION carries: ayes 5; nays 0

Approved this 28<sup>th</sup> day of December 2022.

  
\_\_\_\_\_  
Stacie Krieger, President

  
\_\_\_\_\_  
Nannette Angel, Clerk Treasurer

