

NEW HAVEN BOARD OF COMMISSIONERS SPECIAL MEETING MINUTES

City Hall – 302 Center Street, New Haven, KY 40051

March 14, 2018 @ 3:00PM

Members Present: Mayor Tessie Cecil, Jane Masse, Joseph Mattingly, Mike Morris & Karl Lusk

Guests & Staff Present: Ashley Willoughby, Scottie Metcalf, Keith Bartley and Joanie Corbin

The meeting was called to order by Mayor Cecil at 3:01pm. The pledge was recited.

The **Meeting Minutes of February 15th, 2018** were approved with a motion by Jane and a second by Karl. All voted in favor. Motion Carried.

Karl made a motion that the New Haven City Commission go into **executive session**, under the authority of: **KRS 61.810** Exceptions to open meetings.

(1) All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for the following:

(c) Discussions of proposed or pending litigation on behalf of the City of New Haven.

Jane seconded the motion. All voted in favor. Motion passed.

Jane made motion to return **regular session**. Mike seconded the motion. All voted in favor. Motion carried.

Karl stated the following: Based upon information and data received from our contracted engineering firm, HMB Professional Engineers, Inc., and requested studies of the completed sewer project by Scott and Ritter, Inc., following Jones Construction Company inability to meet a deadline to complete punch list and testing, I move that the City of New Haven take appropriate action to notify, by and through our attorney, Thomas Hamilton, to Jones Construction Company, of our intent to request forfeiture of Jones' performance bond, because of defects, omissions, poor workmanship and other issues which do not meet applicable industry standards.

Jane seconded the motion. All voted in favor. Motion carried.

Karl made a motion that the New Haven City Commission **authorize attorney Thomas Hamilton** to represent the City of New Haven in the above referenced matter, and further authorize him to contact Jones Construction Company, their attorney, and the bond issuer, Liberty Mutual Insurance Company and its subsidiaries as soon as possible.

Jane seconded the motion. All voted in favor. Motion carried.

Karl made a motion that the City of New Haven **request HMB Professional Engineers, Inc.** to prepare proper documents describing in detail all deficiencies and any and all repairs, corrections, and restorations required to meet sewer project specifications and industry standards. City of New Haven

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will seek to apply fees and expenses associated with sewer repairs and litigation over such repairs from the contractor's performance bond.

Jane seconded the motion. All voted in favor, except Joseph, whom opposed. Motion carried.

Jane made a motion to **adjourn** the meeting. Mike seconded the motion. All voted in favor. Motion carried.

Mayor

City Clerk