

**Martinsville Board of Works and Safety
Meeting Agenda
Monday, September 22, 2025
6:30 PM - City Hall, Council Chambers (Room 202)**



Call to Order

Roll Call

Consideration of the Minutes

- A. September 8, 2025, Board of Works and Safety Meeting Minutes

New Business

- A. Opening of Bids for Work at Wastewater Treatment Plant
- B. Consideration of Sending a Tort Claim to the Insurance Provider
 - a. Charles Yeoman
 - b. Richard W. Joslyn

Consideration of Claims

Sewer Adjustment Applications

- A. 890 N. Main St. - \$ 166.65
- B. 20 Tulip St. - \$584.39

Next Regular Meeting

- A. The next regular meeting will be on Tuesday, October 14, 2025, beginning at 6:30 PM in the Council Chambers (Room 202), City Hall, 59 S. Jefferson St., Martinsville, IN

Adjournment

Any individuals who requires aid or service for effective communication, or a modification of policies or procedures to participate in a public meeting, program, service, or activity of the City of Martinsville, IN, contact Ben Meridia, ADA Coordinator, 56 North Main Street, Martinsville, IN, 46151, 765-342-6012, as soon as possible, but no later than 48 hours before the scheduled event.

**MARTINSVILLE BOARD OF WORKS AND SAFETY
MARTINSVILLE INDIANA
MORGAN COUNTY, INDIANA
SEPTEMBER 8, 2025**

Call to Order

Roll Call

Board of Works Kelly Bray
Mayor Kenneth Costin
Board of Works John Lillywhite

A quorum was declared present.

Consideration of the Minutes

- A. Consideration of the Monday, August 25, 2025, Meeting Minutes

A motion to Approve was made by Board of Works John Lillywhite. Kenneth Costin seconded the motion. The minutes were Passed 2-0. Kelly Bray abstained.

New Business

- A. Consideration of Engagement Contract - The Woomblies Orchestra**

Mr. Merida presented the contract to the board for their consideration. The contract was for
\$5,000.00

A motion to Approve was made by Board of Works Kelly Bray. John Lillywhite seconded the motion. The contract was approved 3-0.

- B. Consideration of Engagement Contract - Kevin Roberts Entertainment Agency**

Mr. Merida presented the contract to the board for their consideration. The contract was for
\$15,000.00

A motion to Approve was made by Board of Works John Lillywhite. Kelly Bray seconded the motion. The contract was Passed 3-0.

C. Consideration of Performance Agreement - Another Round

Mr. Merida presented the contract to the board for their consideration. The contract was for \$2,500.00.

A motion to Approve was made by Board of Works John Lillywhite. Kelly Bray seconded the motion. The contract was Passed 3-0.

D. Consideration of Changer Order Number 3 - Reed and Sons Construction

Mr. Oakes presented Change order #3 for \$35,720.00 for the Levee to the board for their approval. The change order is for a larger concrete pad.

A motion to Approve was made by Board of Works John Lillywhite. Kelly Bray seconded the motion. The change order was Passed 3-0.

E. Consideration of Changer Order Number 6 - HWC Engineering

Mr. Oakes presented Change Order #6 to the board for their approval. The change order is in the amount of \$14,208.00.

A motion to Approve was made by Board of Works John Lillywhite. Kelly Bray seconded the motion. The contract was Passed 3-0.

F. Consideration of Claims - Owner Occupied Grant Program - ARa

Mr. Merida presented the claim for \$6,690.00 to the board for their approval.

A motion to Approve was made by Board of Works John Lillywhite. Kelly Bray seconded the motion. The claim was Approved 3-0.

Sewer Adjustment Applications

A. Consideration of Sewer Adjustment Applications for September 8, 2025.

- a. 1130-1140 E. Washington St. - \$176.78

A motion to Approve was made by Board of Works Kelly Bray. John Lillywhite seconded the motion. The sewer adjustment Passed 3-0.

- b. 610 W. Morgan St. - \$119.31

A motion to Approve was made by Board of Works Kelly Bray. John Lillywhite seconded the motion. The sewer adjustment Passed 3-0.

c. 160 E. Morgan St. - \$305.14

A motion to Approve was made by Board of Works Kelly Bray. John Lillywhite seconded the motion. The sewer adjustment Passed 3-0.

Next Regular Meeting

A. The next regular meeting will be on Monday, September 22, 2025, at 6:30 PM in the Council Chambers (Room 202), City Hall, 59 S. Jefferson St., Martinsville, IN

Adjournment

Name		Signature
Kelly Bray, Member	Aye ☐ Nay ☐ Abstain ☐	
John Lillywhite, Member	Aye ☐ Nay ☐ Abstain ☐	
Kenny Costin, Mayor	Aye ☐ Nay ☐ Abstain ☐	
ATTEST		
Name	Signature	Date
Benjamin K. Merida, Clerk-Treasurer		

August 29, 2025

Indiana Department of Transportation
Legal Division
100 N. Senate Ave. IGCN 730
Indianapolis, IN 46204

Via Certified Mail / Return Receipt Requested
9589 0710 5270 0848 9835 62

Office of Attorney General
ATTN: Tort Claim Investigations
Government Center South, 5th Floor
302 W. Washington St.
Indianapolis, IN 46204

Via Certified Mail / Return Receipt Requested
9589 0710 5270 0848 9835 79

Martinsville Common Council
c/o Phil R. Deckard II, President Pro Tempore
59 S Jefferson Street
City Hall

Martinsville, IN 46151
Via Certified Mail / Return Receipt Requested
9589 0710 5270 0848 9835 86

City of Martinsville
c/o Kenny Costin, Mayor
59 S Jefferson Street
City Hall

Martinsville, IN 46151
Via Certified Mail / Return Receipt Requested
9589 0710 5270 0848 9834 63

Morgan County Board of Commissioners
Commissioner's Office
180 S Main St
Suite 112
Martinsville, IN 46151

Via Certified Mail / Return Receipt Requested
9589 0710 5270 0848 9834 94

Indiana Political Subdivision
Risk Management Commission
311 W. Washington St., Ste. 300
Indianapolis, IN 46204

Via Certified Mail / Return Receipt Requested
9589 0710 5270 0848 9835 00

RE: Claimant: Charles Yeoman
Date of Loss: August 4, 2025

Notice of Claim

The Claimant, by counsel, hereby provides his notice of tort claim with the above parties pursuant to Ind. Code 34-13-3-10 and all other applicable sections of Indiana law. The Claimant requests that the parties named above notify Claimant's counsel if any other appropriate parties should be similarly notified.

Form of Statement

Pursuant to Ind. Code 34-13-3-10, the Claimant provides the following as a short and plain statement of facts upon which their claims are based.

Circumstances Which Brought About Loss and Extent of Loss

On August 28, 2025, at approximately 6:37 PM, Charles Yeoman was operating his motorcycle southbound on State Road 39 near its intersection with Josephine Street in Martinsville, Indiana. At that time, SR 39 was undergoing a road resurfacing project. Normally, SR 39 had four total lanes composed of two northbound lanes and two southbound lanes. During the resurfacing on August 28, 2025, however, SR 39 was reduced to two lanes (one each northbound and southbound) with the remaining lanes closed by the placement of traffic cones.



Photo of crash scene depicting cones blocking lanes of travel



Photo of crash scene depicting restriction of SR 39 was reduced to two lanes

While Yeoman was southbound on SR 39, a truck operated by Dylan Stott was turning right onto SR 39 from Josephine Street. Due to the lack of channelizing cones to close the outer lane of SR 39 and/or because of confusion that the lane was closed because of a lack of signage, Stott turned into the closed lane. Stott was apparently attempting to turn left from the outer/closed lane and was stopped in the outer/closed lane. After letting four wheeled vehicles clear him, Stott proceeded to turn left directly into the path of Yeoman causing a collision.



Photo of crash scene depicting Stott truck (upper center of photo) stopped in closed lane of SR 39



Photo of crash scene moment prior to impact depicting Stott truck turning in front of Yeoman motorcycle

Damages: As a result of the collision, Yeoman suffered serious injuries, including but not limited to significant internal injuries, a fractured right femur, a fracture right tibia, a fracture right foot. Said injuries necessitated treatment by EMS on the scene, Med Evac to Indiana University Methodist Hospital where he remained inpatient until August 12, 2025. He was then discharged to a rehab facility where he was treated from August 12, 2025 to August 26, 2025. Yeoman remains in follow up care.

Yeoman has incurred significant medical expenses for said treatment and has also not been able to work as a forklift operator thereby incurring lost wages and employment opportunities.

Alleged Negligence

The named parties were negligent in the design, creation, planning, inspection, and/or operation of the construction zone under its control and authority. The negligence may have been done directly by the named parties or by any company or contractor with which the parties contracted with to perform the road construction on SR 39 in Martinsville. Based upon our review of available materials, it is our belief that the named parties contracted with at least one company, E & B Paving LLC, to conduct the resurfacing project.

Further, based upon our review of available materials, we believe that the traffic control in the immediate vicinity of the collision was deficient to the standards set by the Indiana Manual of Uniform Traffic Control Devices (IMUTCD). See below for portions of the IMUTCD relevant to the placement of temporary traffic control devices.

2011 IMUTCD

Page I-3

Standard:

01 Traffic control devices shall be defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel (see definition in Section 1A.13) by authority of a public agency or official having jurisdiction, or, in the case of a private road, by authority of the private owner or private official having jurisdiction.

2011 IMUTCD

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PART 1 GENERAL

CHAPTER 1A. GENERAL.

Section 1A.01 Purpose of Traffic Control Devices

Support:

- 01 The purpose of traffic control devices, as well as the principles for their use, is to promote highway safety and efficiency by providing for the orderly movement of all road users on streets, highways, bikeways, and private roads open to public travel throughout the Nation.
- 02 Traffic control devices notify road users of regulations and provide warning and guidance needed for the uniform and efficient operation of all elements of the traffic stream in a manner intended to minimize the occurrences of crashes.

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2011 IMUTCD

Section 1A.04 Placement and Operation of Traffic Control Devices

Guidance:

- 01 Placement of a traffic control device should be within the road user's view so that adequate visibility is provided. To aid in conveying the proper meaning, the traffic control device should be appropriately positioned with respect to the location, object, or situation to which it applies. The location and legibility of the traffic control device should be such that a road user has adequate time to make the proper response in both day and night conditions.

Section 1A.07 Responsibility for Traffic Control Devices**Standard:**

- 01 The responsibility for the design, placement, operation, maintenance, and uniformity of traffic control devices shall rest with the public agency or the official having jurisdiction, or, in the case of private roads open to public travel, with the private owner or private official having jurisdiction. 23 CFR 655.603 adopts the MUTCD as the national standard for all traffic control devices installed on any street, highway, bikeway, or private road open to public travel (see definition in Section 1A.13). When a State or other Federal agency manual or supplement is required, that manual or supplement shall be in substantial conformance with the National MUTCD.
- 02 23 CFR 655.603 also states that traffic control devices on all streets, highways, bikeways, and private roads open to public travel in each State shall be in substantial conformance with standards issued or endorsed by the Federal Highway Administrator.

Section 6A.01 General**Support:**

- 01 Whenever the acronym "TTC" is used in Part 6, it refers to "temporary traffic control."

CHAPTER 6B. FUNDAMENTAL PRINCIPLES**Section 6B.01 Fundamental Principles of Temporary Traffic Control****Support:**

- 01 Construction, maintenance, utility, and incident zones can all benefit from TTC to compensate for the unexpected or unusual situations faced by road users. When planning for TTC in these zones, it can be assumed that it is appropriate for road users to exercise caution. Even though road users are assumed to be using caution, special care is still needed in applying TTC techniques.
- 02 Special plans preparation and coordination with transit, other highway agencies, law enforcement and other emergency units, utilities, schools, and railroad companies might be needed to reduce unexpected and unusual road user operation situations.
- 03 During TTC activities, commercial vehicles might need to follow a different route from passenger vehicles because of bridge, weight, clearance, or geometric restrictions. Also, vehicles carrying hazardous materials might need to follow a different route from other vehicles. The Hazardous Materials and National Network signs are included in Sections 2B.62 and 2B.63, respectively.
- 04 Experience has shown that following the fundamental principles of Part 6 will assist road users and help protect workers in the vicinity of TTC zones.

CHAPTER 6C. TEMPORARY TRAFFIC CONTROL ELEMENTS

Section 6C.01 Temporary Traffic Control Plans

Support:

- c1 A TTC plan describes TTC measures to be used for facilitating road users through a work zone or an incident area. TTC plans play a vital role in providing continuity of effective road user flow when a work zone, incident, or other event temporarily disrupts normal road user flow. Important auxiliary provisions that cannot conveniently be specified on project plans can easily be incorporated into Special Provisions within the TTC plan.
- c2 TTC plans range in scope from being very detailed to simply referencing typical drawings contained in this Manual, standard approved highway agency drawings and manuals, or specific drawings contained in the contract documents. The degree of detail in the TTC plan depends entirely on the nature and complexity of the situation.
- Guidance:
- c3 *TTC plans should be prepared by persons knowledgeable (for example, trained and/or certified) about the fundamental principles of TTC and work activities to be performed. The design, selection, and placement of TTC devices for a TTC plan should be based on engineering judgment.*
- c4 *Coordination should be made between adjacent or overlapping projects to check that duplicate signing is not used and to check compatibility of traffic control between adjacent or overlapping projects.*
- c5 *Traffic control planning should be completed for all highway construction, utility work, maintenance operations, and incident management including minor maintenance and utility projects prior to occupying the TTC zone. Planning for all road users should be included in the process.*
- c6 *Provisions for effective continuity of accessible circulation paths for pedestrians should be incorporated into the TTC process. Where existing pedestrian routes are blocked or detoured, information should be provided about alternative routes that are usable by pedestrians with disabilities, particularly those who have visual disabilities. Access to temporary bus stops, travel across intersections with accessible pedestrian signals (see Section 4E.09), and other routing issues should be considered where temporary pedestrian routes are channelized. Barriers and channelizing devices that are detectable by people with visual disabilities should be provided.*

Names of All Persons Involved

At this time, aside from Charles Yeoman and Dylan Stott, our clients are aware of the following individuals who may have information about the collision.

- Joseph Musgrove, Martinsville PD
- Jeremy Sipes, Martinsville PD
- Andrey Houser, witness. 317.617.5960
- Owen Zurita, witness. 765.315.8723
- E&B Paving LLC
- Individuals associated with each of the named governmental entities

Amount of Damages Sought

To the extent a negligent party(ies) is protected by the Indiana Tort Claim Act, Yeoman's demand is \$700,000.00 from these entities.

Residence of Person Making the Claim

At the time of the incident, the Claimant resided at 433 S. Weston St., Rensselaer, IN 47978. As of the time this notice is being forwarded to the parties addressed above, the Claimant continues to reside at this address.

Approval or Denial of Claim by Governmental Entity

The purpose of this letter is to inform you of our client's claims against the named Governmental entities, pursuant to the Indiana Tort Claims Act I.C. 34-13-3, *et seq.* If, for any reason, you feel this notice does not constitute full and complete notice of our claim pursuant to the Indiana Tort Claims Act, or that some other agency, department or entity should also be notified of the claim, please contact us immediately. We will provide whatever additional information is necessary.

This notice is intended to preserve any and all potential remedies that our client may have. Absent any response on your part, we will assume that this letter fully complies with the notice provisions of the Indiana Tort Claims Act to your satisfaction.

Pursuant to I.C. 34-13-3-11, the above-named claimant requests that you notify their counsel of record in writing of your approval or denial of this claim as soon as possible and no later than ninety (90) days upon receipt.

Sincerely,



Matthew S. Bigler, Atty #29161-49
Attorney for Claimant

LADENDORF FREGIATO & BIGLER
7310 N. Shadeland Avenue
Indianapolis, IN 46250



September 8, 2025

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Indiana Political Subdivision
Risk Management Commission
311 West Washington Street, Suite 300
Indianapolis, IN 46204

Certified No. 9407109898643073446529

Attorney General
Indiana Government Center South
200 W. Washington Street
Suite 219
Indianapolis, IN 46204

Certified No. 9407109898643073446611

City of Martinsville -Legal Department
Attn: Dale Coffey
59 S Jefferson St
Martinsville, IN 46151

Certified No. 9407109898643073446734

Martinsville Police Department
Attn: Richard Lang
110 W Morgan St
Martinsville, IN 46151

Certified No. 9407109898643073447380

Indiana State Police
100 N Senate Ave Rm N340
Indianapolis, IN 46204

Certified No. 9407109898643073447533

Commissioner
Indiana Department of Transportation
100 North Senate Avenue N755
Indianapolis, IN 46204

Certified No. 9407109898643073447885

Hayden Z Lohner
217 S Arlington Ave

Certified No. 9407109898643073448097

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Richard W Joslyn - Tort Claim Notice

September 8, 2025

Indianapolis, IN 46219

Rovshan J Castro
3624 Fairgrove Dr Apt B
Indianapolis, IN 46227

Certified No. 9407109898643073448110

Richard W Joslyn
4155 Wicker Road
Indianapolis, IN 46217

Certified No. 9407109898643073448240

TORT CLAIM NOTICE

RE: Richard W Joslyn
DATE OF INCIDENT: 6/28/2025

I. NOTICE OF CLAIM

Richard W Joslyn, files his/her Notice of Claim with the Indiana Attorney General, Indiana Political Subdivision Risk Management Commission, Indiana Department of Transportation, City of Martinsville, Martinsville Police Department, Indiana State Police, Hayden Z Lohner, Rovshan J Castro, and Richard W Joslyn pursuant to the provisions of I.C. 34-13-3-8 and 34-13-3-10

II. FORM OF STATEMENT

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Richard W Joslyn - Tort Claim Notice

September 8, 2025

- A. Pursuant to I. C. 34-13-3-8 and 34-13-3-10, the above named individual provides the following as a short, plain statement of the facts upon which his claim is based.
- B. Circumstances Which Brought About The Loss Include The Following:

On or about 6/28/2025, Hayden Z Lohner stopped in the right lane when a state police car passed in the left lane causing Richard W Joslyn colloid.

- C. Extent Of Loss Bodily Injury and Property Damage:
To date, the total loss is not ascertainable. Richard W Joslyn is presently in treatment for bodily injuries sustained as a result of the collision. The cost of treatment both present and future is continuing in nature. Richard W Joslyn also incurred property damage in 2001 Harley Davidson RoadKing due to the collision.
- D. Persons Involved: (1) Richard W Joslyn;
(2) Hayden Lohner
(3) Rovshan J Castro
(4) City of Martinsville
(5) Martinsville Police Department
(6) Indiana State Police Department
- E. Amount of Damages Sought: Not yet able to be determined.
- F. Residence of Person Making the Claim at the Time of Loss and as the Time of Filing Notice:

Richard W Joslyn
4155 Wicker Rd
Indianapolis, IN 46217-9258
- G. Time and Place of Loss: I-69 North Bound (Mile Marker 146 N) 7:44 AM

III. APPROVAL OR DENIAL OF CLAIM BY GOVERNMENT ENTITY

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Richard W Joslyn - Tort Claim Notice
September 8, 2025

Pursuant to I.C. 34-13-3-11, the above named claimant's request that you notify him through their counsel in writing of your approval or denial of this claim within ninety (90) days from the date of this Notice September 8, 2025

If yours is not the proper office to notify with regard to the foregoing claim, please forward this correspondence to the appropriate office. If there is any other information which you require to process this claim or to conduct an investigation, please contact the undersigned prior to the one hundred and eighty (180) day limitation.

Very Truly Yours,

HENSLEY LEGAL GROUP



Kelsie Ellington
Attorney at Law

KNE/MPC

Online Form Submittal: Sewer Adjustment Application

From noreply@civicplus.com <noreply@civicplus.com>

Date Thu 9/11/2025 1:23 PM

To Katelynn Brummett <kbrummett@Martinsville.in.gov>; Jamie Kenworthy <jkenworthy@Martinsville.in.gov>; Heather Staggs <hstaggs@Martinsville.in.gov>

Sewer Adjustment Application

Account Number	903800004
Date	9/11/2025
Name	Courtney Hoagland
Phone Number	7653432855
Email Address	COURTNEYHOAGLAND75@GMAIL.COM
Service Address	890 N Main Street
City	Martinsville
State	IN
Zip Code	46151
Month of Excessive Bill	June and July
Excessive Bill Amount	415 dollars
Did the water pass through the sewer?	Yes No
Detailed description of leak	Pipe busted
Repair Company Information	
Name	Dirt and demo
Phone	3174006262
Address	890 N Main Street
City	Martinsville
State	IN
Zip Code	46151

Please attach copy of repair [6077118397386819072.jpeg](#)
bill

UTILITY DEPARTMENT USE ONLY

Number of claims filed in previous 12 months 0
Excessive Usage 183 Excessive Sewer Amount \$213.43
Average Usage 35 Average Sewer Amount \$46.78
Requested Adjustment Amount \$1106.65

BOARD OF PUBLIC WORKS AND SAFETY USE ONLY

We, the Board of Public Works and Safety, approve this sewer adjustment request.

Kenneth Costin, Mayor Date

Kelly M. Bray, Member Date

John Lillywhite, Member Date

Email not displaying correctly? [View it in your browser.](#)

- Caution: This is an External Email -

SEWER ADJUSTMENT APPLICATION

Please email application and receipts to hstaggs@martinsville.in.gov

Questions, call 765.342.2449

Account Number 19 02100 01

Date 9.3.25

Name Marlan Boe

Phone 765-315-7278

Email Address 20 Tulip St

Service Address Same

Month of Excessive Bill _____

Excessive Bill Amount _____

Did the water pass through the sewer? ☐ Yes

☒ No

Detailed description of leak leak at main waterline

Repair Company Information (Please attach a copy of repair bill.)

Name Undercutters

Phone 765-341-1823

Address _____

UTILITY DEPARTMENT USE ONLY

Number of claims filed in previous 12 months. 0

Excessive Usage ^{5/25} 400 ^{6/25} 171

Excessive Sewer Amount ^{5/25} \$ 457.77 ^{6/25} \$ 199.92

Average Usage 26

Average Sewer Amount \$ 36.65

Requested Adjustment Amount \$ 584.39

BOARD OF PUBLIC WORKS AND SAFETY USE ONLY

We, the Board of Public Works and Safety, approve this sewer adjustment request.

Kenneth Costin, Mayor

Date

Kelly M. Bray, Member

Date

John Lillywhite, Member

Date