
TOWN OF NEW RICHMOND

110 South Wabash Street, PO Box 210, New Richmond, IN 47967 Ph. 765-339-4507
Clerk@nrtown.com

Minutes of Special Meeting

December 13, 2021 at 5:30 p.m.

Roll Call: Board Members Present, President Luke Martin, Council Member Minnie Howard, Carmine Azzato, Clerk/Treasurer Alaahea Foust and Attorney Rob Reimondo.

Luke M. said their will be no comments before, during and after tonight's meeting. If it gets out of hand the police officer will remove you.

Luke said it is my opinion that the Republican Party, the committee that appoints the Board members, owes us an apology for going thru this, so anyone that wants to fill a seat on the Board should submit your resume to the Town Clerk and we will do our own background check and interview before it goes to the Republican Party.

Town Attorney Rob R. said when I was here at the November's meeting like a lot of people here present were, I was charged to look into Mr. Martin potential dual roll statics here in the Town of New Richmond as a Town Superintendent and a Council person. Mr. Martin had talked to the State Board of Accounts (SBOA) in the past and they had indicated it seems that so long as he did not vote on issues or was involved in decisions that as a Council member over the position of Superintendent that could co-exist. On one hand I indicated back in November that does satisfy one part of the statues. The problem is that there is this other part of the statues that says that a town employee cannot be a councilman at the same time, so the question really became for me was even though superintendent is an employee it was not specifically delineated in any of the positions that ere outlined in the handbook that the State uses. The Council wanted me to clarify by talking to the SBOA more thoroughly as well as the District Attorney's Office in the State of Indiana to determine in fact there was a conflict created. I went ahead and made those calls and emails and talked to a number of people and on December 10th I sent a letter to all the Council people, to which they all have and I'll give a copy to the Journal Review that is here. It outlines basically my findings for Mr. Martin dual office holdings, now understand he is entitled to his own legal counsel, I represent the Town, I do not represent Mr. Martin, Mrs. Howard or Mr. Azzato, He can get his own opinion, my opinion is they are incompatible, he cannot be both. The statues states under IC 3-5-9-5 says he is deemed to have resigned his superintendent roll when he is elected as the town council member, it does apply based on my research. He has been notified by my letter on December 10th.

The issue of Mr. Azzato qualifications also came up in the process and I was asked to look into that after that evening and I apologizes for not being here at the December's meeting my wife was not well and I had to take care of family issues. I talked to Mr. Azzato on the phone he did confirm that he had a felony in the State of New York in 2003. Based on that IC 3-8-1-5(d) disqualifies him as a person assuming or being elected to office, he was appointed and assumed the office, the statue is clear if you assume even if you were not elected you would be disqualified. I think that was a loop hole that was fixed in the past, it used to just say elected, but it came to a situation if you assume office or elected then that little loop hole was cleared up and that was done a long time ago. As part of my letter from October to December 10th to the board members I indicated that Carmine would also have an issue in my opinion he is also disqualified in this case as being the council person.

So, in Mr. Martin case from being Town Superintendent and in Mr. Azzato case from being Town Council person. As I have told them in the letter everyone is entitled to their own attorneys and legal opinions. They may or may not have sought that out that is their own decision, as far as the Town of New Richmond stands my advice to them is as I have indicated in my December 10th letter.

I felt like it was important to have a Special Meeting, I appreciate the Council for doing that because these internal issues need to be resolved so that the community can move on. This Town is a great Town and issues of the Town need to be in the fore front. So, I felt that getting into January and still having these dangling issues in not in the Town's best interest. I appreciate the Council for having this Special Meeting and sorry I was not here a week ago I just could not make it. That is all unless there are questions from the Council or Clerk/Treasurer.

Carmine A. said he was asked to fill the position along with several others. He talked with Dan Guard the Republican Chairman and went thru the same interview process as everyone else and was not given as application, he did not fill out a form and did not lie. He was not asked about the felony and did not know the law. After some discussion Carmine A. said he will send his letter of resignation as Council perosn to Jim Johnson in the morning of December 14th.

After some discussion Luke M. said when he chose to run for office, he was Town Superintendent at the time, the Republican Chairman should have called the Town Clerk/Treasurer, because Luke did not know the law, and asked her on what he did in the Town, then they would have known about his position as Town Superintendent, then they should have called him and told him he could not serve on the Board.

After some more discussion Rob R. asked Luke M. about his part of the letter. Luke M. told Rob R. that he told him over the phone what he is going to do. Carmine A. asked if he was going to resign, Rob R. said no. Carmine A. said he is going to fully prosecute Luke M.; he will go to the Montgomery County Courthouse tomorrow and put in all the paperwork that Luke acknowledges what the lawyer of the town just said that he refuses because you don't want to speak in front of the people.

Luke M. asked Carmine if he said the word refused. Carmine A. said I do not know, Luke M. said I did not say that word refuse. Carmine asked why he won't say it publicity. Luke M. said he told Rob R. what he was going to do, I have hired a Counsel that is what I have done. Carmine A. said okay, that is what they needed to know. Rob R. said he thought they were going to talk about that tonight, but you were right you were going to hire a Counsel and that is fine.

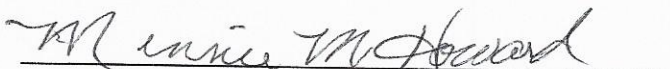
Minnie H. made the motion to adjourn the meeting, Luke M. seconded the motion, Luke M. called for a vote, motion carried.



President Luke Martin



Attest: Clerk/Treasurer Alatheia Foust



Council Member Minnie Howard

Council Member