

**Town of Long Beach**  
**Special Town Council Meeting** via Zoom  
**June 16, 2021**  
**10:00 a.m.**

Council members Bob LeMay, John Wall, Mary Lou McFadden, Mike Johnstone, and John Kocher participated in the online Zoom meeting along with Clerk-Treasurer Bill de Funiak, Police Chief Mark Swistek, Attorney Chris Willoughby of Braje, Nelson & Janes, and Karl Cender of Cender & Co.

There were a few public participants.

**Opening Remarks:** Bob LeMay added a discussion of the Water Department to the agenda.

**Old Business**

**Salary Ordinance:** John Wall shared his screen with a spreadsheet of what had been previously approved and that on the list of salaries in the Salary Ordinance there were a few discrepancies in the hourly rates. There was some discussion on how those figures had been calculated. Mary Lou McFadden, John Wall, and Bill de Funiak will meet on June 17 at 9 a.m. in the Clerk-Treasurer's office to discuss this. Hopefully it can be resolved before the next Town Council meeting.

**Stop 29 Agreements:** Chris Willoughby said these were discussed at the last Town Council meeting and should be settled.

**Cyber Security Proposals:** We have proposals from Silver Sky as well as K+, however there are significant differences to the proposals. Mike Johnstone stated that these proposals offer assistance from two different organizations who have the expertise to help us navigate a very difficult issue. What is not considered is that we don't know to what degree the impact on hardware and software might be and what additional protection we might need. John Wall agreed that there were things from K+ that were not included in Silver Sky's proposal. Some issues involved were limited password protection and offsite backups. These are items we need to take into consideration. We need to do a little more homework before we can better define what we need in these proposals. Chief Swistek proposed that he set up a meeting with Mr. McCay, John Wall, and Mike Johnstone in the next week to discuss these things. We will postpone making a final decision on the proposals.

**Water Department:** On Monday night, the Town Council passed on first reading an ordinance to transfer the authority over the Water Department to the Town Council. That will be on the agenda at the next Town Council meeting. Bob LeMay wanted to make it clear that this will not change any functioning of the Water Department. It will just bring the Water Department under the auspices of the Town Council.

Rick Remijas first stated that a simple calculation of hourly wage times the increase is different from overtime. On the matter of the Water Department, he understands that we no longer have a pumping station. There is still a training gap that needs to be addressed. We are still in the middle of an audit and reconciliation of accounting. Mary Lou and Laurel have been very attentive to that issue. He knows there is an ongoing concern and does not think it is resolved. He is not sure that the timing is correct nor who will be in charge of the Water Department and its functions.

Mary Lou McFadden stated that when they were first aware there was an issue, she and Laurel spent a lot of time volunteering to help get things straightened out. When the second person hired resigned, then they were paid for their work on Thursdays not knowing that was against the rules. They still go in and try to help and be supportive. This has been the best committee she has worked on. With regard to the individual they are trying to bring into the Water Department, Mary Lou is working with Chris Willoughby to work out that contract. The prospective hiree is willing to come in and help as a volunteer, and we may be OK with that if we get her bonded. We don't want Lynn to get frustrated and quit.

Rick Blank agreed with all that has been said. They have had a tremendous Board. He has also publicly said that if the Town Council wants to take this on he would support that. It is important that the employees know who they are going to report to. That plan needs to be in place before this change takes place. He also thanked the Town for letting him be a part of this Board.

Bob LeMay commented that the compensation for attending Water Board meetings was not the motivation behind this change. The motivation was to have a separate Board running the Water Department since we no longer pump water from Lake Michigan and have the related filtration work. We have some choices. One is to retain the Water Board and make them an advisory committee. Perhaps one of the members report to the Town Council. The artificial division between the Town and the Water Board has not served the town well. Bill has said in the past it was recommended to him to take "hands off" with the Water Department and that may have led to some of the problems we have had in recent years. We have had issues about compensation of Water Department employees and other town employees, and that has not served the Town well. We need to figure out the chain of command and how that will work, but this will not change the function of the Water Department one iota.

Mary Lou McFadden stated she feels that in the last year Bill has been included in every step. They have asked him to sign off on the Water Department time sheets and oversee them. Their meetings have always been open meetings, and the Water Department has always given the same wage increases as other Town employees received.

Laurel Kuczinski stated the "hands off" might go back to when Barb was working here. "At the time when Bill came in, Barb didn't need any guidance; she did her job and knew what she was doing."

Mary Lou McFadden pointed out that it was Bill who stepped up when it was perceived there might be a problem with a Water Department employee.

John Wall commented that when we compare the complexity of the Park Board or the Street Department with the Water Department, the time has come to make this move. No one in the Water Department should think it has anything to do with the employees; it is strictly a business decision. When we look at the audit results and accumulated balances, it was enlightening to see where the Department was. There is no reason to keep the Department separated any more. He would love to have everyone on the Board to stay involved.

### **New Business**

**Town Priorities:** Bob LeMay suggested one priority would be for the Town Council to get a better handle on the financial position of the Town, particularly regarding budgeting.

John Wall suggested a brainstorming-type of session where everyone makes suggestions and a list of those suggestions be used to figure out which are most important to accomplish in the next 2-1/2 years while this Council is still in office.

Mike Johnstone recommended a 5-year capital expenditure plan focusing on needs, particularly with high-cost items, and get them budgeted.

Mike also suggesting coming up with a 2- or 3-page summary of where the town is financially on a month-to-month and year-to-year basis relative to the budget as well as to revenue and expenditures.

John Wall concurred with those items. He added that the sewer project will take a lot of time and should be on the list.

A website update is something we could improve.

The old school is not being used to its potential for senior programs and other community programs.

The Moon Valley property is sitting there. It has changed hands once and Michigan City has rezoned it so that there could be a large development there. Bob LeMay stated we have turned some of our Moon Valley holdings over to Save the Dunes. That is still a work in progress. The idea is to prevent further development.

John Kocher was concerned about new requirements from the State Board of Accounts regarding a very detailed listing of the Town's capital assets, including capital improvements and infrastructure. This is a detailed project including history as well as an asset inventory. Carl Cender is familiar with what is needed. John Kocher pointed out that this will be a time consuming and expensive task.

Mike Johnstone suggested we take a look at our committee and commission structure and evaluate whether we need term limits for the members of these committees and commissions to get fresh, new ideas. One suggestion might be to have 2- or 3-year term limits with a year off before one can return to that committee or commission.

He would also suggest a time frame for rotating the chair, perhaps every four years, for fresh leadership.

He also suggested, for the sake of transparency, that there be an annual process where committee members sign a no conflict of interest document.

Another item that has been coming up at the Town Council meetings is what is going on with the Stops. It might be proactive to put something on the website, such as a brief narrative of what is happening with each of the various steps of rebuilding them. John Kocher questioned whether the Park Board already had a website where those plans are detailed. The comment was made that they have a Facebook page, but not everyone has access to Facebook. Bob LeMay suggested a link from the Town website to the Park Board's Facebook page; he will talk to Zach Neff about that.

John Kocher noted that the Town Clerk-Treasurer and all five Council members are elected at the same time. Could those terms be staggered so we don't have a situation where we have all new Council Members and Clerk-Treasurer at the same time. Perhaps Chris Willoughby could help us and give us guidance on that.

Mary Lou McFadden agreed with that suggestion. She added the question of whether there could be some way for the Town Council to be more efficient and perhaps have fewer meetings, especially if we want to encourage the participation of younger people who are working full time and have families. John Kocher agreed.

### **Public Comments**

Rick Remijas had a question relating to accounting. The State Board is objecting to the reconciliation of accounts and a separation of responsibilities; has all of that been accomplished? He is concerned it is still an open issue in terms of billing, reconciliation, and accounting to be sure we aren't in an adverse audit position with the state. Mary Lou McFadden stated that in the Water Department they are doing exactly what the audit board has required.

### **Council Comments**

John Wall has compiled a list of items brought up at tonight's meeting. He will send copies to the Town Council members for review for prioritization at the next meeting.

Mary Lou McFadden has been contacted by a couple of residents about the deer hunt. These included constructive comments, and she will share that information with the other Council members. John Wall suggested we have another public discussion on the subject between now and August. We would ask for factual information or for persons to make presentations, and we would need to limit the amount of time we allow for comments. Bob LeMay posted on the website a position paper by a committee in Bloomington, Indiana, and signed off by the DNR, on deer reduction and talked about the inability to control the population by contraception in a community like ours where the deer are moving in and out. Chris Willoughby has also been contacted by other attorneys on this matter, so far all amicably; but in doing their due diligence, he would recommend that public discussion occur sooner rather than later, before we pass ordinances regarding deer hunting and whatever other steps need to be taken. Bob LeMay moved we schedule a deer hunt forum. John Kocher seconded. John Wall stated it need to happen soon because the ordinance will take a couple of months. In checking with Chris Willoughby, it was determined we need to post and advertise it as a workshop with 48-hours notice. The motion passed unanimously.

#### **Additional Comments**

Resident Tony Lissuzzo brought up the damage at the Stops and lack of repair as well as the requirement that residents take down stairs they had erected. He feels this makes it more of a problem for beach access, especially for first responders. Also, he would like to request that minutes as well as the Zoom recordings of meetings be posted on the website. It was commented that we only have limited capacity for recordings. Minutes are posted as they are available and can also be obtained through the Town office. John Wall stated that he and Chief Swistek have had discussions on beach access for first responders. They have tried to err on the side of keeping them open as much as possible. It is a balancing act between assuring safety and allowing access.

Mary Lou McFadden also questioned whether we could limit the number of residents who attend when we go back to in-person meetings. Her particular concern was to include those who do not have access to Zoom. Chris Willoughby is checking on that. Bob LeMay stated that Town Council meetings may have to move to the community center gym.

The meeting was adjourned at 11:22 a.m. with a motion by Mary Lou McFadden and seconded by Mike Johnstone. The motion passed unanimously.

Respectfully submitted,

Bill de Funiak,  
Clerk-Treasurer