

TOWN OF LONG BEACH  
SPECIAL COUNCIL MEETING at Town Hall  
via In Person / Zoom  
March 20, 2023  
6:30 PM

Present at Town Hall were Council members Pres. Bob Lemay, Mary Lou McFadden, John Wall; Police Chief Mark Swistek, and Attorney Chris Willoughby of Braje, Nelson & Janes. Councilman Kocher attended through Zoom along with Becky Lempa and Marilyn of Marilyn Jones & Associates, and approximately 21 total attending through Zoom this evening and 17 in-house. This meeting is being recorded for the record.

A recording of this meeting is available on the town's website [www.longbeachin.org](http://www.longbeachin.org) for viewing and listening to full discussions in their entirety.

After the Pledge of Allegiance and no opening remarks by the president, the first item on **Old Business** was discussed which was the approval of the 1<sup>st</sup> payment due by March 31<sup>st</sup> to Holladay Design for \$50,780.00. There was a motion to pay the invoice and mail it out by John Wall; second by Lemay with Lemay stating he doesn't think the council has a choice but to pay it, and further commented. Kocher doesn't have a problem paying this invoice at March 31<sup>st</sup>. Passed with a 4 – 0 roll call vote.

Kocher commented on his contact with Baker-Tilley and provided an advisory service agreement for them to conduct that. Kocher encourages council to enter into that agreement and Kocher suggests it be done ASAP or next couple of weeks. He moves to accept the proposal and start tomorrow; second by McFadden. The cost could be approximately \$10,000.00. Lemay comments on this process by Baker Tilly. No work should proceed on the Safety Building without the council deciding on the form of financing. There was lengthy discussion by council. Wall wasn't aware that Baker Tilly would be doing an analysis on the financing affordability of the town. Bond versus a bank loan, yes, but not an affordability analysis. Woodruff & Sons invoices had been being paid by the town's \$1,000,000.00 GO Bond. The Stop 29 project invoice hasn't been submitted to the town yet from Woodruff that Wall says could be near \$100,000.00. Wall thinks Karl Cender's advice is sound; why question it? Wall wants that appropriation resolution passed too. McFadden says she remembers being at the March 13<sup>th</sup> meeting and believes the reason Kocher suggested Baker Tilly's advice was for the affordability factor. The roll call vote was 2 – 2. The clerk treasurer is not in attendance tonight for a tie breaker vote. Wall amended Kocher's motion to have Baker Tilly analysis only the benefits to either funding with GO Bonds or bank financing; second by Lemay. McFadden abstains, Kocher abstains, Lemay and Wall vote yes. Lemay makes a motion to re-do that vote. Johnstone seconds it. Kocher votes yes, ML abstains, Wall and Lemay vote yes.

Wall is going to contact Centier Bank tomorrow. Cender will send to any bank the council chooses; Horizon Bank, Centier Bank; Mary Lou stated Perry texted her he contacted BMO Harris and Fifth Third Bank. Lemay will call and touch base with Karl Cender tomorrow.

McFadden stated there was talk about the town's accounts with Horizon Bank last week and additional interest revenue. However, the Clerk-Treasurer is not at this meeting for input tonight.

The IWORQ software was discussed and Willoughby gave his input on the contract negotiations. Wall stated the software cost about \$12,000.00. Lemay says he believes it's the best software program. Lemay adds to Wall's motion that the building commission call other localities that use the software and address the council next month. Wall seconds it. Passes with a 4 – 0 roll call vote. Tabled to April 10<sup>th</sup>.

#### **New Business:**

Awarding of CCMG-2 Paving Bid - Wall motions to award the bid for paving to Milestone Contractors North, Inc. - \$278,905.95, the low bidder, after review by Haas & Associates. By April 6<sup>th</sup> the contract between the Town and the contractor has to be to INDOT. Wall's motion then becomes to award the bid to Milestone, and authorize Bob Lemay to sign the contract from the contractor without another special meeting so the contractor has 10 days to get the contract back in to Haas & Associates for Lemay to sign. At that point Attorney Willoughby can review it, Lemay can sign it and get it to INDOT in the appropriate timeframe. A contract that is near \$360,000+, of which is \$100,000+. Lemay seconds the motion. Willoughby confirms he spoke with Haas & Associates regarding the contract. Passes with 4 – 0 vote.

Benefits to the Water Dept. Office Manager - McFadden states, for informational purposes, the town will be offering health benefits to the newly hired water dept. clerk since she'll be working 30 hrs./wk. The cost to the town will be about \$1800/mo. The recent former employee also had these same benefits.

**Wall makes a motion for the council to approve the appropriations resolution for the \$2,900,000.00,** after he motions to add this to the agenda. Lemay seconds both motions. McFadden wants to wait for Baker Tilly, Wall responds. Wall reiterated to McFadden, when she states the final cost of the building is unknown at this point, the cost is \$2,500,000.00, not to exceed without council approval. And he mentions Karl Cender's recommended contingency allowances. There is lengthy discussion by council and attorney. First motion, to add the resolution as an agenda item, is seconded by Lemay and passes 4 – 0. **To approve the appropriation resolution is the second motion; second by Lemay. The roll call vote is 3 – 1 and passes.**

Wall makes a motion to add to the agenda and call for Karl Cender to get quotes from "the bond people"; going into the market place and get quotes for bonding. Lemay seconds the motions. Roll call vote is 4 – 0 and passes.

It was agreed upon that whatever work by Holladay Construction has already been done, those expenses will be paid by Long Beach. The decision as to whether to advise Holladay to halt work or continue at this point because of final financing decisions not complete yet was the discussion between councilmembers. Kocher mentions that as a long-time attorney he's always thinking of what could possibly go wrong, not always thinking of what's going right. Right now, his concern is what if the town cannot come up with financing and the project has gone so far forward there's no stopping and we can't pay them? McFadden asked Wall if there is an approved septic permit from La Porte County yet. Wall states the information is "down state" who will be in contact with Amanda at the county but Wall also "hopes the town can use the existing mound system the town hall uses". Until then there isn't a permit from the county right now. Wall says we "have a binding proposal" with Holladay. Lemay asks what the implication would be to tell Holladay to halt work? Wall says "in my world when someone has an

agreement and I shake hands with somebody, that's an iron clad thing. I'm not used to people that say on day one I'm shaking your hand and then 45 days later I'm saying I didn't really mean what I told you three months ago. At our meeting on March 22<sup>nd</sup>, we should have our numbers finalized on the project." Kocher believes that getting that septic permit should be a number one concern, and related the instance with the Country Club \$7,000,000.00 project now on hold because of no septic permit. Wall says he can share with the council the email he has regarding conversation back in the spring with the county regarding the septic. Lemay says that he doesn't see any problems with the possible hook-up with the brand-new system now in place for the town hall; no more people will be using it than there are now. Wall mentions many risks if Holladay is told to halt the project at this point related to scheduling and costs. Lemay suggest not talking with Holladay at this point.

#### **Public Comments:**

Vicky Znavor, 2305 Lake Shore Dr., thanks the council for their service to the community. Believes the committee is not articulating and noting motions being made and following those motions; no adequate minutes. Doesn't see where having a video would need minutes at all. Agendas are not properly posted on the website. Urges all of the residents to watch recorded meetings for accurate information.

Mary O'Neil, 1532 Lake Shore Dr., The fiduciary responsibility should be to the taxpayers, number one, not that we're hurting the feelings of Karl Cender or the fire department or anyone else, but to the taxpayers, because ultimately, the taxpayers will be funding this project. Sounds like the sewer debacle again. She believes the maintenance garage area on Karwick Road is the better place for the safety building. Mentions Willoughby's concern "about the parallel track" we're moving on. If we have no clear numbers, why would a bank finance without clear concise numbers that we don't have? We are missing some fiduciary requirements. The Woodruff invoice is unknown. We've rushed ahead and ordered a new truck. Wants everyone to slow down.

Anita Remijas, 2300 Florimond Ave., mentioned that there have been multiple meetings that the public can attend to get their information. Noted the "no confidence" vote on the Clerk-Treasurer. Reminded council to know their information and re-read documents and minutes to be prepared for future meetings. Thanks to Kocher for looking for financing options.

Meg Collins, 2400 Florimond Ave., reminded everyone of the December 27<sup>th</sup> meeting with a full house that was in support of the safety building, and the council that voted their support of this new building being built for the betterment of the community.

Jim Dehner, 2300 Fairway Dr., thanks Wall for singing Happy Birthday to his daughter at Swingbelly's. States that Wall is a strong advocate, a bulldog, for the fire department, and a big part of his life. 75% of the town is not in town this time of year. As a volunteer fire department, there has to be transparency and communication with the public. He also was not aware of the full extent of tonight's meeting since the agenda changed from awarding the bid for the CCMG paving project to multiple additions to the agenda. All financing regarding the building and the new truck should be transparent to the town council and the town residents from the fire department.

Ernie Summers, 2711 Elbridge Way, is thrilled to live in a state that has debt limits for the state and municipalities. Worries that Long Beach will exceed its debt limit. Mentioned that his questions to council were not answered at the previous meeting about the "additional appropriation resolution" on the agenda. (Reads portions of the resolution for clarification confirmation) Very concerned about having a \$325,000/mo. Payment for the next 22 years on top of payments for the new fire truck and whatever comes from the lawsuit with the Michigan City Sanitary District and payments on the GO Bond.

Blake Applegate, treasurer for the Long Beach Volunteer Fire Dept., answered Mr. Dehner's question about transparency. The dept. is a 501-3C; tax files are on line along with E-1 reports.

Megan Applegate, 2631 Oriole Trail, thanks the town council for their service. She spoke about the affordability and the money available through the Local Income tax. There is no impact to the taxpayers. She believes there is lack of understanding by the public.

Bob Boyce, Stop 29, spoke of the proposal by Karl Cender and his naming of the "fire station remodeling project". Is there impact when it comes to financing? It's not a remodel, it's a brand-new building.

Motion and second to adjourn by McFadden and second by Lemay, approved 4-0.

Meeting adjourned at 7:59 PM.

Respectfully submitted,

Deanna Carlson,

Deputy Clerk