

Town of Long Beach  
Council Meeting  
Minutes-October 9, 2023  
7 PM

Attending the meeting in-house this evening were council members McFadden, Johnstone and Kocher; Atty. Chris Willoughby, Police Chief Mark Swistek; Deputy Clerk Deanna Carlson, and Trista Hudson of Cender Dalton (Cender & Co); ALCO TV taped the meeting on site. Attending through Zoom were council members John Wall and Bob Lemay; Marilyn and Becky of Marilyn Jones & Assoc. court reporters; and approximately 23 viewers/attendees. Clerk-Treasurer Tim Perry was absent.

This evening's meeting was called to order at 7 PM by John Kocher. Roll call voting will take place this evening.

The Pledge was recited. Added to the agenda tonight for discussion was the final check sent to Milestone Contractors North for the CCMG; the draft of the fire truck lease financing, and the LSD water service contract with Woodruff.

By roll call vote, and unanimous, the minutes for the council meeting on August 14, 2023, the council meeting on September 11, 2023, the special council meeting on September 25, 2023, and the executive council meeting on October 3, 2023 were approved en masse with a motion by Johnstone and a second by McFadden.

Committee reports were read by each department head.

On file with this meeting are the reports by the Fire Department and the Police department. Committee minutes are available to read on the town's website [www.longbeachin.org](http://www.longbeachin.org). A few mentions:

Chief Swistek mentioned an incident on September 9<sup>th</sup> while Deputy Sightes was on duty where a vehicle was stopped in the 1400 block of LSD with 2 individuals were observed in possession of a handgun. Full incidents' report summary is on file. Police commission met on October 5<sup>th</sup>; minutes on file. There will be negotiations of police contracts with Duneland Beach Association and Town of Michiana Shores. More on that at the November council meeting.

Town Administrator, Swistek, announced leaf pick up dates of November 1<sup>st</sup> to December 3<sup>rd</sup>, the last day to have leaves at the street. The mobile van for voting will be in Long Beach at the Community Center on October 13<sup>th</sup> and 20<sup>th</sup>. League of Women Voters will host a candidate night on October 18<sup>th</sup> at 6:30 PM CST at the community center gym. There were brochures available this evening and at the clerk's office regarding regulations for the posting of political signs. An update on the Public Safety Building was given by Swistek. On October 9<sup>th</sup> work began on the septic line being directed out to the south of Town Hall. An invoice from Soil Solutions for \$1400 had been previously entered in for payment approval to the council. Swistek announced Trick or Treat and Trunk or Treat to be October 31<sup>st</sup>, 5 – 7 PM. Trunk or Treat will take place at the community center parking lot. There will be a website update performed in the 4<sup>th</sup> qtr. of 2023 or the 1<sup>st</sup> qtr. of 2024 by Civic Plus.

Yemc gave the report for September. A "1 time use" EV blanket was purchased with fundraiser money; very helpful to the department. The engine #2 is 20 years old and is in service right now. Yemc stated the department will join with the police department on Trunk or Treat night.

The department visited Notre Dame preschoolers to talk about fire safety. There was FF1 & 2 training for 7 of the new members on the department.

There was no fire commission meeting to report.

The Public Works committee will meet on October 23<sup>rd</sup>. There wasn't a meeting last month to report on.

The Park Board, which met on September 26<sup>th</sup>, discussed the ADA Stop 15 pre-grant application they submitted. Joy Schmitt stated the Board would know the results on that near October 18<sup>th</sup>.

The Community Center Committee met on October 2<sup>nd</sup>. Schmitt mentioned they discussed the possibility of rental increases on the tenant leases for 2024, the subject of unisex bathrooms, and recent plumbing work done by Poston & Sons.

J. Wall said the Budget and Finance Committee met on October 6<sup>th</sup>. They completed the 2022 financials and reviewed the 2023 financial statements. The working committee continues its meetings. The 2<sup>nd</sup> reading of the budget will take place within tonight's meeting.

McFadden stated the HR committee had been working on the 2024 salary ordinance. The committee did not meet last month to report on.

Ellen Lynch stated the Tree Board met and discussed the cottonwood trees at Stop 16, doing their research along with the help of several tree companies and specialists.

There was no report from the building commission but the BZA met on September 12<sup>th</sup> where the board was set to hold preliminary hearings for Randall and Adria Hall from 2319 Florimond Ave., C. Wheeler/L. Schumacher from 1612 Indianapolis Ave. and Michael and Katherine Lee from 2801 Brentwood Way. Next meeting is October 10<sup>th</sup>.

At the APC meeting held August 21<sup>st</sup>, the commission assigned addresses to a lot on the north side of Oriole, to be 2926 Oriole Trail and a new home on Captain's Walk to be 2520 Shorewood Drive. This project on Captain's Walk, according to the APC, does comply with the Long Beach current comprehensive plan.

Permit reports and Legal expenses were announced by Deputy Clerk Carlson for September 2023: 20 building permits issued totaling \$546,766.00 with revenue of \$6,084.00; 9 electric permits issued totaling \$1,224.00; 4 street cut permits with revenue of \$400.00. Legal expenses paid in September to Braje Nelson & Janes totaled \$ 6,643.25, \$2,105.00 paid to Barnes & Thornburg, and \$527.00 paid to Knight, Hoppe, Kurnik & Knight. All total was \$9,275.25. Lemay questioned the Barnes & Thornburg total and the check register. He wants the YTD total for that attorney and what those invoices entail. He stated the Clerk-Treasurer's allotted budget is \$5,000. He wants those numbers from Carlson this week.

There was no motion to approve reports and legal expenses.

Carlson stated the last check to Milestone Contractors North was mailed out; just waiting for it to clear the bank so the clerk's office can send that to Haas & Associates for the CCMG final documentation report. Verification that the water service contract is on its way to Haas & Association. Swistek is communicating with Ryan at Haas & Assoc. on that.

Wall stated Trista and Karl of Cender Dalton had drafted an ordinance for the fire truck financing and submitted it to Wall, Lemay and Willoughby on Friday, for their review. That will be presented at November's meeting.

### **Unfinished Business:**

The bids came in for the Stops 17 & 18 drainage improvement project. Haas & Associates submitted their bid review and recommendation that council will need to consider. Wall reminded council of the 60-day hold on bids. Wall recommends council conduct a workshop to discuss it more and to include the public in the informational presentation by Sam Ozeh of Haas & Associates on the project plan. Council will hold this workshop/special council meeting at 7 PM on October 19<sup>th</sup> at Town Hall. It will be announced on the website and by local paper. Wall made mention that the town is using stormwater funds for the project and, with Trista's help, Wall believes at the end of 2023 there will be approximately \$200,000 in that fund; or slightly over. This project, start to finish, could be near \$445,000.00. It may not start until 2024 so at that time, the fund would grow and the project should be affordable.

Swistek gave the update on the public safety building through his Town Administrator report.

The 2024 budget was approved on 2<sup>nd</sup> reading tonight. Trista reminded Kocher that the public speaking portion of the budget was on first read which took place last month. But there was allowance for public comment again this evening. Trista reported the specifics on how the budget was prepared, an overview of the funds in the budget. She also explained the cuts to the Parks budget. Johnstone asked about salaries being considered in the budget numbers at a 3% increase. Motion to approve on 2<sup>nd</sup> read by Johnstone and second by McFadden. This evening's vote is by roll call and two council members attending on zoom cannot vote. It passed 3 – 0.

Mary O'Neil, 1532 Lake Shore Dr., asked about the 5-year capital plan, the 2024 portion, and how it fits in to the budget. She did not see it on the website. Trista says that 2024 capital plan is not finished yet but hopefully by November.

Lemay commented on the accounting charges of \$13,543.12 for one month from Cender Dalton. He mentioned "he asked Cender & Co to send invoices from the last 3 years, from March 1<sup>st</sup> through August 31<sup>st</sup>, and they are-2021 \$13,693.00; 2022 - \$11,255.00; and this year, same time frame, it jumped over \$35,000 to \$46,684.00. The town also pays the clerk-treasurer \$36,400.00 a year, to hire other people to his job. We paid \$35,000.00 more this year because he isn't doing the job that Bill de Funiak was doing. He "doesn't want future Clerk-Treasurers to model their careers after what Perry is doing to this town". Carlson stated there were previous emails sent to Perry with invoices past due totaling \$28,159.75 that would bring the total currently due at \$41,702.87. This total consists of an April invoice - \$543.75; a May invoice - \$7,582.00; an invoice for June -\$11,956.75; and one from July -\$8,077.25. Those total the \$28,159.75 on top of the invoice that you have to approve tonight of \$13,543.12. The YTD total, after these are paid, will be \$54,251.27. Trista stated Cender finished the 2022 bank reconciliations, bank reconciliations through June 2023, the annual accounting for 2022 and worked on the budget, now charges, going forward, should be greatly reduced. Trista was then asked to find money in various funds to pay these invoices since these charges can't be covered with the 2023 budget money. Trista gave assistance as to where the money can be drawn from the pay these invoices. It was concluded that Riverboat funds are available to pay these charges.

The Tree Ordinance was passed on 1<sup>st</sup> read with a motion by Lemay and second by Johnstone. Passes 5-0. Lemay motions to suspend the rules and pass on 2<sup>nd</sup> read, second by Johnstone.

**Ordinance #2023-04: Restating the Tree Ordinance under Title IX, Chapter 99 of the Long Beach, Indiana Town Code** is approved and passes 5 – 0 with roll call vote. Willoughby to supply the C-T's office with a clean copy, with the penalty section language, for signatures.

The ordinance regarding charges for garbage and refuse removal and leaf pick up was tabled again this meeting. Mary Lou wants it revisited at November meeting.

MS4 ordinance was tabled until the November council meeting.

Johnstone proposes the council "further the contract with the building commissioner, continue for a one- year term at \$35/hr. and to get a "verbal to written agreement" before year end." He would also work with Larry Wall and Chris Willoughby to finalize this contract so it can be brought back to council in its final state. Kocher "doesn't want to negotiate personnel matters in public". Willoughby will have a draft ready by the special meeting taking place October 19th.

### **New Business:**

The cottonwood trees at Stop 16 were again discussed. Ellen Lynch stated there is no money left in the tree budget; we are past the 45-day deadline for the bid from The Tree Mann. Lynch will call The Tree Mann and ask about extending the deadline and an estimate on the cost of removing them and a cost for the drill test. She will have more for the special meeting.

Motion by McFadden to approve the invoice, for payment, from Knight Hoppe Kurnik & Knight for \$440.00; second by Lemay. Roll call vote passes 5 – 0.

Motion by McFadden to approve the invoice, for payment, from Holladay Construction Group for \$250,418.50; second by Johnstone. Roll call vote passes 5 – 0.

Motion by McFadden to approve the invoice, for payment, from Cender Dalton for \$13,543.12; along with others outstanding for total of \$41,702.87; second by Wall. Roll call vote passes 5 – 0.

Motion by Wall to approve the invoice, for payment, from Haas & Assoc. for \$4,447.25; second by Johnstone. Roll call vote passes 5 – 0.

The 1<sup>st</sup> reading of the Salary Ordinance, with a 3% increase, was passed with a motion by McFadden; second by Johnstone. 5 – 0 roll call vote. Second reading will take place at the November meeting.

### **Public Comments –**

Zafar Rizvi-1636 Lake Shore Drive, commented on the building commissioner position.

Sam Duthoy, 2305 Oakenwald Dr., asked if the street commission has a street sweeper schedule.

Anita Remijas, 2300 Florimond Dr, commented on the town's legal fees vs. Clerk-Treasurer fees, the Clerk-Treasurer's position in office and the deputy clerk-treasurer's pay.

### **Council Comments:**

Bob Lemay wanted read for the record: (Verbatim) "At the last town council meeting when I raised concerns about late and non-payment for town invoices Mr. Perry defended his job performance by stating that any deficiencies in his job performance were of minor significance to the town. Now, tonight, we find out about \$50,000 that wasn't paid. This month's invoices from Cender & Co. which went for 4 months, or 6 months, that I tracked, was \$35,000 more than the same 6-month period the previous year. This is in addition to the \$36,400.00 that Mr.

Perry received for not doing his job. He seems to spend more time playing pickleball than doing his job. In addition to hiring added employees to do his job, our town administrator, Chief Swistek, has to spend way too much time cleaning up Mr. Perry's messes and doing the clerk's job because the clerk is never around. A few months ago, I tried to convince this town council to begin proceedings to have Mr. Perry removed from office for failure to perform his duties. Three members of this council voted against that effort. It should be noted that after Mr. de Funiak retired the Republican County Committee foisted Mr. Perry on this town at the behest of Mrs. McFadden, who's now a republican candidate for re-election for this council, and Mr. Ernie Summers, a friend of Mr. Perry's, and the republican candidate for clerk-treasurer. In fact, I'm told they attended the swearing in ceremony celebrating their coup. Mr. Perry told me on multiple occasions he wasn't qualified to do the job but he assured he'd be just a place holder. So that heaven forbid we wouldn't want to have a clerk-treasurer doesn't have an R after his name. This, in my view, is just another example of these two individuals, being Ms. McFadden and Mr. Summers trying to impose their agenda on the town, and get retribution for their political enemies. If you need an example just look at what happened to Mr. Wall tonight. It's certainly well known that Ms McFadden has it in for all the Wall family, including John and his daughter. In fact, looking back over the last 3 and a half years when I served on the town council with Ms. McFadden, I note that if she spent as much time working for the town as she does with her political "machinations" we'd be a much stronger town. The best interest of the town seems to be at the bottom of these two individuals' priority lists. George Washington once said, "Beware of the two-party system". We can see it here in Long Beach as well as Washington D.C. Many of you out there have no doubt disagreed with me on many of the positions that I've taken. Note the sewer, the deer hunt, the public safety building. But I've always done what I thought to be in the best of the town. I hope that in the next election, you will vote for candidates willing to do the hard work of the town between meetings, not just show up to meetings to look good at the meetings or show up for ground-breaking ceremonies. These candidates need to come to a meeting prepared, keep the best interest of the town in the forefront of their actions. I'm sorry to feel the need to speak in front of all of you tonight about these issues but I fear for the future of this town and will not forgive myself if I remain silent. Thank you very much."

John Wall addressed the building commission issue and the 2-hour executive session council held, Larry Wall's, Building Commissioner, compensation, commented on the discussions held in those meetings of the functionalities of the department and of Larry Wall, his brother, The certifications Larry holds and his qualifications for the position, his years of service and the many hours he's given to the town.

Carlson read claims approval for town checks 20147 - 20220 totaling \$186,457.45 and water department checks 54800 – 54816 totaling \$177,099.65. August payroll-\$90,557.51 that includes summer camp. McFadden motions to approve; Johnstone seconds; approved 4- 0.

Motion to adjourn the meeting by McFadden; second by Johnstone; 5 - 0, adjourning at 8:45 PM.

Respectively submitted,

Deanna Carlson  
Deputy Clerk