

Town of Long Beach  
Council Meeting  
August 14, 2023  
7 PM

Attending the meeting were all members of the council – Kocher, Johnstone, Lemay, McFadden, and Wall; Attorney Willoughby, Chief/Town Administrator Mark Swistek, Clerk-Treasurer Tim Perry; ALCO TV; and Marilyn Jones & Assoc. (via Zoom).

The Pledge was recited.

\*\*\*\*The full meeting transcript follows beginning with opening remarks.

Committee reports were read by department heads.

Details of unfinished business subject matters and new business subject matters are all included in the transcript.

Reports included in transcript but noted here:

Permit reports and Legal expenses were announced by Perry for July: 20 building permits issued totaling \$3,039,520.00 with revenue of \$6,150.00; 1 electric permit issued for \$111.00.

Legal expenses paid in June to Braje Nelson & Jane's totaled \$ 6,100.00. A re-written check was sent to Barnes & Thornburg for \$1,294.50.00. Motion to approve all reports and legal expenses was made by Lemay; second by Johnstone and passes 5 - 0.

Perry read the Claims approval: Town checks 19999 – 20068 totaling \$213,990.45 and Water Dept. checks 54747 – 54769 totaling \$128,611.33; July payroll \$96,659.53 with summer camp. Lemay motions to approve; Johnstone seconds the motion; approved.

Motion to adjourn by Lemay; second by Johnstone; adjourned at 8:48 PM.

Submitted by,

Deanna Carlson  
Deputy Clerk

and full transcript by Marilyn Jones & Assoc.

1                                   BEFORE THE  
2                                   LONG BEACH TOWN COUNCIL  
3                                   LONG BEACH, INDIANA  
4  
5

6   IN RE: Regularly scheduled                   )  
7   meeting of the Town of Long                )  
8   Beach Town Council;                         )  
9   )  
10  
11

12                                   TRANSCRIPT OF PROCEEDINGS

13                   The transcript of proceedings as held before the  
14   Long Beach Town Council, on Monday, August 14, 2023,  
15   commencing at or about 7:00 p.m. at Long Beach Town Hall,  
16   Long Beach, Indiana, and Zoom videoconference, and as  
17   reported by Rebecca Lempa, Associate Reporter.  
18  
19  
20  
21  
22

23                                   MARILYN M. JONES & ASSOCIATES  
24                                   COMPUTER-ASSISTED REPORTERS  
25                                   P.O. BOX 1103  
                                  MICHIGAN CITY, INDIANA 46361  
                                  (219) 879-4077

BOARD MEMBERS PRESENT:

Bob Lemay (President)  
Mary Lou McFadden  
John Kocher  
John Wall  
Mike Johnstone

ALSO PRESENT:

BRAJE, NELSON & JANES, LLP  
BY: CHRISTOPHER WILLOUGHBY  
126 E. 5th Street  
Michigan City, Indiana 46360  
(219) 872-2100

Appearing on behalf of the Long Beach Town Council

Mark Swistek, Chief Marshal/Town Administrator

Tim Perry, Clerk/Treasurer via Zoom

Marilyn M. Jones, CLVS, CCV, videographer via Zoom

(Members of the general public in person and via Zoom.)

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1 Monday, August 14, 2023 --

2 (Board members and general members of the  
3 public present in person and via Zoom  
4 videoconference at or about 7:00 p.m.)

5 MR. LEMAY: Okay. Opening remarks. I have  
6 none. We've got one new agenda item, that is  
7 labeled "Internal Controls," we'll discuss that  
8 last under New Business. Approval of minutes,  
9 first, the Town Council meeting of May the 8th,  
10 2023. Usually I just skim these, but this one I  
11 read carefully. I'm concerned about these  
12 minutes. There's a paragraph in them that  
13 discusses that month's -- the -- I guess -- what's  
14 the word -- agenda item to remove Tim Perry from  
15 office. I've read this carefully; it seems quite  
16 bias; I know --

17 (Zoom recording stopped.)

18 MS. McFADDEN: Did I do that? Okay. I need  
19 help.

20 (Zoom recording in progress.)

21 MR. LEMAY: All right. I'll start over.

22 I have concerns about these minutes of May  
23 the 8th of 2023; particularly, the part that  
24 discusses the removal of Tim Perry from office,  
25 that motion was not approved. However, the

1 minutes are, I think, quite bias. They tend to  
2 trivialize Mr. Perry's misconduct. I would  
3 suggest that what we should do in place of what is  
4 in that paragraph in the minutes is to actually  
5 just put a transcription of what exactly was said.  
6 It won't be a whole lot of work, but I think it  
7 will be a much more accurate representation of  
8 what happened at that meeting.

9 I'd like to note that those problems have  
10 continued with the clerk/treasurer's office,  
11 largely due to this council's inaction. Number  
12 one, over \$60 in interest and late fees have been  
13 charged to the town this month alone. We've had  
14 three post-due (sic) notices from our vendors, and  
15 we've had three checks that came back to the town  
16 that said -- did not clear from the bank. So, I  
17 think these minutes need to reflect what really  
18 happened --

19 MR. PERRY: Well, what really happened is  
20 quite trivial, and if you would stop trying to  
21 vilify me at every opportunity, maybe you could do  
22 a better job of running the Town Council, sir.

23 MR. LEMAY: Thank you, Mr. Perry. I would  
24 like to not approve those minutes and have them  
25 resubmitted. I'll make that motion.

1 MS. McFADDEN: So, where would Deanna get the  
2 information from?

3 MR. LEMAY: She can get it off of Zoom.

4 MS. McFADDEN: Okay.

5 MR. LEMAY: Yeah, I listened to them  
6 carefully and it's quite intelligible. So, I'd  
7 like to make that motion, that those minutes be  
8 redone. Is there a second?

9 MR. WALL: I'll second the motion.

10 MR. LEMAY: All in favor, say aye.

11 MR. WALL: Aye.

12 MR. LEMAY: Aye. All opposed?

13 MR. JOHNSTONE: Opposed.

14 MR. KOCHER: Opposed.

15 MS. McFADDEN: Opposed.

16 MR. LEMAY: Okay. I want to be sure then  
17 this meeting reflect exactly what I just said.  
18 Whoever's taking the notes out there. Because I  
19 don't want to be the one responsible for what's  
20 happening to the clerk/treasurer's office, or at  
21 least not trying to fix it.

22 Next are the minutes of the Town Council  
23 meeting of June 12th of 2023. Those minutes,  
24 there's just one small correction I think needs to  
25 be made. And that is --

1 THE VIDEOGRAPHER: Nolah Gertner needs to  
2 mute her microphone.

3 MR. LEMAY: That is during public comments, a  
4 Vicki Znavor of 2305 Lakeshore Drive commented  
5 about Council members bragging to the public of  
6 putting a "caboose" on the public safety building.  
7 I believe that was supposed to be "kibosh." So,  
8 if we could get that fixed, and with that  
9 amendment, I'd make a motion to approve those  
10 minutes.

11 MR. JOHNSTONE: Second.

12 MR. LEMAY: All in favor, say aye.

13 (Ayes in unison.)

14 MR. LEMAY: Next is the minutes of the  
15 special Town Council meeting of June 23rd. There,  
16 again, I have one concern. Where in one of the  
17 paragraphs on the last page, it talked about how  
18 John Wall gave a -- gave lengthy stories of 45  
19 years on the fire department. I don't think we  
20 need adjectives like "lengthy." I would like to  
21 make a motion strike that, and with that  
22 amendment, I'll go ahead and make a motion to  
23 approve those minutes; is there a second?

24 MR. WALL: I'll second.

25 MR. LEMAY: All in favor, say aye. Aye.

1 MR. WALL: Aye.

2 MR. LEMAY: Really. Wow. All opposed?

3 MS. McFADDEN: Aye.

4 MR. JOHNSTONE: Opposed.

5 MR. LEMAY: Okay. Then I want that also in  
6 the minutes, that we asked --

7 MR. KOCHER: Are we objecting to the word  
8 "lengthy"?

9 MR. LEMAY: Yeah, that seems a bit  
10 pejorative, don't you think?

11 MR. KOCHER: He has been on there 35 years;  
12 right?

13 MR. LEMAY: No, no, "lengthy stories," John.

14 MR. KOCHER: Lengthy stories?

15 MR. WALL: Look, John. Here's the point of  
16 view of myself and Bob: These minutes are being  
17 politicized by the people that are putting them  
18 down in the minutes. So, it's a little  
19 objectionable to me the way it's politicized. If  
20 you're gonna take minutes from a meeting, you  
21 ought to have an objective look at the meeting  
22 minutes and summarize them with some kind of  
23 consistency. It's very obvious, if you read the  
24 minutes, what's going on. They're subjectively  
25 altered depending on who they're trying to



1 represent. So, I'm with Bob; I think if we can  
2 have more accurate minutes, I'd be happier. I  
3 don't think the way those were put together were  
4 objective by any stretch.

5 MR. LEMAY: With that explanation, John, do  
6 you want to change your vote?

7 MR. KOCHER: Where -- Where's the  
8 object- --

9 MR. WALL: Well, if you wanna pound through  
10 the minutes, we can do that. I --

11 MR. KOCHER: No, I just wanna know where is  
12 it he wants to amend? I'm not reading it. What  
13 page?

14 MR. LEMAY: It's the second page, about  
15 halfway down. Actually, it's the third paragraph  
16 from the end. Starts off with, "Wall then gives  
17 a -- his lengthy stories of his 45 years in the  
18 fire department." So, "lengthy" is describing the  
19 stories, not how long he served on the fire  
20 department.

21 MR. WALL: Not only that, the comments that  
22 were -- making, when she talks about -- one of my  
23 comments, she puts one specific line comment in  
24 there without referring at all to the gist of the  
25 conversation, which was that the septic permit was

1           politicized, people on the Council, as well as  
2           other individuals in the town politicized that by  
3           getting ahold of people at the health departments,  
4           that is the gist of the conversation. Instead, we  
5           get a one-liner. One-liner about, you know, my  
6           language. Which, again, I don't want to belabor  
7           the thing, I don't think Bob does, either, but  
8           it's very obvious that the meeting minute notes  
9           are being politicized.

10           MR. LEMAY: So, with that change, John, do  
11           you wanna change your vote?

12           MR. WALL: No.

13           MR. LEMAY: No, John Kocher.

14           MS. McFADDEN: I don't.

15           MR. KOCHER: I don't think it's that  
16           important, but --

17           MS. McFADDEN: Nope.

18           MR. KOCHER: -- if it means to approve the  
19           minutes, I'll approve them; I don't care.

20           MR. LEMAY: All right. So, all in favor of  
21           the amended minutes, say aye.

22           MR. KOCHER: Aye.

23           MR. LEMAY: Aye.

24           MR. WALL: Aye.

25           MR. LEMAY: John, were you an aye?

1 MR. KOCHER: Yeah.

2 MR. LEMAY: All opposed?

3 MR. JOHNSTONE: Opposed.

4 MS. McFADDEN: Opposed.

5 MR. LEMAY: Okay. So, those minutes will be  
6 changed. Committee reports: Police department  
7 commission --

8 MS. McFADDEN: Did you do the Town Council  
9 one July 10th?

10 MR. LEMAY: That's pending. That's not out  
11 there yet.

12 MS. McFADDEN: Okay.

13 MR. LEMAY: Chief?

14 CHIEF SWISTEK: Good evening, everyone. For  
15 the month of July, the Long Beach Police  
16 Department responded to 328 calls for service when  
17 compared to 245 calls for service in the previous  
18 year for an increase of 83 calls for service.  
19 During the month of July, 22 incident reports were  
20 documented, a total of 13 individuals were  
21 arrested, one felony arrest for operating a motor  
22 vehicle while intoxicated with a previous  
23 conviction, a felony arrest for a vehicle pursuit  
24 with multiple drug charges. That pursuit actually  
25 ended just over the Indiana/Michigan line.

1           And we had 11 misdemeanor arrests; one was  
2           for resisting law enforcement and disorderly  
3           conduct, a warrant arrest out of St. Joe County,  
4           five individuals were arrested for traffic-related  
5           offenses, and five arrests for operating a motor  
6           vehicle while intoxicated.

7           We still continue -- In the month of July, we  
8           had at least one individual that was arrested on a  
9           golf cart while intoxicated with children present  
10          on the golf cart. I cannot emphasize enough the  
11          importance of not operating a golf cart while  
12          intoxicated; it's no different than a motor  
13          vehicle, and especially when you have children  
14          present, it actually elevates the charge to a  
15          felony charge.

16          I'd like to talk about a couple incidents for  
17          the month of July. Back on July 5th,  
18          Deputy Matthew Farthing assisted the Michigan City  
19          Fire Department in the 600 Block of Nahas, just  
20          off of U.S. 12. During the response of this call,  
21          he was first on scene. A male was observed  
22          walking back to the actual scene of a fully  
23          engulfed house that was on fire. While speaking  
24          to the individual, he made statements about the  
25          particular fire while reaching for a handgun in

1 his waistband. Deputy Farthing acted very  
2 quickly, was able to take the individual into  
3 custody and recover the firearm without being  
4 injured. I would like to commend him for his  
5 actions on that day.

6 Then on July 13th, we had a personal injury  
7 accident in front of Hacienda. On that particular  
8 morning, an elderly Long Beach resident was  
9 observed traveling southbound on Karwick Road,  
10 also known as Chastleton Drive, appeared to have  
11 lost consciousness, struck a tree, broke her arm  
12 during the actual accident, and Deputy Yagelski  
13 was able to apply a tourniquet to the injured arm  
14 to stop some of the bleeding until the paramedics  
15 had arrived. So, excellent job by  
16 Deputy Yagelski, and also the response that we  
17 received from the Long Beach Fire Department.  
18 Their response also aided in this injury.

19 And then, lastly, I'd like to talk about a  
20 gun recovery at Stop 24. Back on July 27th,  
21 Deputy Matthew Farthing, while on routine patrol,  
22 observed a suspicious vehicle parked in the  
23 ten-minute loading zone at Stop 24. Upon  
24 confronting the vehicle, he observed a Glock  
25 handgun inside the vehicle; he eventually

1           confronted five individuals that were associated  
2           to the vehicle. None of them were residents of  
3           the town, and he is currently seeking search  
4           warrants for DNA samples to figure out who was the  
5           actual owner of the gun. And, again, he did an  
6           excellent job heads-up patrolling by  
7           Deputy Farthing.

8           And then, lastly, we -- I talked about this  
9           last month, the grant that we applied through the  
10          Indiana Criminal Justice Institute; I was just  
11          contacted this morning that we are receiving three  
12          new laptop computers for patrol cars to include  
13          printers and handheld scanners all at no cost to  
14          the town. And this was through a state-funded  
15          grant through the Indiana Criminal Justice  
16          Institute that we will be picking up in the next  
17          couple of weeks. And that's all I have for now.

18          MR. LEMAY: And the town administrator  
19          report, Chief?

20          CHIEF SWISTEK: I can cover those on the  
21          agenda as --

22          MR. LEMAY: Okay.

23          CHIEF SWISTEK: -- we come across those.

24          MR. LEMAY: Great. Volunteer fire  
25          department. Tom Yemc? Oh, Kurt?

1 MR. EARNST: Nice that I blend in.

2 MR. KOCHER: Turn on your mic.

3 MR. WALL: You gotta hold that down for a  
4 second. It's on.

5 MR. EARNST: There you go. My voice usually  
6 carries, so I usually don't need it, but good  
7 evening to the town. Mr. Yemc is out of town, so  
8 he asked me to sub in today, which I was happy to  
9 do. Presently, for the month of July, we had ten  
10 calls of a fire-related nature. Year-to-date, 42  
11 calls as opposed to this time last year 34 calls.  
12 On the medical side, we had ten calls for the  
13 month of July. Total medical calls for the year,  
14 58 as opposed to 45 this time last year.  
15 Year-to-date average response for a fire call,  
16 4.53 minutes. Year-to-date overall average  
17 response for medical calls is 4.29 minutes. And,  
18 to date, members have donated at least 1,609  
19 volunteer hours to the service of the Town of  
20 Long Beach.

21 A few other points that I would like to bring  
22 to the court's -- or to the -- "courts" -- put on  
23 my other hat -- the town's attention. One is  
24 that, obviously, the numbers are higher, and we  
25 anticipate those numbers to be higher, I think

1           both on the police side and the fire side;  
2           perhaps -- going down once the summer ends, but  
3           we've had a lot of permanent residents, so,  
4           obviously, we think that's going to continue.

5           Reminder, also, about the issue of power  
6           lines. We've had a lot of power lines down the  
7           last month or two. Urging everyone to be very  
8           cautious. If you see that, report it, keep your  
9           distance. Just because you're at a distance does  
10          not mean you're out of danger, especially at times  
11          of storms, water can transmit electricity, those  
12          power lines are down, they're a danger. Last  
13          couple of calls we've had, they've actually melted  
14          the blacktop. This is very serious, and, again,  
15          if you see it, call it in from a distance, whether  
16          it's sparking or not, and then we'll take care of  
17          it and turn it over to NIPSCO or the appropriate  
18          agency.

19          I also want to highlight that, once again,  
20          tonight, the members of the fire department are at  
21          the training facility on Hitchcock Road in  
22          Michigan City braving the high rain, training on  
23          hose. This is the third time they've been out  
24          there this year and anticipate maybe one more time  
25          before the year is out. So, obviously, we're



1 taking as much time, even though we're in the  
2 transition period with the public safety building  
3 to continue to make sure that our training is  
4 sharp in case we are needed.

5 Along the lines of training, I want to thank  
6 Chief Swistek and his staff; recently, they put on  
7 a demonstration of the drone so we can hopefully  
8 work with that and understand a little bit better.  
9 The last structure fire that we had, that I  
10 obviously had an injury at, that was very helpful  
11 in finding hotspots which was very helpful in  
12 mitigating the amount of times we had to come out.  
13 They've made that available whenever we need it.  
14 Also, the ATV that they have, they also let us use  
15 that, as well, so we can use that if we need to  
16 for beach emergencies or other matters, so wanna  
17 thank Chief Swistek for the incredible cooperation  
18 we've had for the service of the town. Also him  
19 providing some much-needed office space for us  
20 during our transition so our people can do our  
21 computer reporting and things of that nature, so  
22 we thank you for that accommodation, as well.

23 We are almost out of the old station; I  
24 believe the demolition is scheduled for at or  
25 about -- or after September 1st of this year,

1 we'll be out on or before that time. Right now,  
2 it's kind of a skeleton over there. We've got a  
3 lot of it in a semi trailer. And then, of course,  
4 we're in the process of transitioning to the town  
5 garage. We thank the town for allowing us to use  
6 that for this time frame. So, that's the process  
7 of happening.

8 And we also want to highlight the fact that  
9 we're gonna have a groundbreaking ceremony a week  
10 from Friday, I believe it's the 25th, at 10:00.  
11 We certainly invite and urge the town board  
12 members who have been so supportive to be there  
13 for that momentous occasion so we can enjoy that  
14 official groundbreaking. The ground obviously's  
15 broken, this would be an official thing with  
16 shovels and things of that nature. So, we urge  
17 all to attend that momentous occasion. Is there  
18 any questions for the town?

19 MS. McFADDEN: So, they moved to Karwick, the  
20 truck and everything?

21 MR. EARNST: We will be -- The engines will  
22 be moving once -- About a week or so before the  
23 building's being demolished, we're gonna move the  
24 engines out to the town garage.

25 MS. McFADDEN: Okay.

1 MR. EARNST: And they'll be housed there for  
2 safekeeping, being out of the elements, until we  
3 can move back in at a later date, which might be  
4 just a few months from now, but I'll leave that to  
5 John to give you an update on that if need be.  
6 But that way we make sure they're not out in the  
7 elements because you just never know what could  
8 happen. We don't want them sitting out in the  
9 open.

10 MS. McFADDEN: Right.

11 MR. EARNST: Too much for damage and also  
12 people tend to take things because things can be  
13 taken off those trucks and even though the police  
14 do a very good job of monitoring, they can't watch  
15 everything. Again, it's gonna get cold here  
16 relatively quickly, and the last thing we want is  
17 to have a bunch of snow on them. So, they'll be  
18 out there and we'll be out there on a temporary  
19 basis ready to preserve and protect the Town of  
20 Long Beach. Questions?

21 MR. LEMAY: Thanks, Kurt.

22 MR. EARNST: Thank you.

23 MS. McFADDEN: Thank you.

24 MR. LEMAY: Fire commission, John?

25 MR. WALL: Fire commission met. There were

1 just a couple of us there. Probably ought to look  
2 at summer meeting schedules. But, at any rate, we  
3 discussed the public safety building a little bit,  
4 and we also talked about fire truck financing. I  
5 do have a little bit of news on that. I spoke to  
6 Karl Cender earlier today. He intends to go out  
7 and try to get some bank quotes for the fire truck  
8 financing so that we can put that together before  
9 the end of the year. He'll probably coordinate  
10 with Clerk Perry. I think Tim had maybe started  
11 some of that. But, at any rate, we'll try to get  
12 some local banks involved as well in that effort.  
13 That's all I've got for the fire commission.

14 MR. LEMAY: Okay. Public works, Mary Lou?

15 MS. McFADDEN: We did not meet in the month  
16 of July, so we will be meeting in the month of  
17 August. Fourth Monday of the month.

18 MR. LEMAY: Park Board. Joy?

19 MS. SCHMITT: Good evening, everyone. Park  
20 Board met on July 25th. We'd like to give a huge  
21 thank you to the Long Beach Police Department, the  
22 Beach Garden Club, Sarah and the summer camp  
23 counselors, and the participating artists for  
24 another successful Art In The Park. Also, for the  
25 first time ever, I think summer camp this year has

1           paid for itself plus some change, so kudos to  
2           Sarah for making that happen. The railings at  
3           Stop 21 and Stop 23 have been completed. We have  
4           a \$500 bid from Arndt to cover up the pickleball  
5           stripes on the basketball court over by the  
6           community center. The Long Beach Country Club  
7           Board of Directors has no objection, so Parks is  
8           seeking approval of Council to proceed with that  
9           project.

10           MS. McFADDEN: Why do we want to cover it up?

11           MS. SCHMITT: We didn't -- We never wanted  
12           pickleball --

13           MS. McFADDEN: I -- I know that, but if we're  
14           not using it, --

15           MS. SCHMITT: People are using it. They're  
16           dragging the nets over there, they're ruining the  
17           nets and playing over there.

18           MS. McFADDEN: Oh, okay. I do walk, but I  
19           haven't seen them over there.

20           MS. SCHMITT: Yeah, they have been. So, for  
21           \$500, that would be our proposal to paint over  
22           them.

23           MS. McFADDEN: Okay.

24           MR. LEMAY: You need a vote from us on that?

25           MS. SCHMITT: Yes.

1 MR. LEMAY: I'll make a motion to approve the  
2 \$500.

3 MR. WALL: I'll second it.

4 MR. LEMAY: Discussion? All in favor, say  
5 aye.

6 (Ayes in unison.)

7 MS. SCHMITT: Thank you. A meeting was held  
8 at Stop 15 with neighboring residents and  
9 Global Engineering to discuss the preliminary  
10 design of the ADA stop, you know, the emergency  
11 beach access location. Global will be submitting  
12 the pre-grant application this month, and the hope  
13 for all of us, including the residents, is to make  
14 the least amount of impact on the landscape as  
15 possible. So, we want to be clear that we will be  
16 going over the foredune, not bulldozing it. A lot  
17 of people were worried that they were going to  
18 bulldoze the dune.

19 So, as soon as we hear back from them, that  
20 project will be progressing. Hopefully, the  
21 coastal grant we'll know maybe by December or  
22 January whether or not we got it. Park Board is  
23 handling all the funding and getting the grant  
24 going, which is about \$40,000.

25 MS. McFADDEN: Is Stop 15 Blanchard Court?

1 MS. SCHMITT: No. That's Stop 14.

2 MS. McFADDEN: Okay.

3 MS. SCHMITT: And, lastly, the Park Board was  
4 tasked by the Council to identify and propose a  
5 plan for encroachment at the stops. So, we're  
6 currently looking at Stop 29, so I provided a  
7 survey for everyone there.

8 And our original issue was you'll see -- it's  
9 kind of small -- but you'll see some green trees,  
10 which are evergreens down there, that were planted  
11 last year by the homeowner to the west. And so,  
12 we asked that those be removed because we thought  
13 they were on town property but we weren't sure, so  
14 we had this survey done. And, clearly, they're on  
15 town property.

16 The problem is the homeowner put them in  
17 because they wanted to block their view of people  
18 coming down to the beach, but now the people  
19 coming down on the beach have their view blocked  
20 of the lake. So, the Park Board, after getting  
21 the survey done, you can see that their driveway  
22 at the top is, like, six feet onto town property.

23 Now, they received a access and maintenance  
24 easement from the town, so they are allowed to use  
25 that. We would ask -- The Park Board would ask

1           that the trees be removed, and I think  
2           Mr. Voortman said that would be no problem.  
3           And --

4           MS. McFADDEN: Can we save them for  
5           something?

6           MS. SCHMITT: They're his trees, so I think  
7           he'll plant them somewhere else.

8           MR. LEMAY: They're little?

9           MS. SCHMITT: Pardon me?

10          MR. LEMAY: They're little?

11          MS. SCHMITT: They're fairly small now. Not  
12          little, but they're gonna be really big. The only  
13          question we have, and so we were going to ask that  
14          those trees be removed. We would like to put a  
15          split-rail fence along the area that shows the  
16          town property, like we've done at other stops, and  
17          the question we have -- you can see there's a  
18          gravel road coming down -- or gravel something  
19          coming down from the back of that residence.

20          MS. McFADDEN: Like that? That part? Okay.

21          MS. SCHMITT: And so, we're not sure what  
22          happens on that little gravel road, but it is on  
23          town property so our question is liability. I  
24          think that's a question for Chris. Is the town  
25          liable for anything that happens on that --



1 MS. McFADDEN: What do they use this for?

2 MS. SCHMITT: I have no idea what they use it  
3 for.

4 MS. McFADDEN: Okay. I mean, it's --

5 MS. SCHMITT: My guess, it's there to get  
6 their toys and stuff to the beach.

7 MS. McFADDEN: Okay.

8 MS. SCHMITT: But I don't know if that's a  
9 liability issue or if the town wants to do  
10 something about that or not. It really does not  
11 affect people going down to the beach, but we were  
12 concerned about liability.

13 MR. LEMAY: We don't know who put it in?

14 MS. SCHMITT: I don't know.

15 MR. LEMAY: And so the thought is that the  
16 homeowner to the west is using that to bring toys  
17 down or people up -- other people --

18 MS. SCHMITT: Yes, that would be my guess.

19 MR. LEMAY: Other people?

20 MS. SCHMITT: Yes.

21 MR. WALL: No, you can't get to it. So, this  
22 brown thing, this is actual drive over here, so  
23 he's going down there on his own property. Well,  
24 partly our property easement and his property.  
25 And when you get down here, then he's got this

1           little stub down here. It doesn't really access  
2           the beach per se, it accesses the front of his  
3           house, is essentially what it does.

4           MR. LEMAY: Is that gravel part on his  
5           property or on town property?

6           MS. SCHMITT: No, the town's.

7           MR. LEMAY: This is a weird lot. We traded  
8           something --

9           MR. WALL: Jacobson's, years ago, when the  
10          garage was in the wrong spot and then they traded  
11          Jacobson's property.

12          MR. WILLOUGHBY: Is there any usage of it  
13          that you perceive for the town?

14          MS. SCHMITT: No.

15          MR. WILLOUGHBY: Based on what you're doing?  
16          You know, might I suggest -- and liability is a  
17          funny thing, and I hate to say you're not liable  
18          or you are because if someone makes a plan and  
19          something happens there, someone other than us is  
20          going to decide that.

21          But might I suggest that, if you're inclined,  
22          to look at it, and if it is being used, that  
23          somehow we wrap it into a maintenance similar-type  
24          easement where they're responsible and then they  
25          indemnify the town so that you're not disrupting

1           what might have been there for a long time. So,  
2           just a thought. Especially if you don't have  
3           plans for that area; if there are plans, then  
4           that's a different conversation.

5           MS. SCHMITT: That may be something you guys  
6           want to think about, what happens to that gravel  
7           road. Right now, we would just ask -- if it's  
8           okay that we ask the homeowner to remove the trees  
9           and let them know that we're gonna put split-rail  
10          fencing in to denote town property.

11          MR. LEMAY: And if we were to try and remedy  
12          the situation of that gravel road, what would we  
13          do?

14          MS. SCHMITT: Well, the Park Board would like  
15          to turn it all into dune grass, but that would be  
16          an expensive project, as well.

17          MR. LEMAY: Not something you guys are  
18          prepared to do now?

19          MS. SCHMITT: Not this year, no. Probably  
20          not next year.

21          MR. LEMAY: Okay.

22          MS. SCHMITT: And that's it. Any questions  
23          about Park Board?

24          MS. McFADDEN: Thank you, Joy.

25          MR. LEMAY: Community Center, Joy?

1 MS. McFADDEN: Do we need to vote on the  
2 trees?

3 MR. KOCHER: I don't know why. They're on  
4 town property.

5 MR. LEMAY: Yeah, we can always remove trees  
6 on town property.

7 MS. McFADDEN: But you'll let them know?

8 MS. SCHMITT: Zach already talked to him  
9 about it, and I think they're very willing to move  
10 the trees.

11 MR. LEMAY: Any other questions about Park  
12 Board? Community Center, Joy?

13 MS. SCHMITT: Community Center met earlier  
14 today; we had lengthy discussions regarding  
15 maintenance issues and the Community Center  
16 capital and operating budgets. And they asked me  
17 to ask the Council for some help getting copies of  
18 the NIPSCO bills. We haven't been able to get  
19 those from the clerk's office. We always used to  
20 get them.

21 (Overlapping speech.)

22 MS. McFADDEN: I'll get those.

23 MS. SCHMITT: Thank you.

24 MS. McFADDEN: I'm sure I can get 'em. I  
25 know somebody there.

1 MS. SCHMITT: We could use them all for this  
2 year.

3 MS. McFADDEN: Just so you keep a record --  
4 Is that Deanna?

5 MS. CARLSON: This is Deanna. I can get  
6 those. It used to be a normal everyday thing that  
7 I did but, you know, with so many people changing  
8 hands in the office, it's not something I can't  
9 get very quickly. So, I'll send those, Joy.

10 MS. SCHMITT: Thank you, Deanna. We could  
11 use them for the whole year.

12 MS. McFADDEN: From January?

13 MS. SCHMITT: I think we had them from  
14 February but if you can get them from January,  
15 that would be great. Any questions on the  
16 Community Center? That's it. Thank you very  
17 much.

18 MR. LEMAY: Budget and finance. Who's gonna  
19 do that one?

20 MR. WALL: I can take it. Budget and finance  
21 met on August the 9th. We had a fairly extensive  
22 meeting; essentially, we started the meeting with  
23 department heads presenting their capital needs  
24 and their rough idea of what they wanted to do  
25 with some of their budget items for the coming

1           year for the budget process, which we need to  
2           finalize a rough draft of by the end of August.  
3           So, the budget working group tasked -- has tasked  
4           themselves with having to meet before the end of  
5           the month to try and pound that out along with  
6           Cender and the clerk's office.

7           And then after we did the department  
8           presentations on their budgets and capital  
9           requests, then we went into our standard budget  
10          and finance meeting. Trista Hudson from  
11          Cender was there, and she helped us with some new  
12          projections on 2022 closeouts. I think at that  
13          point, there was a little bit left to be done in  
14          terms of some housekeeping items, but,  
15          essentially, she's confident that we've got '22  
16          numbers pretty well in hand.

17          She did send out to all of the Council  
18          members a revised set of financial statements for  
19          the year 2022; we talked about the quarterly and  
20          midyear financial statements. They're gonna  
21          continue to provide information to us and work  
22          with the clerk's office and the Council to keep  
23          that -- those financial statements current.

24          Unfinished business: We talked about the  
25          cash management. We do have quite a bit of money

1 in CDs right now; I think they're going to adjust  
2 those positions to be a little more accurate in  
3 terms of where our cash needs are on a monthly  
4 basis. But, yeah, we are making some interest.  
5 Tim reported -- Clerk reported on that at a prior  
6 meeting, and that continues to happen. So, we're  
7 in a better position in terms of what cash is in  
8 CDs. Trista's making some recommendations; We've  
9 probably overcommitted on one that's going out, I  
10 think, so the working group will have a more  
11 succinct report for you guys at the next meeting  
12 after we kind of finalize where we're at with the  
13 budgets, where we're at with some of the account  
14 balances.

15 CCMG, we talked about the capital plan, we  
16 already worked about. Public works, we have the  
17 bids this evening. In fact, I'd like to make --  
18 recommend that we maybe we open those bids. Haas  
19 is -- Haas Engineering -- or Haas & Associates is  
20 here tonight. Maybe if we can move those forward,  
21 you know, right after this report rather than  
22 having him stay all night.

23 Fire truck financing, public safety building.  
24 We talked about the check verification system. I  
25 think we worked the bugs out of that, or will

1           shortly if we haven't already. And then the  
2           budget process was discussed. That was about all  
3           of it, unless you have any other comments, Mike,  
4           as far as -- I don't know if Clerk Perry has  
5           anything else on that, but, essentially, that's  
6           the extent of the budget and finance report.

7           MS. McFADDEN: Do you wanna -- Okay, which  
8           ones would I be -- because I've got Tom Carlson,  
9           I've got Grimmer Construction, and I've got  
10          Woodruff.

11          MR. WALL: What was the first one, Mary Lou?

12          MS. McFADDEN: H&G Underground.

13          MR. WALL: Okay. So, we have three bids,  
14          then. At this point, normally, what the procedure  
15          would be is we pop those open and read the lump  
16          sum base bid from each of the three contractors  
17          and then they'd be referred to the engineer and  
18          the attorney for further review. There won't be  
19          an award this evening, it would just be reading  
20          the bids --

21          MS. McFADDEN: So, it's all for the same  
22          project?

23          MR. WALL: Yes. This the water service  
24          project -- the Lakeshore Drive -- yeah, the  
25          Lakeshore Drive water service project.



1 MS. McFADDEN: So, this is for the public --  
2 this is for the public --

3 MR. WALL: Here, if you wanna just pass it  
4 down. You're just looking for the lump sum. Sam,  
5 do you want to come up here and help us with the  
6 lump sum paperwork. It should be one page with  
7 the bid on it. There's all kinds of information  
8 in there, but you only need really one number.  
9 I'm sorry. Sam represents Haas & Associates. He  
10 knows the paperwork well enough to find the base  
11 bid number.

12 MS. McFADDEN: Good, Sam. Don't make me look  
13 bad. Okay. So, this is from -- What was the name  
14 of this one? This is from  
15 H&G Underground Utilities. And it's that number?  
16 1,774,121.50. Should I be writing that down?

17 MR. WALL: I am.

18 MS. McFADDEN: Sam, stay up here. Thank you.  
19 Okay. And so, this is from Grimmer Construction  
20 out of Highland, Indiana, and their total is  
21 1,381,562.50.

22 MR. WALL: And we're reading the base bid  
23 numbers; correct, Sam?

24 MR. OZEH: Yes.

25 (Overlapping speech.)

1 MS. McFADDEN: That would be -- Yes. And  
2 this is from Woodruff, 699,687.88.

3 MR. WALL: That's base bid?

4 MS. McFADDEN: Yes.

5 (Overlapping speech.)

6 MR. WALL: So, typically, what's done then --  
7 and, Chris, correct me if I'm wrong -- but Chris,  
8 the town attorney, will review those for the  
9 paperwork that's required -- the legal paperwork  
10 that's required, and then Haas --

11 (Overlapping speech.)

12 MR. WALL: For those at home, what Sam just  
13 stated was, that he will take a copy of each bid  
14 to review and make a recommendation to the town.  
15 And then Chris will review the legal paperwork at  
16 the point where that recommendation -- We  
17 appreciate it, Sam, and you're certainly welcome  
18 to stay if you'd like, but --

19 MR. LEMAY: Sam, I appreciate what you just  
20 did for us. I'm gonna change the order of the  
21 agenda. I'm gonna put the private sewers next on  
22 the agenda because I think you wanted to discuss  
23 that, too; right? Okay. So, we're switching the  
24 agenda here to private sewers. That's, again,  
25 from Haas Engineering and -- Can we figure out

1           who's doing that?

2           MR. WALL: If you're not talking, shut your  
3           microphone off.

4           MS. McFADDEN: What did you say?

5           MR. WALL: If you're not talking, shut your  
6           microphone off.

7           MS. McFADDEN: Oh, me?

8           MR. LEMAY: I don't know; we'll see. And so,  
9           this is regarding the private sewers from the  
10          properties on Lakeshore Drive. And so, a couple  
11          of concerns that I have -- Now, I know we saw  
12          further plans from you guys --

13          MS. McFADDEN: Was that old business?

14          MR. LEMAY: That is under unfinished  
15          business, yeah. And your new plans now, you're  
16          not gonna be digging on Lakeshore Drive or  
17          Chastleton, I understand; is that correct?

18          MR. OZEH: I'm sure we are still going to  
19          install it along Lakeshore Drive --

20          MR. LEMAY: But not Chastleton?

21          MR. OZEH: -- at Chastleton. But we are not  
22          gonna be doing any work within the pavement.

23          MR. LEMAY: Right, so no digging in the  
24          pavement.

25          MR. OZEH: No. No digging in the pavement.

1 MR. LEMAY: So, it'll all be in the  
2 right-of-way but not in the pavement.

3 MR. OZEH: Yes.

4 MR. LEMAY: Okay. So, that's good. That's  
5 progress. Couple of concerns that I have, there  
6 are probably gonna be more. But I think we  
7 need -- we're gonna need to come up -- your  
8 attorneys and our attorneys need to come up with a  
9 maintenance agreement. Because if this thing  
10 malfunctions, particularly in the dead of winter  
11 and we've got poop bubbling up from the  
12 right-of-way, not the pavement, we still need to  
13 make sure somebody's gonna fix that, and that  
14 shouldn't really be the town's responsibility. We  
15 need to come up with a lease agreement because  
16 you're on the right-of-way. We need to figure out  
17 what happens if your LLC goes belly up because the  
18 town doesn't want to be holding the bag. So,  
19 we're gonna need to see that LLC agreement. And  
20 then, of course, you guys are gonna have to be  
21 responsible for the attorney fees for all this  
22 negotiation because, again, it shouldn't be the  
23 town's deal. It's not gonna be really an asset  
24 the town's gonna benefit from, except for those  
25 property owners. And then, finally, we need to

1           see the agreement that we -- these are my  
2           concerns. We need to see the agreement between  
3           the LLC and Michigan City and Michigan City  
4           Sanitary. Those are the concerns that I had.  
5           Now, are there other concerns? Chris?

6           MR. WILLOUGHBY: No. At some point -- it's  
7           been some time, but Attorney Wojcik and I have  
8           been in communication long ago when it started  
9           picking up some momentum. So, I'll anticipate  
10          that he will propose the formal documents to get  
11          it rolling, so I haven't seen those yet.

12          MR. LEMAY: Okay. So, I guess at this point,  
13          we need to hear from your attorney about that and  
14          make sure you guys are okay with the attorney fees  
15          before our attorney continues talking with your  
16          attorney. And then -- Anybody -- I don't know, if  
17          we're -- I guess we need to see those agreements  
18          before we --

19          MR. WILLOUGHBY: I'll reach out to  
20          Mr. Wojcik, too, just so we're all in the same  
21          loop.

22          MR. LEMAY: Okay.

23          (Overlapping speech.)

24          MR. LEMAY: Super. Sam, I think we're -- if  
25          everything's good, we don't have any more we need

1 to do with that. I think you can actually go home  
2 and see your family.

3 MR. OZEH: Thank you.

4 MR. LEMAY: Thank you. Next up, Human  
5 Resources. Mary Lou.

6 MS. McFADDEN: We did not meet in the month  
7 of August; we will be meeting in the month of  
8 September. We'll be working on salary surveys and  
9 on the new cost of the medical insurance and some  
10 other things.

11 MR. LEMAY: Next up, Tree Board.  
12 Ellen Lynch?

13 MS. LYNCH: Hi. I'm Ellen Lynch, Tree Board.  
14 We did not meet this month because the -- we did  
15 not meet this month because the chairman had  
16 COVID. So, I had COVID. My husband had COVID.  
17 It was crazy. Anyway, but I did -- we did finish  
18 the tree ordinance. And thank you very much,  
19 Mr. LeMay, for all the helping -- help with this  
20 and going through it and editing it and putting  
21 all the fine tuning on it. So, tree ordinance is  
22 completed. And hopefully you guys will be able to  
23 vote on it soon. Any questions? If any of you  
24 have read it, reach out to me or even ask  
25 questions now. I don't think this is the day to

1 do that, though.

2 MR. LEMAY: So, I think let's consider that  
3 tree ordinance. We'll, again, change the agenda  
4 order. I think everybody's had a chance to read  
5 it. Ellen and I got together and made some  
6 amendments.

7 MS. LYNCH: He caught all my mistakes, is  
8 what he did.

9 MR. LEMAY: Well, I don't know about that,  
10 but . . . One thing that I saw was Section 99.11,  
11 and that would basically just to say that the  
12 notification of the property owner when we're  
13 gonna be taking down trees adjacent to their  
14 property needs to apply to both sections 99.10 and  
15 99.11.

16 MS. LYNCH: Okay.

17 MR. LEMAY: And, again, I penciled those in  
18 and we can maybe give them to Chris and you can  
19 maybe make those changes, Chris? I'll get  
20 together with you and we can do that.

21 MS. LYNCH: Okay.

22 MR. LEMAY: And one other place, Section  
23 99.15, there's a sentence -- boy, my eyes are not  
24 working tonight. I can't do this; can you read  
25 that?

1 MR. WALL: Request for hearing within five  
2 days for the property owner notification.

3 MR. LEMAY: Yeah, so we're not saying -- I  
4 wanted to make sure --

5 MR. WALL: This is for an appeal.

6 MR. LEMAY: Yeah, this is basically -- We  
7 want to make it five days from when the  
8 notification is received by the property owners --

9 MS. LYNCH: So, you want me to clarify that?  
10 Okay. Okay. So, 95 -- 11:95, 15 and I'll do  
11 that; all right? I can do that and then send it  
12 to you?

13 MR. LEMAY: We can talk about it again.

14 MS. LYNCH: Okay. I'm only a block away.

15 MS. McFADDEN: So, postpone it? Because I --

16 MR. LEMAY: I think -- If you guys are okay  
17 with it -- with the amendments, yeah, they're not  
18 a material change --

19 MS. McFADDEN: Well, do we sign it? Deanna's  
20 got the copy here. Or do we wait?

21 MR. LEMAY: We don't want to sign it --

22 MS. McFADDEN: Okay.

23 MR. WILLOUGHBY: Just a reminder of the  
24 process, since you're just considering it tonight,  
25 you'd have to unanimously and then go through



1           that -- you could approve it on first reading if  
2           you want, and then that way you'd be prepared to  
3           finalize it. Or unless everybody wants to see --

4           MR. LEMAY: Yeah.

5           MR. WILLOUGHBY: -- a clean copy before you  
6           consider it.

7           MR. LEMAY: That's probably the best way to  
8           do it. And then just any minor editorial change,  
9           "Violation of this ordinance may be subject to  
10          fines in accordance with Chapter 154.211 of the  
11          Zoning Code."

12          MS. LYNCH: Yeah.

13          MR. LEMAY: Just want to make sure it's clear  
14          that everybody knows where we're at. So, I guess  
15          make those changes. I'll give this to you. She  
16          can read my handwriting.

17          MS. LYNCH: Thank you so much.

18          MR. LEMAY: Thank you. We'll get it done. I  
19          appreciate it. Thank you.

20          MR. WALL: So, should we make a motion to  
21          approve it based on the amendments tonight?

22          MR. WILLOUGHBY: My suggestion is you wait  
23          until you have to clean copy.

24          MR. LEMAY: You wanna do that? Okay. I'm  
25          fine with that. Okay. So, we dealt with

1 something else further down, too. Building  
2 Commission. That is me. So, Building Commission  
3 met twice since the last meeting, and I'm just  
4 gonna kind of hit the highlights. Regarding the  
5 beach stairs, Lou Mellen and I are gonna go down  
6 and see if some of these beach stairs that were  
7 initially felt to be illegal, according to our  
8 ordinances, have now been fixed. Because it's  
9 been quite a while since we did that, so we're  
10 gonna go down. And, hopefully, I'll be on my bike  
11 and he'll be on the four-wheeler down there, and  
12 we'll make sure that we've got that all figured  
13 out. Because we don't want to send letters out to  
14 people who have already corrected the problem.

15 MS4 requirements. We're gonna be getting a  
16 sample ordinance from Reggie, who's our consultant  
17 on MS4. And that'll start through the process of  
18 getting approved, hopefully.

19 The Captain's Walk property. They were  
20 approved to do the excavation on the condition  
21 that if the building is not approved, they're  
22 gonna need to put that excavation back to its  
23 initial state. And so, it's up to them whether  
24 they want to start excavation or not.

25 MS. McFADDEN: They have.

1 MR. LEMAY: Yeah, well, I figured they had.  
2 And then 2300 Hazeltine. Lou is gonna get  
3 together with Chris to go over the violations at  
4 that property. There was work done that was never  
5 approved, and so that is forthcoming.

6 And then we met, also, on August the 11th.  
7 And, again, just to hit the highlights. Building  
8 department software is moving forward. We've got  
9 this payment system called Payroc that's part of  
10 this program. It would allow contractors to pay  
11 online. But right now, discussing it with Larry,  
12 the thought let's implement the system now, not  
13 the Payroc part of the system, and then later  
14 decide if we want to do that. We just felt that  
15 would create more confusion than we already have  
16 at the clerk's office, so we're gonna hold off on  
17 that. And who knows, the system may not even --  
18 the whole system may not be implemented until  
19 December anyway.

20 Solar ordinance is still pending. There's  
21 going to be a workshop between the APC, Town  
22 Council, and Building Commission to go over that.  
23 We want to make sure that we have that solar  
24 ordinance set up just exactly how we want to do it  
25 and we don't create any confusion. Part of that

1 workshop about the solar ordinance also is going  
2 to include a careful review of that Captain's Walk  
3 property. That building's going to be 12,000  
4 square feet, its going to have, I believe, seven  
5 bedrooms. There's gonna have to be some  
6 discussion as to whether or not that property's  
7 gonna conform with both our ordinances and our  
8 comprehensive plan.

9 2515 Chastleton, work was done without a  
10 permit, without a registered contractor. Decision  
11 was made that both the contractor and owner are  
12 gonna be fined \$500, as per our ordinance. And  
13 that's it from Building Commission.

14 Okay. Next on the agenda, Board of Zoning  
15 Appeals. They did not meet, and, in fact, the  
16 meeting for tomorrow is canceled. They just  
17 didn't have any agenda items.

18 Advisory Plan Commission did not have a  
19 meeting. They will be meeting tomorrow, but all  
20 they're gonna be considering is addresses for two  
21 properties, so that should be fairly easy and --  
22 What? Yeah, next Monday. I'm sorry.

23 MS. McFADDEN: When is the APC meeting? Next  
24 Monday?

25 MR. LEMAY: Next Monday. But all they're

1           gonna consider is two addresses, so I think  
2           Captain's Walk and one other one.

3           Okay. Building permit and revenue report.  
4           Mr. Perry, are you out there?

5           MR. PERRY: I'm out here. Am I unmuted on  
6           your side?

7           MR. LEMAY: We hear you.

8           MR. PERRY: Okay. Thank you. Building  
9           permit revenue report for July, 2023, 20 permits  
10          totaling -- permits of \$3,039,520 with revenue of  
11          \$6,150. One electric permit for \$111. And legal  
12          expenses paid in July, 6,100, Braje, Nelson and  
13          Janes. I will entertain a motion for approval.

14          MR. LEMAY: So moved. Is there a second?

15          MR. JOHNSTONE: Second.

16          MR. LEMAY: All in favor, say aye.

17          (Ayes in unison.)

18          MR. LEMAY: Okay. Unfinished business.  
19          Stop 29 project update. I think we already did  
20          that; right?

21          MR. WALL: So, the Stop 29 project update is  
22          essentially about the lawsuit situation. I had an  
23          e-mail conversation with Joseph Smith, who  
24          represents our insurance company attorney -- or is  
25          our insurance company attorney. He tells me that

1           the process is still in the works. The check from  
2           the town is in the -- in his office's hands, and  
3           the conversations are continuing between the  
4           property owners' attorneys and him, and he hopes  
5           to have that wrapped up very quickly. Right now,  
6           we're just waiting on the property owners'  
7           attorneys in terms of the dismissal of the  
8           lawsuits. We're very close to finishing that up.

9           MR. LEMAY: Great. Civic upgrade to the  
10          cloud update. Is that from Mr. Perry? Civic  
11          upgrade?

12          MR. PERRY: Yes. Should be all done. A few  
13          little hitches with the learning curve and the  
14          software. Getting K-Plus to talk to Civic and  
15          back and forth. We've all got new passwords and  
16          new authentication in order to go on the system,  
17          which requires the use of our cell phones, we just  
18          don't always have the best reception in our little  
19          town, as everyone knows. But I believe we're all  
20          set. It's all on the cloud now. Cender's office  
21          can access Civic remotely, which was really one of  
22          the points of doing this. So, I would say we're  
23          90 percent done with a few tweaks to work out.

24          MR. LEMAY: All right. Stop 17 and 18  
25          project, Haas -- Okay, John. Go ahead.

1 MR. WALL: So, the Stop 17/18 project, as you  
2 know, the Council approved the process to continue  
3 through bidding so that we can see what the number  
4 actually winds up at and we can decide whether we  
5 can afford it or not. There are some invoices in  
6 from Haas & Associates. Looks like there's a  
7 total on the agenda. I'm not sure if that's  
8 correct, but it says 24,000. We just need to make  
9 sure we approve those. So, those are for the  
10 engineering work for the bidding process, which is  
11 ready to go on the 17 and 18 project.

12 MR. LEMAY: So, you're -- you want to make a  
13 motion --

14 MR. WALL: Just I'd make a motion for the  
15 approval of payment. We already actually  
16 authorized the engineering and the bidding process  
17 in the earlier sessions.

18 MR. LEMAY: Make a motion to approve. Is  
19 there a second?

20 MR. WALL: I didn't hear a second. Did you  
21 move it or did I move it?

22 MR. LEMAY: I made the motion.

23 MR. WALL: You made the -- I'll second it.

24 MR. LEMAY: Discussion? All in favor, say  
25 aye.

1 (Ayes in unison.)

2 MR. LEMAY: Opposed? Okay. So, my  
3 understanding about that project is that we have  
4 collected \$345,000 in that fund, which is the  
5 wastewater fund.

6 MR. WALL: Storm water fund, yeah.

7 MR. LEMAY: Storm water fund, yeah. But  
8 we're projecting the cost is gonna be 350 to  
9 \$600,000, so we may have to wait a while on that  
10 but the engineering is done?

11 MR. WALL: Correct. So, the thought was to  
12 finalize where we're at. Number one, we -- you  
13 know, we're still finalizing the accounting so we  
14 know exactly what's in that fund, but Trista did  
15 tell us what exactly -- what you described, that  
16 there's, like, 345 in that fund. So, the idea is  
17 get bids in, see where the numbers fall, and then  
18 make a decision about affordability at that point.  
19 Because right now, with the supply chain issues  
20 and everything else, the engineering estimates  
21 typically were pretty accurate historically, but  
22 with the environment we're in right now with cost  
23 and inflationary issues, so we wanted to try to  
24 get some real numbers in. So, it's ready for  
25 bidding, which, again, we all approved to do. And



1           with this approval that we just did, that will  
2           proceed to the final bid, and then we'll get some  
3           numbers -- What we're gonna try to do is allow  
4           them to do this project through the winter rather  
5           than, you know, tie them to a specific date. So,  
6           that was what was discussed. But we won't -- it  
7           won't proceed past bidding until the Council  
8           approves that project, the expenditure for it, the  
9           rough -- you know, or whatever the funds come  
10          in -- whatever the prices come in at.

11                 MR. LEMAY: Okay. Public safety building  
12           progress update?

13                 MR. WALL: Public safety building update.  
14           Couple things have happened, positive things, I  
15           would say. The building did show up; it looks  
16           like an Erector Set out there. If you've been by  
17           the site, you can see that. The design team has  
18           made their final color choices on some of the  
19           major long-lead time items. NIPSCO did relocate  
20           the two poles, so we're in good shape. That was a  
21           safety issue on the north end of the project.  
22           Concrete foundations are dug and formed up and  
23           they'll be starting to pour concrete, I believe,  
24           tomorrow. In terms of the logistics for the  
25           scheduling, Tom Dolph has been just uber

1 cooperative. We've been very pleased together;  
2 we've worked on, number one, getting all the  
3 furnishings and things out of our building. I  
4 know Mark is working on getting the police  
5 department's things out of the small garage so  
6 that the demolition can occur right after  
7 Labor Day. Tom's been very gracious; we're  
8 actually in the process of moving our -- some of  
9 our equipment and then eventually the trucks over  
10 to the street garage, where we hope to have them  
11 in there only long enough that the building is  
12 ready to put the trucks back in the new building  
13 so that we don't interrupt Tom's plowing schedule  
14 when the cold weather hits. We do have the  
15 groundbreaking. Kurt Earnst, one of the co-chiefs  
16 on the fire department, mentioned that. The  
17 groundbreaking is on 8/25, which is Friday, a week  
18 from this Friday, at 10:00 a.m. We encourage the  
19 public to attend. We will have some refreshments  
20 from Al's Karwick that are donating those to our  
21 cause, and we look forward to seeing everybody out  
22 there for the groundbreaking on the 25th.

23 MR. LEMAY: Great. Public safety building  
24 septic system update?

25 MR. WALL: I'm not sure why that's on the

1 agenda. Essentially, we did get a letter from the  
2 LaPorte County Health Department stating that we  
3 can do one of the alternates that we were  
4 proposing, which is holding tanks. That means  
5 we'd be on a pump and haul. They're requesting  
6 6,000 gallons, which I don't think we'll have to  
7 pump them for about ten years, if that's the case.  
8 So, right now, we do have that letter that says we  
9 can use holding tanks in lieu of trying to tie  
10 into the existing septic system. So, essentially,  
11 we're in good shape there. We hope to maybe  
12 appeal for a little different system, but right  
13 now, we do have that as our ace in the hole.

14 MS. McFADDEN: What's the cost of that, John?

15 MR. WALL: Sorry?

16 MS. McFADDEN: What's the cost?

17 MR. WALL: We don't have the cost yet. We  
18 just got the letter this week, so we do have it to  
19 present that -- we have to actually -- the next  
20 stage of that process is getting something drawn  
21 up. Have to talk to Haas, get something drawn up,  
22 and present that back and get some cost  
23 information from the contractor. So, we'll have  
24 that for Town Council consideration just as soon  
25 as we can.

1           MR. KOCHER: When -- In the process, are we  
2           gonna also get plans for a permanent septic  
3           system?

4           MR. WALL: This would be the permanent septic  
5           system that's been approved to date. If we want  
6           to try for a different system, we have to apply  
7           again. So, this was our application that they're  
8           approving at this point for this particular  
9           system. If we wanna try and do a different  
10          system, meaning either build a new septic system  
11          or tie into an existing system or, per chance,  
12          talk to the club and get into their system  
13          somehow, we'd have to present that to the public  
14          health officials again. Which we may try to do,  
15          but right now, this would be one option that we  
16          can do without having to do any more design work.  
17          I don't know if that answers your question or not,  
18          John.

19          MR. KOCHER: Yeah, I just hope we don't have  
20          to pay for it twice, that's all.

21          MR. WALL: Right. So, again, this would be  
22          the system of -- that would get us out of the  
23          hole. So, when you say "pay for it twice" --

24          MR. KOCHER: Pay for it twice in that we have  
25          the holding system that you're talking about and

1           then go ahead and put a more permanent system in,  
2           whether we expand the present system or build a  
3           whole new system over on Long Beach Country Club  
4           property. I don't know. I mean, that's what was  
5           gonna -- that's what we were gonna do to begin  
6           with, but it didn't work out.

7           MR. WALL: Right. That didn't work out  
8           because everybody petitioned the two health  
9           departments and we got into this bag where they  
10          made us do this whole --

11          MR. KOCHER: Yeah, but we couldn't have gone  
12          into that system anyway. But that's neither here  
13          nor there right now.

14          MR. LEMAY: Okay. Next up, interlocal  
15          agreement with LaPorte County regarding  
16          inspections. We've all seen this, I think.  
17          Chris, the only change I see from the final one is  
18          on "C" on page two, it says "the town planning  
19          department" and it probably ought to be "the town  
20          clerk's office will electronically transmit."  
21          That's how we do it now; I would imagine that's  
22          what we want to do. So, when a permit application  
23          comes in, Deanna would say, "Well, this is an  
24          electrical permit; it goes to" --

25          MR. WILLOUGHBY: Is that the version I sent

1           you today?

2           MR. LEMAY: That is the version you sent  
3 today.

4           MR. WILLOUGHBY: I think they sent the  
5 wrong -- The language is, "The town, or its  
6 designee, will send," so --

7           MR. LEMAY: We'll approve it then.

8           MR. WILLOUGHBY: -- I don't think you have  
9 the right version. And then the only other one  
10 was verification that the inspection fee went up  
11 from 50 to 100. The county plan commission  
12 decided that across the board for anybody who has  
13 an interlocal agreement and updated the date. So,  
14 with that language that, "the town or its  
15 designee," that way it's open ended.

16          MR. LEMAY: As long we change it because we  
17 don't have a planning department, per se.

18          MS. McFADDEN: We can go ahead and sign it?

19          MR. WILLOUGHBY: Yeah, that language in there  
20 has been approved between us, so I'm not sure what  
21 version, so if you have that signature page, I'll  
22 take care of making sure --

23               (Overlapping speech.)

24          MR. LEMAY: I'll make a --

25          MR. WILLOUGHBY: -- sign it, as well.

1 MR. KOCHER: I'll second it.

2 MR. LEMAY: Any other discussion? All in  
3 favor, say aye.

4 (Ayes in unison.)

5 MS. McFADDEN: Should I keep this for Deanna  
6 and then she get --

7 MR. WILLOUGHBY: That's fine.

8 MS. McFADDEN: Okay. Do you want to sign it?

9 MR. LEMAY: Okay. Cell tower lease  
10 recommendation. Mark, I think you made that  
11 recommendation; right?

12 CHIEF SWISTEK: Yes. About three months ago,  
13 the town had received an initial proposal from  
14 TowerPoint to buy out the current lease for our  
15 cell phone tower that's located on town property  
16 across from Hacienda. Shortly thereafter,  
17 Dr. LeMay had asked that we reach out to  
18 Vertical Consultants, which is a consulting group  
19 which has experience in cell phone tower lease  
20 buyouts. I spoke with their CEO at length, had a  
21 few e-mail conversations with him, as well, and  
22 they had reviewed TowerPoint's proposal to the  
23 town and also reviewed our current lease, which we  
24 receive \$931.70 a month for a total income of  
25 11,180 per year. Their recommendation to the Town

1 of Long Beach was that we remain in our current  
2 lease agreement and not to move forward with the  
3 TowerPoint proposal. So, that is their  
4 recommendation to the Town Council, is that we  
5 pass on the current proposal that is in front of  
6 you.

7 MR. LEMAY: So, does anybody on the Council  
8 have any objection to that recommendation?

9 MR. KOCHER: No.

10 MR. LEMAY: All right. Then we don't need to  
11 vote. I like that.

12 Holladay Construction Group draw, slash,  
13 invoice number four, \$51,568. That's an invoice  
14 we need to approve. I'll make a motion to  
15 approve; is there a second?

16 MR. WALL: I'll second.

17 MR. LEMAY: Discussion? All in favor, say  
18 aye.

19 (Ayes in unison.)

20 MR. LEMAY: Opposed? Amereco Incorporated,  
21 environmental report: Existing fire station and  
22 police garage building.

23 MR. WALL: So, essentially, because of the  
24 environmental environment, I guess you could say  
25 that we're in, or the regulatory environment that



1           we're in, you had to do a survey of your building  
2           before you demolish it. Essentially, what it  
3           amounts to is if you have something that's  
4           environmentally dangerous, then you have to make  
5           sure that you manifest that particular material  
6           into a different landfill than you do for a  
7           regular landfill. This report basically states  
8           that while there are some trace elements of -- in  
9           the glue, I think under the tile, potentially, a  
10          little bit of asbestos potentially in that glue.  
11          And then a little bit in the wood -- in the  
12          glazing along the windows that you have to -- you  
13          have to keep that into a regular landfill; you  
14          can't put it in a construction fill landfill,  
15          meaning where just concrete and brick and sand and  
16          those kinds of things go. So, this was always  
17          intended to go to a regular landfill, so we're not  
18          in any kind of regulatory issue with that. They  
19          did want us to pull the light fixtures, which  
20          include neon bulbs and old time ballasts, as well,  
21          so that they don't go into a construction  
22          landfill. So, essentially, there was nothing in  
23          this report that was any kind of problem for us.  
24          And, again, we authorized the payment for this the  
25          report's complete, and this -- the issuance of

1           this report allows the demolition to occur without  
2           any regulatory problems.

3           CHIEF SWISTEK: Dr. LeMay?

4           MR. LEMAY: Yes?

5           CHIEF SWISTEK: If I may add, on the Amereco  
6           one, the previous meeting, the Council had  
7           approved the expenditure for the invoice not to  
8           exceed \$2500. We have an invoice in front of us  
9           for \$1,720 that was received on August 7th. You  
10          may want to just direct the clerk's office that  
11          it's clear for payment.

12          MR. LEMAY: I think the Council wants to do  
13          that; right? All in favor, say aye.

14          (Ayes in unison.)

15          MR. LEMAY: Okay. CCMG improvement project  
16          change order number one. John, are you involved  
17          in that?

18          MR. WALL: Yeah. I don't have the detail in  
19          front of me; essentially, the final paperwork for  
20          the CCMG needs to come out of the clerk's office  
21          relative to that change order. I don't have it  
22          with me, but, essentially, what it is is --  
23          Mary Lou, the final -- basically, what it amounts  
24          to is the final billing for the CCMG work.

25          CHIEF SWISTEK: I think the major part is we

1           need to follow the steps as indicated by the State  
2           to make sure the proper paperwork is submitted  
3           through the clerk's office, not to put in jeopardy  
4           any future CCMG paving projects. Unfortunately,  
5           in previous years, the town did not submit the  
6           proper documentation in a timely manner;  
7           therefore, we were passed up on one of the  
8           opportunities to receive the 75-percent match.  
9           So, we just want to assure that everything is in a  
10          timely fashion.

11                 MR. LEMAY: So, Mr. Perry, we good with that?  
12           Are we good with submitting the paperwork to CCMG?

13                 MR. PERRY: Of course. I will submit it, as  
14           I do everything else, on time. Thank you.

15                 MR. LEMAY: Next. Snow plow and salt box  
16           purchase request \$24,143 for the Street  
17           Department. I'll make a motion to approve that;  
18           is there a second?

19                 MR. WALL: I'll second.

20                 MR. LEMAY: Discussion?

21                 MS. McFADDEN: I hope we don't need it.

22                 MR. LEMAY: All in favor say aye.

23                 (Ayes in unison.)

24                 MR. LEMAY: Tree removal from the town  
25           right-of-way. Request for additional funding. I

1 believe we have \$19,500 left in that fund, but  
2 we're gonna need to come up with an additional  
3 \$500; is that right?

4 CHIEF SWISTEK: No, sir. We were able to  
5 negotiate with Maple City Tree from the current  
6 tree budget and the right-of-way maintenance fund,  
7 we currently have \$19,950. Maple City Tree has  
8 submitted a estimate for that exact amount for the  
9 trees that are either damaged, dead, or deemed  
10 dangerous on the town's right-of-way. And a full  
11 list of the trees was shared with the Tree Board  
12 today, and also the full Council has a list of the  
13 trees. Just seeking approval to allow Street  
14 Superintendent, Tom Dolph, to move forward with  
15 the expenditure.

16 MR. LEMAY: So, we got a \$50 discount?

17 CHIEF SWISTEK: No, we're good. We're even.

18 MR. LEMAY: But we got a \$50 discount,  
19 though; right?

20 CHIEF SWISTEK: I'm sorry, yes.

21 MR. WALL: If I could make a quick comment,  
22 just so people understand the severity of these  
23 situations. We had one drop over on Lothair in  
24 the middle of the night one night couple weeks  
25 back and the second half of that's ready to go any

1           time. There's one out on Chastleton, for  
2           instance, if it comes down, it's gonna likely hit  
3           the fire hydrant that's right there that's on a  
4           plastic main. If that happens, it's gonna break  
5           that main and there's gonna be just an  
6           unbelievable amount of water coming flying out of  
7           there. There'll be a 20-foot hole before the  
8           first phone call comes in. So, these things  
9           are -- these are an emergency nature, and we  
10          really do need to get these done.

11                 MR. LEMAY: Just so everybody knows, that  
12           tree ordinance we just passed tonight, there is a  
13           section that says if it's an emergency that  
14           adjacent homeowner is not gonna get notified, it's  
15           just gonna get done. So, I'll make a motion to  
16           approve this \$20,000.

17                 MR. KOCHER: Second.

18                 MR. LEMAY: Discussion? All in favor, say  
19           aye.

20                 (Ayes in unison.)

21                 MR. LEMAY: All right. Police/fire radio  
22           firmware software updates and reprogramming, \$6500  
23           from the LIT fund.

24                 CHIEF SWISTEK: Yes. A little bit of history  
25           on that, back in 2016, LaPorte County Emergency

1 Services, police, fire, EMS, had applied and  
2 received a -- partially a grant and then a  
3 majority of the expenditures came from LaPorte  
4 County Government to purchase all in-car radios  
5 and portable radios for all of the emergency first  
6 responders for the Town of Long Beach; therefore,  
7 those radios came at no cost to the town.  
8 Twenty-sixteen, fast forwarding to 2023, these  
9 radios now require a software firmware update,  
10 and, also, we need to do some reprogramming.  
11 Originally, the fire department radios did not  
12 have the police department's frequency in their  
13 programming. The police department's frequency is  
14 an encrypted frequency. We want to add the police  
15 department frequency to the fire department radios  
16 so the two departments can communicate; therefore,  
17 we need to have a firmware update and  
18 reprogramming done to all of the police and fire  
19 radios to include anything that is either in a  
20 firetruck, in-car police vehicle, or a portable.  
21 And the estimated cost for both departments  
22 combined shall not exceed \$6500, and we're  
23 proposing that it comes from the LIT funds.

24 MR. LEMAY: I'll make a motion to approve; is  
25 there a second?

1 MR. KOCHER: I'll second.

2 MR. LEMAY: Discussion? All in favor, say  
3 aye.

4 (Ayes in unison.)

5 MR. LEMAY: All right. Public hearing  
6 regarding Ordinance 2023- regarding amending and  
7 restating Title X, Chapter 96, Section 96.1 of the  
8 town code. Charges for garbage and refuse removal  
9 and leaf pick. That has been posted, and this is  
10 now the public hearing. So, I'll open the public  
11 hearing. Anybody who wants to speak against can  
12 speak now. Anybody on Zoom? Anybody who wants to  
13 speak in favor can speak now. Anybody on Zoom? I  
14 will close the public hearing. Public hearing is  
15 done. So, we can vote on it.

16 MS. McFADDEN: Well, wait a minute. We have  
17 to have a little discussion on this. I want  
18 everyone to know that Lynn, who effectively  
19 retired in June, came in and worked on all these  
20 lots. And this is -- So, we need to keep this in  
21 mind: This includes three existing customers have  
22 commercial parcels, so one would be Kemp  
23 Properties, that's the Hacienda. Little Giant  
24 Pizza has one-half acre, .05 lot, their back yard.  
25 And the Long Beach Country Club has 26 lots of all

1 sizes. So, Lynn's recommendation is that we pass  
2 this, but we exclude parcels under .05 acres to be  
3 excluded. And the other thing is, I've talked to  
4 Dr. LeMay earlier tonight, I will talk to the  
5 country club and see if they will incorporate  
6 their 26 lots into one lot. Because if not, they  
7 would be paying \$462 per year, and it would be  
8 about \$5500 for them. So, I'm sure I can convince  
9 them. I'll talk to Annette this week.

10 MR. LEMAY: So, basically, we're gonna find  
11 out why they haven't combined their lots. If they  
12 combine their lots, then we fix the problem.

13 MS. McFADDEN: Right.

14 MR. LEMAY: So, I'd say let's -- I would make  
15 a motion to table this until next month.

16 MS. McFADDEN: Should she -- Then Lynn  
17 shouldn't start billing in August?

18 MR. LEMAY: She can start billing everyone  
19 else.

20 MS. McFADDEN: Well, everyone else --

21 MR. WILLOUGHBY: You can't start billing  
22 something differently until it becomes a  
23 published -- so, you could pass it on first  
24 reading, if you chose to move it along. But, you  
25 know, until you -- understand, you may have some



1 significant amendments here.

2 MS. McFADDEN: Okay. Let me --

3 MR. LEMAY: So, we just aren't going to  
4 charge until next month. We'll table it.

5 MS. McFADDEN: Let's table.

6 MR. LEMAY: It's not gonna make any  
7 difference; right? If we do it on first reading,  
8 we still can't --

9 MR. WILLOUGHBY: I think this one doesn't  
10 take effect until the first of the year. Isn't  
11 that --

12 MS. McFADDEN: No, July 1st, and we're always  
13 a month back, so she --

14 MR. WILLOUGHBY: Are we confusing --

15 MS. McFADDEN: No.

16 MR. WILLOUGHBY: This is the water -- This is  
17 the one with the water that changed the fire;  
18 correct?

19 MS. McFADDEN: Storm water.

20 MR. WILLOUGHBY: Storm water. The one that  
21 Dr. LeMay is discussing is changing the leaf pick  
22 ups so that it charges the vacant lots. So, those  
23 are --

24 MS. McFADDEN: Okay.

25 MR. WILLOUGHBY: That other one was approved,

1 but you guys can make that decision. We're not  
2 implementing that because that might be a change  
3 in to how you deal with that previous change.  
4 That was the -- the billing goes out with water  
5 department charging for fire service, et cetera,  
6 that was going to be effective July 1st, and then  
7 Lynn did that research, so that's a separate  
8 issue.

9 MS. McFADDEN: Okay.

10 MR. WILLOUGHBY: This one is what Dr. LeMay  
11 proposed, and it's couched in the ordinance that  
12 has garbage, leaf pick up, and it provides  
13 charging lots that are not -- unimproved lots.

14 MR. LEMAY: So, I'd make a motion that we  
15 pass this on first reading tonight and hopefully  
16 pass it on second reading next month.

17 MS. McFADDEN: And so, we will not -- Lynn  
18 would not activate the Civic system to start the  
19 process?

20 MR. LEMAY: Doesn't start until January 1st.

21 MR. WILLOUGHBY: On this new -- Let's --  
22 We're talking about two different things. The  
23 other one's not starting yet, so that you can  
24 figure out that issue that came --

25 MS. McFADDEN: One is storm water --

1 (Overlapping speech.)

2 MR. WILLOUGHBY: That has nothing to do with  
3 this one. So, I -- I -- What Mary Lou is saying  
4 is under that ordinance, you're gonna start  
5 billing it the 1st. Your recommendation is that  
6 you wait and then revisit it. Lynn is not -- My  
7 suggestion is you just -- Lynn doesn't bill until  
8 she receives direction from the Council.

9 MS. McFADDEN: I'm fine with that. So, we'll  
10 table it?

11 MR. LEMAY: Table's fine. I don't care  
12 either way.

13 MR. WILLOUGHBY: Yeah, that isn't on at all.  
14 And then this one if you pass on first reading,  
15 then you can still consider whether -- you had  
16 your public hearing on it, but you can consider  
17 any additional information. And, again, the crux  
18 of this is charging, which you have not done in  
19 the past, for unimproved lots for leaf pick up.

20 MS. McFADDEN: Okay.

21 MR. WILLOUGHBY: And that would not take  
22 effect until January 1st.

23 MR. LEMAY: Okay. So, we'll table that. So,  
24 motion to table; is there discussion? Is there a  
25 second?

1 MR. WALL: Second.

2 MR. LEMAY: All in favor, say aye.

3 (Ayes in unison.)

4 MR. LEMAY: All right. MS4 audit.

5 Reggie Korthals came in and we had the MS4 audit.  
6 We passed that, pretty much, with flying colors.  
7 She's gonna give us the draft ordinance for MS4,  
8 that'll go to the APC, and then hopefully back to  
9 the Town Council. Kelco Enterprise's LLC invoice  
10 for \$6100 for the second pump. Mark, your --

11 CHIEF SWISTEK: Yes, if I could, I'll give  
12 you a little bit of history on this. Starting  
13 back on February 7th, the Town Council was alerted  
14 through e-mail through my office -- and I'll read  
15 the e-mail, it's only -- it's very brief.

16 "Just wanted to keep everyone updated that  
17 the town hall septic system lift station needed a  
18 repair. The control panel in the garage needed a  
19 repair to the electrical system. A relay was not  
20 working, and the pumps went into failure. The  
21 system alarm notified us of the failure. Kelco,  
22 the technicians that have serviced the panel and  
23 originally installed the system in 2001, were able  
24 to order a part for the control system. As of  
25 today, the part was installed and the lift station

1 is back in full service. The repairs will be paid  
2 for from the building maintenance fund."

3 Then on the second e-mail on Wednesday, May  
4 31st, sent to the Town Council through my office:  
5 "Good evening, the town hall septic system lift  
6 station operates on two separate submersible  
7 pumps. Pump one that was installed in 2013 is  
8 currently not operational. I am in the process of  
9 securing an estimate for the cost of installation  
10 of the new pump. Until then, we are operating on  
11 pump number two. The pumps typically alternate  
12 from one to the other when in full operational  
13 cycle. We should have enough funds in the 2023  
14 town hall maintenance fund to complete this  
15 expenditure. Just wanted to keep everyone updated  
16 that we are working on the maintenance issue."

17 Then on July 25th, I notified the Council  
18 through e-mail: "The secondary submersible pump  
19 in the town hall septic lift station was replaced  
20 and is now back in service. Repairs will be paid  
21 for from the town hall maintenance budget."

22 And then, lastly, an e-mail received to the  
23 Council on July 31st: "Good evening. May 31st  
24 e-mail notification to the Council that the town  
25 hall lift station has a pump out of service,

1           repairs were classified as an emergency because if  
2           the other pump had failed, we would have had no  
3           septic system nor lift station at the town hall.  
4           Kelco is also the original installer of the lift  
5           station from 2001, when the town hall renovation  
6           took place. Please let me know if any additional  
7           information is needed."

8           And Dr. LeMay and I also talked about this,  
9           and there's a \$6100 expenditure. There are enough  
10          remaining funds in the town hall maintenance  
11          budget for 2023, and we just ask that the Council  
12          approve this emergency expenditure to pay for the  
13          repair and replacement of the pump.

14          MS. MCFADDEN: Is Kelco a registered  
15          contractor?

16          CHIEF SWISTEK: Originally, I did not check  
17          on that, and that is my fault. I take full  
18          responsibility for that. In talking to  
19          Larry Wall, he tells me that in some cases, when  
20          we have to bring in expertise, in this case,  
21          Kelco, I would assume would never ever do any  
22          other work in the Town of Long Beach, other than  
23          us calling them in on this emergency repair. I  
24          have asked that they register; I don't believe  
25          they have as of to date, but I take full

1 responsibility that I did not check the town's  
2 registry, and that is my fault.

3 MS. McFADDEN: So, did they register?

4 CHIEF SWISTEK: I have asked them to do so  
5 through e-mail, and to date, I do not believe they  
6 have.

7 MS. McFADDEN: Okay.

8 MR. LEMAY: So, I'll make a motion to approve  
9 the expenditure; is there a second?

10 MR. KOCHER: I'll second.

11 MR. LEMAY: Discussion?

12 MR. JOHNSTONE: Is that subject to the  
13 concern about making sure that they're registered?

14 MR. WALL: The work is done, Mike. I don't  
15 know how you could make it subject to. I think we  
16 encouraged them to register, but --

17 MR. JOHNSTONE: I think it's the company that  
18 we're talking about. Not so much about the work  
19 being done.

20 MR. LEMAY: I guess one concern I'd have is  
21 if we go back now and say they need to register,  
22 when the next pump goes out, are they liable to  
23 tell us where to go?

24 MR. JOHNSTONE: So, we're approving this and  
25 we're doing an exclusion then to the contractor

1           being registered?

2           MR. LEMAY: Well, I mean, --

3           MR. JOHNSTONE: I'm just asking to clarify.

4           MR. LEMAY: I guess it's a matter of  
5           practicality. I mean, if we want to follow the  
6           letter of the law, we would make them register,  
7           which they really have no incentive to do, because  
8           the work is done. And, you know, if they don't  
9           get paid, we'll be sued. On the other hand, if we  
10          want to follow the letter of the law, we can fine  
11          them \$500, which is the same thing. What's their  
12          incentive? What's gonna happen the next time a  
13          pump goes out?

14          MS. McFADDEN: How much is registration?

15          MR. LEMAY: At least a hundred dollars.

16          MR. WILLOUGHBY: Well, to clarify, I think  
17          it's under the purview of the Building Commission.  
18          So, you could give direction to the Building  
19          Commission to follow up on that. Because it is  
20          under their purview to require and to, you know,  
21          pursue any action against them.

22          MR. KOCHER: I've got a point of inquiry on  
23          the pump -- different subject -- is this pump the  
24          same size pump as the one that failed? It's just  
25          a replacement of what was previously there; is



1           that right? Or is this a bigger pump, or . . .?

2           CHIEF SWISTEK: This is a more efficient  
3           pump. It is slightly smaller, and I sent the  
4           specifications to the LaPorte County Health  
5           Department. I did check with LaPorte County  
6           Health Department and the health department said  
7           that no permit was required; however, we shall  
8           share with them the specifications of the pump.  
9           That was e-mailed to the LaPorte County Health  
10          Department this afternoon and to all the Council  
11          members, as well. That was received from Kelco  
12          this afternoon.

13          MR. KOCHER: But the pump is essentially the  
14          same type of pump, just a little more efficient  
15          because it's a newer pump?

16          CHIEF SWISTEK: Correct. And it comes with a  
17          three-year warranty. In addition to the  
18          discussion about the registration, I had spoke to  
19          Larry Wall about this at length, as well, and  
20          Larry tells me that the majority of the contract  
21          registration process is to protect the homeowners  
22          within the town to make sure that they are working  
23          with somebody who is licensed, insured, and  
24          bonded. I will tell you, it is very difficult to  
25          find somebody to work on a lift station. And I

1           agree that if we lose Kelco, who originally put  
2           this lift station in in 2001, we might be hard  
3           pressed to find somebody to work on the town's  
4           lift station.

5           MR. LEMAY: Any other discussion?

6           MR. WALL: Was there a motion to approve this  
7           invoice?

8           MR. LEMAY: There's a motion and a second.

9           MR. WALL: Okay. So, we need to vote on  
10          that.

11          MR. LEMAY: Yep. So, all in favor, say aye.

12          (Ayes in unison.)

13          MR. LEMAY: Opposed? Okay.

14          Haas & Associates, two invoices totaling \$13,126  
15          regarding Yellow Bear Farms building permit.

16          Basically, the Building Department had to have  
17          Haas & Associates look at this building because,  
18          again, it's 12,000 square feet, seven bedrooms, I  
19          have no idea how many bathrooms and what else.  
20          And so, --

21          MS. McFADDEN: It's okay, Bob. You don't  
22          have to clean the bathrooms.

23          MR. LEMAY: I don't. No, I won't be. And  
24          so, basically, we need to pay that  
25          Haas & Associates \$12,126.25 (sic) for their work,

1           and then we will be reimbursed by the Yellow Bear  
2           Farms folks for that. But we need approval to pay  
3           Haas & Associates.

4           MS. McFADDEN: I make a motion to pay Haas &  
5           Associates and then get reimbursed by Yellow Bear.

6           MR. LEMAY: Somebody else wanna second it?

7           MR. WALL: I'll second.

8           MR. LEMAY: All in favor, say aye.

9           (Ayes in unison.)

10          MR. LEMAY: Opposed?

11          CHIEF SWISTEK: Dr. LeMay, if I could, on a  
12          housekeeping matter, on that particular topic, we  
13          probably need to come up with the procedures on  
14          how we're going to invoice the resident -- the  
15          homeowner to seek the reimbursement. I think we  
16          still may be a little unclear on that. So that we  
17          have kind of a follow through to make sure that  
18          payment's received since the town's going to be  
19          paying it initially up front.

20          MS. McFADDEN: How about a letter from the  
21          clerk's office?

22          MR. WALL: The clerk's office just generates  
23          an invoice, I would think.

24          MS. McFADDEN: Yeah.

25          MR. WALL: And, essentially our ordinances

1 allow for this, in many instances. The shoreline  
2 protection has verbiage in there for it and I  
3 believe our regular ordinances has verbiage in it  
4 for it if the town requires engineering.

5 MR. LEMAY: Yeah. Yeah, I wonder if it  
6 wouldn't be better for the homeowner to pay  
7 Haas & Associates directly, but I was told that  
8 Haas & Associates is the town's contractor,  
9 engineer, and so it would be appropriate to do it  
10 that way, although it would be cleaner.

11 MS. McFADDEN: Yeah, it would be. We don't  
12 have to run it through the books.

13 MR. LEMAY: They don't like that. Okay.  
14 Larry Wall, Building Commissioner, pay  
15 classification. So, we were told that Larry Wall  
16 is now a contractor, or is -- has been a  
17 contractor. I guess Mr. Perry was told by the  
18 State Board Of Accounts that it would be  
19 preferable if he was a town employee. So, right  
20 now, we have -- What's the gal's name from Cender?

21 MS. McFADDEN: Trista.

22 MR. LEMAY: Trista checking on that, just to  
23 see if, indeed, that's what we have to do or if  
24 it's just a preference. Because, really, for us  
25 to change the way we're doing things, I think

1           would be difficult for the town, but it could be  
2           done. Larry doesn't have a strong opinion one way  
3           or another. It's not gonna affect how much he's  
4           paid. So, right now, I would say let's table that  
5           until we hear back from Trista.

6                     I think I already talked about that Payroc  
7           system, so we can forget that one. Okay.  
8           Clerk/treasurer's office year-do-date expenses  
9           with the related to all clerk, slash, water office  
10          employees. Six days ago, I asked Mr. Perry for  
11          report on that. Mr. Perry, do you have something  
12          for us?

13                    MR. PERRY: Well, I responded six days ago,  
14          and I'll happily read that response, if you'd  
15          like. But, basically, --

16                    MR. LEMAY: No. Mr. Perry, do you have the  
17          report?

18                    MR. PERRY: I have a report in process for  
19          all the departments, not just my own. There's no  
20          point in looking at just my department. Let's  
21          look at all of them to make sure we're in budget  
22          for each and every one of them. Not just a public  
23          trial for Tim Perry at every Council meeting.  
24          There's no point in it other than your vendetta.

25                    MR. LEMAY: Yeah, you weren't -- you weren't

1           here at the budget and finance committee when all  
2           the other departments gave their reports. In  
3           fact, you haven't been here for the last two  
4           budget and finance meetings. I'd like to just  
5           point out that, you know, the clerk/treasurer is a  
6           member of that committee. In fact, especially  
7           when we're going through a budget for next year,  
8           it's rather critical that the clerk/treasurer  
9           attend those meetings.

10           MR. PERRY: Well, yes, but when the  
11           departments misrepresent their expenses, and when  
12           I can't get true figures on pending lawsuits and  
13           legal fees, what's the point of budgeting if I  
14           don't have numbers to budget with?

15           MR. LEMAY: Okay. So, what I would like is  
16           I'd like to know what's budgeted, what we spent  
17           last year and the year before.

18           MR. PERRY: Yes. For all departments I'll  
19           have that. No problem.

20           MR. LEMAY: For the clerk/treasurer's office,  
21           I'm particularly interested in. Okay?

22           MR. PERRY: I'll throw all of them in there  
23           for extra credit. Don't worry.

24           MR. LEMAY: You know, I guess I'm struck that  
25           the clerk/treasurer's office has expanded rather

1           dramatically during your tenure. You know,  
2           Bill de Funiak took care of both the water  
3           department and the clerk/treasurer's office with  
4           just him and Deanna. How many clerk/treasurer  
5           deputies do you have now? Because I understand we  
6           have a new one.

7           MR. PERRY: Well, when Bill de Funiak was  
8           there, he had Helen and he had Lynn, also.

9           MS. McFADDEN: He had Lynn --

10          MR. LEMAY: How many deputy clerk/treasurers  
11          do we have now?

12          MR. PERRY: We have Deanna, we have Lynn  
13          part-time, who was retired but is helping on the  
14          project, like Mary Lou mentioned. Honor -- What?

15          MR. LEMAY: Go ahead. I won't interrupt you.  
16          Go ahead.

17          MR. PERRY: Honor was under my purview, but  
18          was capped at 20 hours a week, but now works under  
19          the chief and works approximately 35 to 40 hours a  
20          week. But her hours are still being billed to my  
21          department for some reason; we need to adjust  
22          that.

23          Laurel replaced Helen, who, as I mentioned,  
24          was there when Bill was there. So, I think  
25          net/net, it's about the same. Year-to-date

1 expenses with Cender through June of 2023 were  
2 about what they were from -- to year-to-date June,  
3 2022. We don't have year-to-date for them through  
4 August yet. I talked to Trista about that, and  
5 they're working on it. So, I don't see a big  
6 difference; it's complicated work, Doctor. We're  
7 doing the best we can. When you refuse to pay  
8 anybody in my office any more money but require  
9 more work, that's really not how it works. Deanna  
10 has been there 18 years and is just about the  
11 lowest paid person in the town, and it's a shame  
12 that we overload her and pay her so lowly. So,  
13 we'll get the figures to you, but I think it'll be  
14 an eye-opener when you see how far over budget the  
15 other departments are in relation to ours. Thank  
16 you.

17 MR. LEMAY: Okay. Because my numbers suggest  
18 that year-to-date, you've paid your four people in  
19 the clerk/treasurer's office \$52,785.82. The  
20 people in the water department, \$29,645. And  
21 that's in addition to your \$34,000 a year. And  
22 Cender and Company you paid \$12,000 just in the  
23 month of June. These numbers are, I'm sure, way,  
24 way over budget. They're certainly way, way over  
25 what Mr. de Funiak cost the town.



1 MR. PERRY: I beg to differ. And really, I  
2 mean, again, let's look at the numbers for every  
3 department, and let's look at the \$550,000 bill  
4 we're going to have from the town of Michigan City  
5 for the sewer project that didn't work out. Let's  
6 look at the ever-growing bill for the public  
7 safety building. I mean, --

8 MR. LEMAY: You can deflect all you want, Mr.  
9 Perry, but bottom line is you have abused your  
10 office --

11 MR. PERRY: Deflect? You're the king of  
12 deflecting. You're the one talking about \$60 late  
13 fees from my department when we're throwing money  
14 around like it's going out of style.

15 MR. LEMAY: Are you saying your late fees are  
16 fine?

17 MR. PERRY: I'm not saying they're --

18 MR. LEMAY: Is that what you're saying?

19 MR. PERRY: No, sir, I said \$60 is small in  
20 relation to all the money being spent. And that,  
21 on your part, is deflection.

22 MS. McFADDEN: Let's move on.

23 MR. LEMAY: All right. Cender and Company  
24 year-to-date, \$11,956; that's in June. We haven't  
25 gotten July's bill yet, but it will probably be

1 higher because I know Trista's been doing a lot  
2 of --

3 MR. PERRY: You're right. It was your  
4 recommendation we hire them, by the way. Let's  
5 not forget about that. Thank you.

6 MR. LEMAY: Yeah, well, that would keep us  
7 out of trouble with the State Board Of Accounts.

8 MR. PERRY: You can't have it both ways, and  
9 we are being looked at by the State Board Of  
10 Accounts, not for things --

11 (Overlapping speech.)

12 MR. LEMAY: -- 2024 preparations. Set  
13 timeline for ordinance. So, do we have a timeline  
14 for that, John?

15 MR. WALL: I'm not involved in the salary  
16 ordinance right now. I think that's HR.

17 MR. LEMAY: Oh, I'm sorry. Mary Lou? Where  
18 are we at?

19 MS. McFADDEN: The chief and I will -- we're  
20 meeting in September, and we'll be ready. We  
21 won't be late.

22 MR. LEMAY: Okay.

23 MS. McFADDEN: I had something here that's  
24 not on the agenda, and I think it's on who can  
25 sign checks.

1 MR. LEMAY: That's coming up.

2 MS. McFADDEN: Oh, okay. What's it called?

3 MR. LEMAY: That's the new agenda item that I  
4 added, the internal --

5 MS. McFADDEN: Oh, okay.

6 MR. LEMAY: So, unimproved courtway behind  
7 2223 and 2225 Lakeshore Drive. I think I sent  
8 everybody an e-mail on that. I asked folks to go  
9 take a look at it. There's an alley that's right  
10 off of Chastleton; it's the roadway to the right,  
11 right before you hit Lakeshore Drive. And,  
12 basically, it's a dead-end alley.

13 MS. McFADDEN: I think Kocher should pay for  
14 that. It's right behind his house.

15 MR. LEMAY: Well, I looked at it. And I've  
16 got a couple thoughts. I hope you're all familiar  
17 with the property, but to put that alley in, you'd  
18 have to remove some trees back there, that's for  
19 sure. And there's quite a difference in elevation  
20 change -- elevation back there. I talked to  
21 Tom Dolph and he said, "Yeah, that'd be a bit of a  
22 project."

23 And the other thing is, that garage that's  
24 back by John Kocher's house, that would prevent  
25 that alley from going all the way straight through

1 to -- What's that street on the other side?

2 MS. McFADDEN: Hazeltine?

3 MR. LEMAY: Hazeltine. So, to me, all we  
4 would be doing is extending that alley for two  
5 houses. And I guess my thought is is that the  
6 folks that live there, you know, they bought it  
7 without an alley behind there. I'm not sure it's  
8 the town's obligation to give them a driveway.  
9 But I'm open to other people's comments. Are  
10 there comments?

11 MR. WALL: I would only say that we have  
12 other situations, not exactly similar to this, but  
13 there are other areas in town sitting up at 16,  
14 17, that are similar in nature; meaning, that  
15 they're not improved. The roads are not improved.  
16 So, if we want to entertain doing one, we ought to  
17 look at all of 'em. Because we have areas that  
18 are similar to this in nature, that are  
19 right-of-ways that were not improved in the  
20 original town roadway system. So, if we wanna do  
21 this, we probably should canvas all of 'em and  
22 decide if we wanna do anything with any or all of  
23 'em.

24 MR. KOCHER: I think -- I think the reason  
25 for the homeowners -- and I haven't talked to

1           them -- but, you know, they have to park on  
2           Lakeshore Drive. And, as we all know, that's  
3           touchy at best on weekends. I think that's their  
4           main concern is everybody else on Lakeshore Drive  
5           can park behind their homes between 22 and 23, but  
6           these two or three homeowners can't. And that's  
7           the problem. I see where the problem is. But the  
8           terrain of that area, like Doctor just said, is --  
9           there's a dip down there and it'd take a lot of  
10          fill to level out. So, I don't know what the  
11          answer is. Good earth moving equipment to solve  
12          the problem.

13                 MR. LEMAY: I'll entertain a motion. Or if  
14                 we're doing nothing, we don't have a motion. So,  
15                 I guess we'd need a motion if we wanted to improve  
16                 it. All right. So, not hearing a motion, we'll  
17                 move on.

18                 Town welcome signs. People have been  
19                 concerned about our town welcome signs. While I  
20                 admit they're not the most beautiful, we have had  
21                 a great decrease in the number of unregistered  
22                 contractors doing work in the town. So, they have  
23                 accomplished that. They're not the most  
24                 attractive, they don't show up at night, but then  
25                 again, we don't have a lot of contractors coming

1 in at night. I was given a letter from Tom King  
2 where he talked about -- he suggested on . . .

3 MR. JOHNSTONE: Nextdoor.

4 MR. LEMAY: What's it called?

5 MR. JOHNSTONE: Nextdoor.

6 MR. LEMAY: Why don't you take care of this,  
7 Mike. You summarize it. You're the one --

8 MR. JOHNSTONE: Yeah. I -- I don't really  
9 spend any time on Nextdoor, but my wife caught  
10 this particular post by Tom King, which I thought  
11 it was very thoughtful, and I thought it was  
12 important enough and -- to bring it to the table  
13 for discussion. After his posting, he got a lot  
14 of favorable response on Nextdoor. It's very,  
15 very short, so I'll read it to you so you kind of  
16 get the flavor of his remarks. Again, I think  
17 they were very thoughtful.

18 "Do many others wish we could do more to  
19 enhance the entrances to Long Beach? We have our  
20 iconic pillars leading inland at many points on  
21 Lakeshore Drive, but the entrances from Karwick  
22 and Moore Road do not share the same  
23 attractiveness and sophistication. This post is  
24 not to elicit criticism of the new signs, rather  
25 I'm checking the level of interest proposing

1 something more to our town, government. I'm  
2 looking for positive ideas. I'd like -- I'd be  
3 happy to present them if there is sufficient  
4 interest. What about adding the same pillars and  
5 lighting from Lakeshore Drive to the other  
6 entrances? Historically, all entrances to the  
7 town had signs that read something like  
8 "Long Beach: Beautiful; let's keep it so."  
9 Perhaps we could incorporate the same with a  
10 refreshed look. Perhaps we could add masonry  
11 "Welcome to Long Beach" signage to new pillars or  
12 something. Just some thoughts. I look at the  
13 nice entrances to nearby communities and hope we  
14 can do more. And if there are not available  
15 funds, perhaps we can raise monies for it.  
16 Project -- Thoughts?"

17 And, again, as I mentioned, his comments were  
18 very favorably responded to on Nextdoor, and I  
19 simply bring it up because representing,  
20 obviously, the residents of our community, and I  
21 think it was good input, so I just open it up for  
22 discussion.

23 MS. McFADDEN: Well, I want to say, prior to  
24 us -- three of us being on the -- four of us being  
25 on the Council, Long Beach Civic Association

1           offered to put up a -- it was a very tasteful  
2           sign, and they couldn't please the Council, so  
3           they backed away. It was a very tasteful sign.

4           MR. KOCHER: I think the reason -- some  
5           objection to that is -- and Civic, I think, was  
6           gonna put up about 25,000, or it was a substantial  
7           sum, and some people objected to the wording, or  
8           the verbiage. It said, "Welcome to Long Beach";  
9           they didn't like the welcoming aspect of it, which  
10          I found strange.

11          MR. LEMAY: I wonder if Long Beach Civic  
12          would like to talk to this Council about it.  
13          Anybody have any connections with Civic?

14          MS. McFADDEN: Civic? Let me think about  
15          that. Well, John Mengel --

16          MR. KOCHER: John Mengel's on it.

17          MS. McFADDEN: He might be open to that.

18          MR. KOCHER: I think Megan Applegate --

19          MS. McFADDEN: Actually, John Yoder, I  
20          believe, is still the president. He lives down  
21          here on Oriole. But, yeah, so, it was before  
22          John Yoder's time. They worked with Nick Meyer,  
23          and they couldn't please the -- The prior Council  
24          was hard to please.

25          MR. LEMAY: Well, why don't we put out some



1           feelers? You wanna maybe talk to --

2           MS. McFADDEN: I'll send -- I'll send him an  
3           e-mail and say, "Hey, what do you think?" I've  
4           gotta put that on my to-do list.

5           MR. LEMAY: All right.

6           MR. JOHNSTONE: Thank you for putting this on  
7           the agenda.

8           MR. LEMAY: Yep. Okay. And, finally,  
9           Internal Controls. We've got a suggested  
10          resolution from Trista, who's concerned about  
11          availability for signatures at the clerk's office.  
12          And basically what this -- I guess -- Does it have  
13          to be done at a meeting, Chris?

14          MR. WILLOUGHBY: Doesn't have to be.

15          MR. LEMAY: Okay. Basically, to allow other  
16          deputy clerks, other people working in the office,  
17          to sign checks so that they can go out in a timely  
18          fashion. I think everybody's seen that; right?  
19          Anybody have any objection to it? I'll make a  
20          motion to adopt this resolution; is there a  
21          second?

22          MS. McFADDEN: I second it.

23          MR. LEMAY: All in favor, say aye.

24          (Ayes in unison.)

25          MR. LEMAY: Okay. Public comments? Let's

1 start in person first.

2 MS. BINDER: I'm sorry. Do you hear me at  
3 all?

4 MR. LEMAY: No, we're not doing Zoom yet, but  
5 we will, so stay right there.

6 MS. BINDER: Okay. Public comment.

7 MS. REMIJAS: Hi. Good evening, everyone.  
8 Anita Remijas, Stop 23 or 2300 Florimond. There  
9 is a court reporter and a stenographer at every  
10 meeting, and it would seem to me that these  
11 minutes, if they are, in fact, being done by the  
12 clerk/treasurer or the deputy clerk/treasurer,  
13 that would be an easy way to solve an issue of how  
14 accurate these minutes are. And they are  
15 important. I remember years ago going back  
16 through a lot of minutes, and I do the minutes for  
17 Park Board, and I try to be precise and complete,  
18 so it's just a suggestion. We do have a court  
19 reporter at every single meeting.

20 In terms of the NIPSCO bills that Park Board  
21 asked about. Ms. McFadden, I appreciate that you  
22 jumped in and said, "I know somebody; I can do  
23 it," but I think the history is that Joy Schmitt  
24 has asked several times, Joe Jogmen has asked, and  
25 Chief Swistek at the Community Center meeting

1           today said that he has asked. We used to get  
2           these; I understand that Deanna said she will get  
3           them, and she's busy. If our clerk/treasurer was  
4           in the office, Deanna would still be able to be  
5           getting the bills done -- I'm sorry. Oh, I  
6           thought you were closing your eyes when I said  
7           something. That the bills would still be able to  
8           come out as they had been done until January,  
9           apparently.

10           The politicizing is obvious. Mr. Perry jumps  
11           in with things. As something as simple -- I'm  
12           sorry, what? I -- Something as simple as an  
13           e-mail that was sent to a number of people about  
14           the groundbreaking ceremony on August 25th at  
15           10:00, it went to a number of people, I mean,  
16           many, you know, different departments. And it was  
17           pushed back to chief as the town administrator.  
18           The clerk/treasurer has always handled all of the  
19           e-mails, and it was just, you know, an e-mail  
20           saying, "I don't want to do it. You do it, Chief.  
21           You handle it."

22           You Council members are supposed to represent  
23           the interests of the town, including me, as a  
24           resident. If you're not aware of the  
25           clerk/treasurer's many deficiencies, you should

1           be. And if you are aware, shame on you. And I've  
2           used those words before, for protecting the  
3           clerk/treasurer, for the supporting his lack of  
4           work ethic, and his general lack of work. I find  
5           it hard to accept that you three, particularly  
6           Mr. Kocher, Mr. Johnstone, and Ms. McFadden, would  
7           accept this level of incompetence in your own  
8           work. And it is costing our town money; it's not  
9           just a matter of \$60 a month. As a resident, the  
10          concern of costs, it's just concerning to me that  
11          there are red flags out there that he's not doing  
12          his job. It's been brought up every month. And  
13          he still has another four and a half months and  
14          access to everything in the town, and I hope that  
15          you would look at yourselves and look at what you  
16          know and vote accordingly. Thank you.

17               MR. LEMAY: Any other comments here in the  
18               room?

19               MS. LYNCH: I'm Ellyn Lynch again, and I live  
20               at 2225 Lakeshore Drive; I'm the one who wrote the  
21               letter about the alley behind our two homes. My  
22               neighbor and I are just -- we were like, "Why  
23               didn't it go through when they were putting it  
24               in?" And part of the reason is access to the  
25               backyard. Also, all the electric is back there.

1           The pole is in my backyard. And NIPSCO or anyone  
2           who would need to get back there -- come in my  
3           house -- come down my driveway, when that would be  
4           something that they would keep clear. I already  
5           have some tree branches I have to cut up because  
6           they're gonna fall on the pole wires.

7           I guess -- And I know it's an elevation, and  
8           I know Tom is wonderful -- We're not looking for  
9           it to go through; we just want access to the back  
10          of our house. So, we're not looking for a huge  
11          money project for that alley, but we just were  
12          concerned, like, why we never were included when  
13          that whole alley was put in. So, I guess I just  
14          felt like I should say something since I was  
15          sitting in the audience.

16          MR. LEMAY: How long ago was it put in?

17          MS. LYNCH: I don't know. When we moved in,  
18          we started -- I remember we had Tom come out and  
19          he was cutting some trees down and stuff like  
20          that. And I hate doing hearsay, but my back  
21          neighbor is Mr. Kean, and he said he didn't want  
22          that to go through and that he had kept it from  
23          going through. True? Not true? I don't know.  
24          All I know is that my -- I have a very wide drive.

25          I have access to my backyard; my next-door

1 neighbor is landlocked. She can't get to  
2 anything; she's got two parking spots in the  
3 front, which are really town property, and it's  
4 just landlocked. And then, not only that, but we  
5 do have all the electrical back there. So, just  
6 concerned. It's not like it's an emergency or  
7 it's going to be on the '23 budget or anything  
8 like that, we would just like to start the  
9 paperwork and hopefully be able to get some of  
10 that done. Or maybe just add a couple of trees  
11 every year to have them taken down there so we can  
12 get back there and just put stone down or  
13 something so we can get to our yards. That's all.

14 MR. LEMAY: Okay. Any other public comments  
15 here? All right. Now public comments from Zoom.

16 MS. BINDER: I'm online; can you hear me?

17 MR. LEMAY: I hear you.

18 MS. BINDER: Very good. I'm Rima Binder at  
19 2709 Roslyn Trail, Long Beach. A member and past  
20 president of the beach garden club. We have  
21 discussed the signage coming into Long Beach, and  
22 we would like to be involved in developing and  
23 designing a sign that is welcoming to this  
24 community. The sign really says, "Welcome to  
25 Long Beach," and the next thing you see is the

1 registration of construction and designers. And I  
2 know I've tried to hire a few people and sent them  
3 to town hall, and I've never seen them again. The  
4 process may be very difficult; I don't know.

5 But I think our club has been around for 90  
6 years in this community, and I would like to  
7 suggest that the Civic and other clubs and  
8 organizations in this community get together, be  
9 neighbors, and design a club that be  
10 representative of who we are as Long Beach.  
11 We're -- And neighbors together working together  
12 and enjoying the beach community. So, I would  
13 really ask and suggest that there -- a committee  
14 be developed and those signage be either restored  
15 to what we have or new signage be made --  
16 construction -- that is really representative of  
17 who we are as a community. Thank you very much.

18 MR. LEMAY: Anybody else on Zoom?

19 MR. PERRY: Yes, I'll make a public comment.  
20 I'm Tim Perry at 1802 Lakeshore Drive. My  
21 performance gets brought up every month by the  
22 same person, and that's why it's brought up every  
23 month. And if that person is so concerned about  
24 the finances of the town, she can start by paying  
25 her fine for using an unregistered contractor and

1           have her contractor pay his fine for performing  
2           work in Long Beach -- potentially environmentally  
3           dangerous work -- in Long Beach. Thank you.

4           MS. REMIJAS: That's inaccurate.

5           MR. LEMAY: Any other comments?

6           MR. DEHNER: Yes. Jim Dehner,  
7           2300 Fairway Drive. So, just in -- as a point of  
8           reference, I understand we are having a  
9           groundbreaking ceremony next Friday, the 25th.  
10          Ground seems to be broken, but we'll have the  
11          ceremony. And, as a celebration, I think it would  
12          be appropriate if we extended the invitation to  
13          not just everyone in the Town of Long Beach, but  
14          to everybody in the county of LaPorte, since it's  
15          through their generosity that we are going to be  
16          the beneficiaries of a new public service  
17          building. So, that's first.

18          Second, I just want to make a point of  
19          reference with regard to -- we've used the  
20          terminology "septic systems," and while I'm  
21          sitting here, I looked up the definition according  
22          to the United States EPA. And the definition of a  
23          septic system are "underground wastewater  
24          treatment structures that use a combination of  
25          natural and technological processes to treat



1           wastewater from household plumbing produced by  
2           bathrooms, showers, kitchen drains, and laundry."

3           We do not have a septic system; we are going  
4           to have a holding tank, and we are going to be  
5           having pump and haul. And that's okay if that  
6           works, and it probably will work, but for -- going  
7           forward, let's get the terminology correct.  
8           Because I understand in today's Town Council  
9           meeting, we were getting very specific about being  
10          correct in matters. So, thank you.

11          MR. LEMAY: Anyone else on Zoom? Any Council  
12          comments? Claims approval?

13          MR. PERRY: Hi. Claims approval: Town  
14          checks 19999 through 20068 totaling \$213,990.45;  
15          water department checks numbers 54747 to 54769  
16          totaling \$128,611.33. July payroll, \$96,659.53,  
17          that includes summer camp. I will entertain a  
18          motion for approval.

19          MR. LEMAY: I'll approve that; is there a  
20          second?

21          MR. JOHNSTONE: Second.

22          MR. LEMAY: Discussion? All in favor, say  
23          aye.

24          (Ayes in unison.)

25          MR. LEMAY: Make a motion to adjourn?

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MR. JOHNSTONE: So moved.

MR. LEMAY: All in favor, say aye.

(Ayes in unison. Meeting adjourned at or  
about 8:48 p.m. CST.)

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1 STATE OF INDIANA )  
2 ) SS:  
3 COUNTY OF LAPORTE )  
4

5 COURT REPORTER'S CERTIFICATE

6 I, Rebecca Lempa, do hereby certify that I  
7 reported by the means of CAT shorthand the proceedings held  
8 on August 14, 2023, commencing at or about the hour of 7:00  
9 p.m.;

10 That it has been requested that I transcribe the  
11 entire proceedings; and that I have transcribed my shorthand  
12 notes of said proceedings into the typewritten form, and  
13 that the foregoing and attached pages or parts of pages,  
14 numbered one through 97, comprise a complete, true and  
15 accurate transcript of said proceedings to the best of my  
16 ability;

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 and official seal this 15th day of September, 2023.  
19  
20

21   
22 REBECCA LEMPA  
23  
24  
25

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