

Town of Long Beach
Council Meeting Minutes
December 11, 2023
7 PM

Attending the meeting in-house this evening were all 5 council members Pres. Bob Lemay, McFadden, Johnstone, Kocher, and John Wall; Atty. Chris Willoughby; Deputy Clerk Deanna Carlson, Police Chief/Town Administrator Mark Swistek, and Trista Hudson of Cender Dalton (Cender & Co). Attending through Zoom were Marilyn Jones and Becky Lempa of Marilyn Jones & Assoc. court reporters; ALCO TV taped the meeting on site; and approximately 20viewers/attendees.

This evening's meeting was called to order at 7 PM by Pres. Bob Lemay.

The Pledge was recited.

Lemay rearranged the order of the agenda so that councilwoman McFadden could leave early for personal reasons.

Lemay congratulated the newly elected council members: Shannon Wojcik, J.D. Haley, Joy Schmitt, Kendra Bartlett, and Anita Remijas.

Chief Swistek presented service recognition awards to the outgoing council members; all were given plaques and personalized drink tumblers:

- Mary Lou McFadden-19 years of service to the Long Beach community since 2004, on multiple committees and as an elected official
- Bob Lemay- 8 years of service to the Long Beach community since 2016 on various committees and as an elected official.
- John Kocher- serving the Long Beach community on various committees since January 1, 2020 and as an elected official
- John Wall- serving the Long Beach community on various committees since January 1, 2020 and as an elected official
- Mike Johnstone- serving the Long Beach community on various committees since January 29, 2021 and as an elected official.

All were congratulated for their commitment to the town in various capacities.

Minutes for the Council Meeting November 13, 2023 were approved unanimously, 5-0, with a motion and second by Lemay and Johnstone.

Permit reports and Legal expenses were read by Lemay for November 2023:
18 building permits issued totaling \$912,785.00 with revenue of \$12,407.00; 3 electric permits issued totaling \$682.00

Legal expenses paid in November totaled \$10,419.00; YTD \$85,590.25.

- Braje Nelson & Janes was paid \$ 9,600.00; YTD \$75,630.75.
- Barnes & Thornburg was paid \$819.00; YTD \$8,499.50
- Knight, Hoppe, Kurnik & Knight – (nothing paid) same YTD \$1,460.00

Accounting charges paid in November \$6,653.12 to Cender Dalton; YTD \$59,314.42

Lemay stated, regarding the legal expenditures, that there are invoices totaling \$15,350.00 so far for Clerk-Treasurer Tim Perry. He made a motion to rescind the overage paid beyond the allotted \$5,000 from last month's meeting and to not pay/approve any other invoices moving forward. Second by Wall. It did not pass; vote was 2 – 3. Kocher stated he was not in favor of rescinding payments but doesn't want to pay any further invoices. J. Wall says "its all suspect, but we can't vote on something we don't know what they're about". Lemay then makes a motion to not pay or approve this invoice totaling \$819.00 Perry paid and mailed out and nothing further going forward. Second by J. Wall; passes 5 – 0.

Unfinished Business:

J. Wall gave a progress update on the public safety building and mentioned that we are still waiting to hear from down state, Mr. Mentz, on the septic permit. Wall stated the completion of the project is approximately April 2024.

The MS4 ordinance subject was tabled.

The service agreement between the Town of Long Beach and L. Wall Constructors, LLC, by and through Larry Wall was approved with a motion and second by Lemay and Johnstone; passed 5-0.

Swistek spoke about the drill test that had been done on the trees at Stop 16 for \$200-\$250 that resulted in the confirmation of decay in the trees. It was recommended that the trees come down and that the council approve the lowest of two estimates received for the work, at \$12,750.00 by Maple City Tree Service. Lemay made a motion to accept that proposal by Maple City Tree Service and pay from the 2024 budget; second by Kocher; approved 5-0.

New Business:

Lemay stated he wants to table the subject of the Lake Shore Sewer, LLC private sewer agreement and makes a motion stating the same; and wants the new council to take on the matter since Lemay feels there is much more to know on this matter. A second by Johnstone; passes unanimously.

Lemay makes a motion to pay the timesheets from Larry Wall, Building Commissioner, for October and November 2023. Kocher wants to see more itemization in Wall's invoices. Kocher seconds the motion; passes unanimously.

The year end meeting of the town council was set to be held December 28th at 3 PM in town hall.

Funding information on the Stop 15 ADA 50/50 grant was given by Joy Schmitt. She stated the Park Board would pay for the engineering with park board funds but all other expenditures would be taken from the 2025 town budget; the project with full completion by December 31, 2025. A supporting resolution was announced by Lemay, **Resolution #2023-011: Regarding Equitable Public and Emergency Access and Overlook at Stop 15**. He makes the motion to approve; second by Kocher; and passes unanimously by council.

The Duneland Beach Association police protection agreement, presented by Chief Swistek, for Feb. 2024 through January, 2027 was approved with the 3% increase each year of the contract;

\$56,940.00 for 2024, \$58,644.00 for 2025, and \$60,408.00 for 2026. Second by Kocher; approved unanimously.

Tenant leases for those renting room suites at the Long Beach Community Center were approved for the 2024 calendar year with an increase of \$30.00/mo. for each tenant with the exception of the LaPorte County YMCA; the monthly rent will be increased \$50/mo. as they occupy rooms 4, 5, & 6 in the building. This increase will bring in an overall additional \$2400 for the year. Motion by Kocher to approve the increases and second by Johnstone. Passes 5-0.

Change order #2 for the LB Public Safety Building totaling \$17,707.30 was approved. Johnstone reiterated his previous comments that he wants a cap put on the project. Wall says the change order doesn't affect the cost of the project. Johnstone makes a motion to approve the change order; second by Lemay; 5 – 0 vote.
The credit on concrete for the project \$1,516.68; change request #4 was approved 5 – 0 with a motion and second by Lemay and Johnstone.

Motion by Lemay; second by Wall, to approve the Holladay Construction Group invoice #8 for \$364,940.00. 5 – 0.

Motion by Lemay; second by Johnstone to approve the Haas & Associates' Stop 17 & 18 drainage project invoice #2023336-07 for \$5,510.45. approved unanimously.

Motion by Johnstone; second by J. Wall to approve the 2024 hourly rate proposal from Haas & Associates Engineering. Approved unanimously, 5-0.

Lemay makes a motion to consider **Ordinance #2023-07: Additional Appropriations Above Annual Budget**. No comments in support of or against the ordinance in the public hearing portion of the meeting; that portion of meeting closes. The rules are suspended and the ordinance is approved on 2nd reading. Second by Wall; ordinance passes 5 – 0.

Lemay makes a motion to consider **Ordinance #2023-08: To Create Funds Related to the Opioid Settlement**. No comments in support of or against the ordinance in public hearing portion of the meeting; that portion of meeting closes. Rules are suspended and the ordinance is approved on 2nd reading; second by Wall; ordinance passes 5 – 0.

Lemay makes a motion to consider **Ordinance #2023-09: To Create the Police Forfeiture Fund**. No comments in support of or against the ordinance in public hearing portion of the meeting; that portion of meeting closes. Rules are suspended and the ordinance is approved on 2nd reading; second by Wall; ordinance passes 5 – 0.

Committee reports were read by each department head.

On file with this meeting are the reports by the Fire Department and the Police department. Committee minutes are also available to read on the town's website www.longbeachin.org.

A few highlights mentioned:

The Police Commission did not meet according to Chief Swistek.
Quotes were being collected for the phone system in Town Hall and the Public Safety Building.
Leaf pick up continued through December 3rd, although complaints were still coming in that

Swistek cleared up. Tennis court pickleball nets are now in storage as the courts are being cleaned of leaf debris for the winter.

There are 2 major projects that will begin on Lake Shore Drive in the next few months. In January the water project will commence; in February the Stormwater improvement project at Stop & 18 will commence with some road closures at times. Updates to follow.

Morton Salt has made the first delivery of salt on Dec 12th to the maintenance facility.

Swistek thanked Jan Brown for helping to make the Town Hall very festive with the holiday decorations.

Swistek mentioned that on December 14th at 6:30 PM Judge Jeffrey Thorne will swear in all newly elected public officials at Town Hall in council chambers. All family members and the public are invited to attend.

Yemc gave the LBV Fire Dept. report for November and YTD. (The report is on file). He reported 10 fire calls in November alone. Annual proficiency tests were taking place. And now, this evening, at the Community Center, LBVFD members were meeting with NIPSCO for a "gas school". New members to the dept are in training all year long.

There were no meetings held for the Fire Commission, Community Center Committee, Public Works, HR, Tree Board, or APC.

Joy Schmitt reported that the Park Board met on November 28th. There will be "housekeeping" since 3 openings will be available for the Park Board this coming year. Three members of that board now sit on the new council. Attorney Chris Willoughby reminded everyone of Park Board requirements; not more than 2 members of the same political party on the Park Board. These openings will be announced on the town's website.

John Wall, budget and finance committee member, stated he and the working group met with Trista Hudon and Karl Cender of Cender Dalton to work on the capital plan and prepare and ready everything for the new council.

Lemay gave the report for the building commission which met on November 17th. 1612 Indianapolis Ave was granted a variance from the BZA, the commission now waiting for a permit application. 3100 LSD- no longer an office; now residential. Commission asking for sign removal at street location, more to follow. 2202 Hoveland/Florimond Ave fence issue. No permits had been issued. Talk continues on a resolution with both homeowners.

The BZA met on November 14th: 3007 Loma Portal Way petition continued until December's meeting. A variance was granted to 2801 Brentwood Way. Next meeting is scheduled for December 12th at 7 PM.

Deputy Clerk Deanna Carlson, on the direction of Clerk-Treasurer, Tim Perry, read a letter, written by him, on his behalf. It reads, quote:

"Clerk Perry regrets he cannot attend the meeting tonight.

He has asked me to read the following letter in his absence as his deputy Clerk.

The Clerk Treasurer would like to extend his gratitude to the people of Long Beach for allowing him to represent them in the last 20 months while filling the vacancy created from the retirement of our former Clerk Treasurer Mr. Bill Defuniak.

In the interest of serving the town and the current, and future, town council, Clerk Treasurer Perry has allowed the incoming Clerk Treasurer Ms Meg Collins to have access to our offices and staff prior to her start date of Jan. 1, 2024. Meg has spent roughly 18 hours in our offices

so far and we look forward to accommodating her for the rest of the year in this transition. We are confident that Meg will do a great job for the town and Clerk Perry and his staff have been, and will be, happy to aid in this transition.

Finally, The Clerk Treasurer's office would like to entertain a motion to pay for all legal fees incurred by the clerk treasurer's office, including present and future legal bills up until the end of 2023. Please note that these bills are a result of the contentious acts of certain individuals directed at the clerk and his deputies in their respective official capacities over the last 20 months. "
By Tim Perry

Public Comments –

Donna Kavanagh, 2104 Avondale Dr., thanked all the outgoing council members for their service to Long Beach with a small token of appreciation. She also congratulated an incoming council member sitting in the audience.

Zafar Rizvi, 1636 Lake Shore Dr., thanked Police Chief Mark Swistek and John Wall of the LBVFD for all they've done with respect to the Public Safety Building. Mr. Rizvi mentions he wants to make a donation to the town; also has a request for a name for the public safety building. This will be discussed at the year-end meeting.

Council Comments: John Wall made mention of the water service project again on Lake Shore Drive and the costs for Haas Engineering plus testing and asphalt; \$59,600 plus \$3000, totaling \$62,600.00. Lemay makes a motion to approve these costs, not to exceed the \$62,600.00; Wall seconds the motion; passes 4 – 0. (McFadden gone)

Lemay read the claims approval for town checks #20302 – 20364 totaling \$185,425.09; water department checks #54841 – 54864 totaling \$107,555.63, and November payroll of \$72,022.51.

Lemay then makes a motion to approve all town checks minus check #20302 payable to Barnes & Thornburg for \$819.00; second by Johnstone; approved 4 – 0. (McFadden gone) Lemay makes a motion to approve the water department checks and the November payroll; second by Johnstone; approved 4-0. (McFadden gone)

Motion to adjourn the meeting by Lemay; second by Kocher; 4 - 0, adjourning at approximately 8:25 PM.

Respectively submitted,
Deanna Carlson, Deputy Clerk