

Town of Long Beach
Council Meeting Minutes
November 13, 2023
7 PM

Attending the meeting in-house this evening were all 5 council members McFadden, Johnstone, Kocher, John Wall and Pres. Bob Lemay; Atty. Chris Willoughby; Deputy Clerk Deanna Carlson, and Trista Hudson of Cender Dalton (Cender & Co). Attending through Zoom were Clerk-Treasurer Tim Perry, Marilyn Jones and Becky Lempa of Marilyn Jones & Assoc. court reporters; ALCO TV taped the meeting on site; and approximately 18 viewers/attendees. Police Chief/Town Administrator Mark Swistek was absent.

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

The Pledge was recited.

Lemay added to the agenda: leaf pick up and tires for the plow trucks.

Minutes for 5 council meetings were approved with a motion by Lemay and second by Johnstone and a 5 – 0 vote: Those meetings were-Council Meeting October 9, 2023, Executive Council Meeting October 19, 2023, Special Council Meeting on October 19, 2023, Executive Council Meeting November 1, 2023, and Special Council Meeting November 1, 2023.

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 mentions:

No reports for Police Dept/Police Commission or Town Administrator from Swistek who was absent; nor for the Community Center Committee, Human Resources, Tree Board, Building Commission, or APC since no meetings to report on.

Yemc gave the LBV Fire Dept. report for October. Reminded residents of the importance of having keyholders on file for their homes. Wall mentioned through the Fire Commission report the delivery of the fire truck being sometime early 2025 and financing for it; also reported on the Public Safety Building update.

The Public Works committee met on October 23rd; minutes are available online. McFadden mentioned the dates again for leaf pick up, November 1 through December 3, 2023. The committee is scheduled to meet on November 27th at 9 AM.

The Park Board, which met on October 24th, has been busy with the preparation of the grant proposal for the ADA accessibility for Stop 15. (Equitable Access)

J. Wall said the Budget and Finance Committee met on November 1st. They completed the 2022 financials and reviewed the 2023 budget numbers. The capital plan will be discussed this evening with the assistance of Trista Hudson. The working committee continues its meetings. The committee meets again at 8:30, December 6th, and Wall invites all to attend.

McFadden stated the HR committee will meet Thursday, Dec.1st; no meeting in November to report on this evening.

Ellen Lynch stated the Tree Board will have a proposal from The Tree Mann for next month's meeting. Lemay recommends by a motion to accept the lowest quote of the two arborists quotes the Park Board is to receive, not to exceed \$10,000, for cutting down 2 trees & limbs on wires at Stop 16. Second by Johnstone; passes 5 – 0. No October meeting to report on this evening.

There was no report from the building commission. BZA met on October 10th and discussed projects at 2319 Florimond with a public hearing held and 1612 Indianapolis with a public hearing held.

There was no meeting of the APC in October.

Permit reports and Legal expenses were announced by Clerk Perry for October 2023: 26 building permits issued totaling \$9,338,801.00 with revenue of \$95,171.00; 4 electric permits issued totaling \$939.00

Legal expenses paid in October totaled \$8,523.50; YTD \$75,171.25.

- Braje Nelson & Janes was paid \$ 6,225.00; YTD \$66,030.75.
- Barnes & Thornburg was paid \$1,858.50; YTD \$7,680.50
- Knight, Hoppe, Kurnik & Knight was paid \$440.00; YTD \$1,460.00

Accounting charges paid in October \$40,112.80 to Cender Dalton; YTD \$52,661.30

Lemay stated that Clerk Perry paid out more than the allotted \$5000 for his attorney fees. Asks if this is misappropriation of funds? Town Attorney Willoughby suggests Tim Perry seek counsel and Willoughby chooses to refrain from answering questions on the matter. Council discussion followed with Perry. Kocher makes a motion to pay the invoices totaling \$1,858.50; McFadden seconds the motion. It passes 3 – 2 to pay Perry's invoices on the October check register.

Unfinished Business:

The council discussed and agreed the contract and notice to proceed be signed by Lemay on the Stop 17 & 18 drainage project.

Wall gave an update of the progress of the Public Safety Building. Mentioned that they are still waiting to hear from the State for information on a septic.

Motion by Lemay and second by Johnstone to approve on 2nd reading **Ordinance #2023-03: Amending and Restating Title IX, Chapter 96, Section 96.01 of the Town Code-Charges for Garbage and Refuse Removal & Leaf Pick up.** Passes 5 – 0.

Motion by Lemay and second by Johnstone to approve on 2nd reading **Ordinance #2023-06: Authorizing the Execution and Delivery of Master Equipment Lease/Purchase Agreements, and Related Instruments, and Determining Other Matters in Connection Therewith.** Passes 5 – 0.

MS4 ordinance was tabled until the December council meeting.

Johnstone and Attorney Willoughby are to finish an initial draft of an agreement for the building commissioner's compensation for the council's review at the December's meeting. Johnstone felt the agreement should extend into February 2024 for the new council to also review. If approved, pay would be retroactive to the October 2023 meeting date.

New Business:

Kocher makes a motion to approve payment of \$18,000 to Tomas Falatovics to remove all the leaves from Long Beach after leaf pick up. Second by McFadden; passes 5 – 0. To be paid in 2 payments, \$9,000 each payment.

Motion by Wall and second by McFadden to approve purchase of tires for street department plow trucks costing \$2,205.00. Passes 5 – 0.

Motion by Lemay and second by Wall to approve invoice #2022328-06 for \$9,830.00 to Haas & Associates. 2022-2 CCMG expense. Passes 5 – 0.

Motion by Lemay and second by Johnstone to approve invoice # 2023342-001-3 for \$5,798.30 to Haas & Associates. This invoice will be paid and then Long Beach will invoice Yellow Bear Farms for reimbursement since this cost is for the plan review, etc. by the building department on the new construction Captains Walk project. Passes 5 – 0.

Motion by Kocher and second by Johnstone to approve invoice #7 for \$365,740.00 to Holladay Construction Group on the Public Safety Building. Passes 5 – 0.

Motion by Lemay and second by Kocher to approve **Resolution #2023-010: A Resolution of the Town of Long Beach, La Porte County, Indiana, to Adopt a Reserves and Liquidity Policy and an Investment Policy.** Passes 5 – 0

Public Comments –

Anita Remijas, 2300 Florimond Dr, thanks Trista Hudson of Cender Dalton, Joy Schmitt and the Park Board for the work on the tree matter at Stop 16. Mentioned the "deflection of issues" in the Clerk Treasurer's office.

Council Comments: None

Perry read claims approval for town checks #20221 - 20301 totaling \$241,123.22; water department checks #54817 – 54840 totaling \$138,385.38, and October payroll-\$71,827.81

Lemay makes a motion to approve the town checks; McFadden seconds; approved 3-2.

Lemay makes a motion to approve the water checks; Johnstone seconds; approved 5 – 0.

Lemay makes a motion to approve the October payroll; second by McFadden; approved 5 – 0.

Motion to adjourn the meeting by Lemay; second by McFadden; 5 - 0, adjourning at 8:52 PM.

Respectively submitted,
Deanna Carlson, Deputy Clerk