

TOWN OF LONG BEACH  
TOWN COUNCIL MEETING @ Town Hall  
JANUARY 14, 2019  
7:00 p.m.

Present were council members Nick Meyer, Jane Neulieb, Pete Byvoets, Joy Schmitt, Clerk-Treasurer Bill de Funiak, Town Attorney Chris Willoughby of Braje, Nelson & Janes, Police Chief Bob Sulkowski, Fire Chief John Wall, and Street Supt. Tom Dolph. Marilyn Jones & Associates and ALCO TV were also present. Council President Lemay was absent; there were approximately 27 townspeople in attendance.

**Pledge of Allegiance**

It was confirmed by all there were no additional subjects needing to be added to tonight's agenda.

**Election of President and Vice President:** Byvoets made a motion to accept the current 2018 structure, Bob Lemay as President and Nick Meyer as Vice-President for 2019, Schmitt seconded the motion; approved 4 -0.

Approval of Council Meeting minutes of December 10, 2018; motion made by Schmitt, second by Byvoets for approval, were approved 4 – 0.

Approval of Special Council Meeting minutes of December 27, 2018; motion made by Schmitt, second by Byvoets, were approved 4 – 0.

**Police Department** – Chief Sulkowski read the report for December, 2018. He requested the council approve the hiring of the Police Commission's recommendation, Officer Mitchell Sightes. Sightes introduced himself to the council; he worked part-time at Westville and will immediately begin full-time status with Long Beach Police Dept.

**Police Commission** – Pete Byvoets gave the report for December. He stated Officer Sightes graduated from La Porte High School with honors, 6<sup>th</sup> in his class at the police academy; He is "young, eager, and ready to go". Byvoets announced that Sightes is the best fit for Long Beach to fill the vacancy of retiring Lt. Todd Bullis. Byvoets made a motion to accept the hiring of Sightes, second by Schmitt; approved 4-0.

Byvoets also mentioned the commission is in discussion with Attorney Willoughby for accessing penalties on short-term rentals.

**Fire Department/Fire Commission** – John Wall read the December and YTD report. He stated that he communicated with the Michigan City Post Office regarding the duplicate addresses and considered placing "East" on the Long Beach Lake Shore Drive addresses; Still in the process.

**Street Department/Street Commission** – Tom Dolph reported that the department has worked on a drainage problem at Stop 29 which had been delayed because of a project on Lake Shore Drive between 28 & 29. The street sweeper has also been maintained and other equipment in the maintenance garage. They are reviewing the street cut permitting process and methods of surrounding areas; the Long Beach permit application is "outdated"; will work with the Street Commission to update the permit process.

Jane stated the commission will meet tomorrow, January 16<sup>th</sup> at 5:30 p.m. for its regular meeting. Clerk-Treasurer de Funiak was asked to attend also. The council, at its December 27<sup>th</sup> meeting, had approved funds to hire Haas & Associates for grant writing for the INDOT paving projects through Community Crossing Grants.

**Park Board** – Joy Schmitt reported no December meeting but the board will meet on January 22<sup>nd</sup> at 6:00 p.m. at Town Hall.

**Long Beach Community Center Committee** – Joy Schmitt reported the committee met January 7<sup>th</sup>. The subject of parking signs was to be discussed at the APC level for parking issues at the Center. Because of some temporary draining issues at the community center, sand bags were being used at the gym area.

After discussion of the Jim Price leases that expired December 31<sup>st</sup>, the community center committee would like to be in charge of finding tenants for Room 7. Price's storage lease will not be renewed because the committee would like to use the space for the center's needs instead of renting to outside residents. De Funiak stated that storage room brought in \$150/month to the center but Schmitt said to free up Room 13 would give an Irish Dance Group space to dance and room 13 could move some stuff to that storage room. Jane commended the committee for their continued hard work in managing the center.

**Water Board** – Nick Meyer stated the Water Board interviewed and selected Angela Palmieri to replace Barb Stupeck, retiring February 28<sup>th</sup>. "We congratulate Angela and welcome her to her new role with the Long Beach Water Department starting effective immediately"; audience applauded.

De Funiak mentioned the January 2018 hydrant accident at Oriole Trail, that the insurance company paid the full \$17,000 + in full to the Town.

Next water Board meeting is scheduled for January 28 at 9:00 a.m. in Town Hall.

**Budget and Finance** – Byvoets reported job descriptions and procedures were discussed for all departments and positions; important now with the new water department employee and new software systems in place.

Discussed the Community Crossing Grant being a state function and that next year a Title 6 program should be put in place with regards to hiring for paving projects.

**Human Resources Advisory Committee** – No meeting was held.

**Building Department** – Byvoets gave the building commission report for December:

- 1802 Lake Shore Drive -action immediately/working with no permit; a stop work order had been issued until they correct their plan and operations.
- 1906 Lake Shore Drive -working with out proper permits. The town has done everything to help them. Fines have been issued. Contractor wants an extension on his permit, will not be granted until fines are paid

Another 7 permits were approved with no problems for basic things, 2 bath renovations, plaster and drywall.

**Board of Zoning Appeals** – Willoughby mentioned a petition for a retaining wall at 2742 Oriole/Floral Trail being presented to the Board. A bit of confusion on the correct address stated by Byvoets and Willoughby.

**Advisory Plan Commission** – Meyer gave the report that included a parking ordinance that isn't necessarily an APC matter going to the Town Council in the near future.

Meyer also stated an email received from the DNR regarding Stop 24 referred to the updated current status of the \$100,000 grant the Town applied for back last year and that the Town should expect an approval soon.

Next meeting for the APC is January 21<sup>st</sup> at 7:00 p.m. at Town Hall.

December 2018 **permit revenue** report:

De Funiak reported figures submitted by Byvoets: 12 December permits approved with fees of \$5,505.00 on project costs of \$492,700.

4 electrical permits issued for \$980.00 with town revenue of \$98.00.

**Legal Expenses** – Legal expenses paid in December were \$5,287.50 to Braje, Nelson & Janes, LLC and \$350.00 to Austgen Kuiper Jasaitis.

A motion was made by Byvoets and a second by Schmitt to approve all reports. Motion carried by 4 - 0.

#### **Old Business –**

J. Neulieb motioned accepting recommendations by the Community Center Committee for the storage room use and for the committee to negotiate all future leases for the center (language input by Byvoets). Second by Schmitt; approved 4 – 0.

#### **New Business -**

Nick Meyer introduced guest speaker, John Sullivan, resident of Dune Acres, and a Certified Coordinator for the DNR's Community Hunting Access Program. Sullivan gave a presentation to Long Beach residents about the program. There was lengthy discussion by the Council, Sullivan, and the audience with a Q & A period; handouts were given to the Clerk-Treasurer for public taking. Byvoets had extensive questioning on the subject. Resident Sosa opposes the concept of a deer hunt. She also spoke on behalf of the Hal Higdon family. Mary Lou McFadden spoke along with questions by Bob Boyce and Keith Davis, all residents of Long Beach. Councilman Meyer recommended the subject also be included again on the February council agenda since "there will have to be a decision made on the program eventually".

Byvoets motioned that committee appointments be postponed until the February meeting since all members were not present; second by Schmitt, approved 4 – 0.

Meyer stated there is another new state lawsuit served against the Town – "Osborne, Voortmann & Lyons - #2" he called it. Since the Governmental Interinsurance Exchange will not provide coverage, Meyer said the Town will need to hire attorneys to represent all those mentioned in the suit. Byvoets motioned to refer the lawsuit to Knight, Hoppe, Kurnik & Knight who had already worked on the

Osborne, Voortmann & Lyons - #1 lawsuit with expediency. Neulieb seconded the motion; approved 4 – 0 to hire the law firm.

**Public Comment:**

Mary Lou McFadden, resident, asked why the Town would not be covered by insurance, and how many “bodies”, approximately, are there that need representation by town taxpayers? Meyer wasn’t sure of the number. And are there any other new law suits? Meyer said not that he was aware of.

Mike Haggerty, resident, asked the council if there was a way of settling the suit without fighting it out in court? To compromise instead of all the heavy fees?

Attorney Willoughby spoke in defense of the Town, to not discuss details of legal matters; there are copies of the lawsuit available at Town Hall for the public.

John Mengel, resident, asked why coverage was not made available – Meyer stated because of the nature of the claims in the lawsuit, the insurance company will not provide coverage.

Town Attorney Willoughby stated, “with all the various members involved, statutorily, the Town is required to provide for their defense.”

Bob Boyce, resident, asked if all legal bills were still being censored, redacted? He felt the attorneys were billing the Town without the Town knowing what it’s paying for.

Bill Hazelgrove, resident, mentioned that all the beach stops look great and that railings would also be a nice addition.

**Claims Approval:** Motion by Schmitt and second by Byvoets to approve claims #16035 through #16053, totaling \$50,423.71, and salaries for December of \$73,295.97; approved 4-0.

Meeting adjourned at 8:25 PM. with motion and second from Byvoets and Schmitt; 4 – 0.

Respectfully submitted,

Bill de Funiak,  
Clerk-Treasurer