

TOWN OF LONG BEACH
TOWN COUNCIL MEETING at LONG BEACH COMMUNITY CENTER
August 13, 2018
7:00 p.m.

Present were Pete Byvoets, Joy Schmitt, Bob Lemay, Jane Neulieb, Nick Meyer; Clerk-Treasurer Bill de Funiak, Police Chief Bob Sulkowski, Long Beach Volunteer Fire Chief Dave Albers and Town Attorney Chris Willoughby of Braje, Nelson & Janes. There were approximately 65 townspeople in attendance, Marilyn Jones & Associates court reporter and Access LaPorte County (ALCO) were present. Street Superintendent Tom Dolph was not in attendance.

Pledge of Allegiance

Approval of Council Meeting of July 14, 2018 and Executive Council Meeting of August 7, 2018; motion made by Byvoets, second by Schmitt for approval, were approved 5 – 0.

Police Department – Chief Sulkowski presented the July, 2018 police report.

Police Commission – Pete Byvoets reported that the 30 day rental ordinance was discussed at the August 1st meeting.

Fire Department/Fire Commission – Dave Albers read the YTD report through July. Activity is 136% of 2017 usage. An ISO audit will be conducted later in August. Our current ISO rating is 4. Dave indicated that there was no Fire Commission meeting.

Street Department/Street Commission – Jane Neulieb reported that drain and street cleaning is being performed. She indicated that the Community Crossing Grant proposal is being prepared on schedule and the Town is hopeful of receiving INDOT funding for 2019.

Park Board – Joy Schmitt reported that the Park Program had a record attendance of 106 children and, for all indications, was a very successful undertaking. A Stockwell Woods agreement was tendered to President Lemay for approval. Next meeting will be August 21st at 6:00 p.m. in Town Hall.

Long Beach Community Center Committee – Joy Schmitt indicated that the committee is in need of a ladder for cleaning gutters. Motion by Lemay and second by Byvoets to purchase a ladder, was approved 5-0. Joy discussed the Long Beach Community Center sign which will cost \$493.00 plus tax. Motion by Byvoets and second by Lemay to approve the sign expense was passed unanimously. Dave Albers suggested that the Fire Department could provide a ladder that might be used for cleaning of the gutters. The committee meets again on September 10th at the community center.

Water Board – Nick Meyer reported no matters to report for the Water Department.

Budget and Finance – Pete Byvoets reported on the budget approval dates. He also mentioned the AIM Medical Trust which we will begin gathering data for a quote on

employee health insurance. Discussions also were conducted on the 75/25 INDOT Community Crossing grant.

Human Resources Advisory Committee – de Funiak reported that employees would be responding to the AIM Medical web-site to enter personal data for development of a health insurance rate quote. Also noted was the name change from IACT to AIM.

Building Department – Bob Lemay reported on the August 10th building commission meeting.

BZA Report – No meeting.

Advisory Plan Commission – Nick Meyer reported on the APC meetings held since the June Council meeting. Meyer indicated that the Stop 24 demolition project would be discussed in the old business section.

July permit revenue report:

Lemay reported that permits were issued with total project costs of \$552,900.00 with town revenue of \$4,710.00.

C-T de Funiak announced that 5 electrical permits were issued for \$1,028.00 with town revenue of \$102.80.

Reported to Assessor for June and July were \$1,287,155.00 worth of project costs.

Legal Expenses – Legal expenses paid in June and July were \$30,863.07 to Braje, Nelson & Janes, LLC., and \$11,400.71 to Austgen, Kuiper, Jasaitis.

Motion was made by Neulieb and second by Schmitt to approve the reports. Motion carried by 5-0.

Old Business – Schmitt reported on the proposed sewer system. She stated that there were still 3 options: no sewer system, a low-pressure system and a gravity system. If we proceed with a sewer system, the town will need a topographic study; approximately \$50,000 for the low-pressure version and \$65,000 for the gravity system. Schmitt and John Kocher will submit a survey to LSD residents to determine current interest in connecting to a sewer system, should it be approved and installed.

A motion by Byvoets and second by Meyer was made to approve the Haas & Associates Time and Materials Rate Schedule (for the sewer project) and was passed 5-0.

New Business –

Nick Meyer presented an overview of the Stop 24 project and then introduced Shem Kahlil of Global Engineering and Mike Brough of Green Demolition to continue the Stop 24 presentation.

Khalil introduced Jeff Oltmanns and Jeanette Hicks of Global and James Hoover of Aegis Environmental.

Khalil indicated that:

- 1 – The total foundation of the pump house was removed.
- 2 – PCB testing was performed and no significant contamination was present.
- 3 – The Fuel Tank was removed with proper chain of custody and approved disposal.
- 4 – The Fluoride Tank was not found and, therefore, not disposed of.

5 – Green Demolition submitted a Building Permit application but Global has no record of a permit.

Resident Boyce asked why the town paid \$2,500 for a topographic survey and only received a grading plan. He also mentioned that an Aegis report in 2017 described a fluoride tank with approximately 10 gallons of fluoride, but has now been described as an empty tank (although missing). Boyce also said that possibly contaminated water should never have been released onto the beach. Bob Boyce then expressed doubt that the entire foundation had been removed and offered to personally pay for ground penetrating radar to determine the status of the foundation.

Shem Khalil then stated that the grading plan was overlaid on the topographic survey, so that the document in the possession of the town represented the topographic survey which had been billed in 2017. He assured the council that the whole foundation had been removed. Councilman Byvoets stated that the work performed on the site did not cause him concern about the future of the location.

Mike Brough spoke about the care that his company had taken with the demolition project and requested payment for his services. Brough said that the wing walls had been left standing to protect Lake Shore Drive, but that the remainder of the building had been removed. He assured the council that Global Engineering had been at the site daily and that the LB water department employees were “hanging around” almost every day.

James Hoover answered the question about missing custody seals, by stating that he had personally delivered samples to the testing facility.

Nick Meyer stated that he was not interested in receiving the results of ground penetrating radar.

Meyer made a motion to pay Green and Global invoices after receiving release from IDEM, seconded by Jane Neulieb; motion was approved 5 – 0.

De Funiak presented dates of September 17, 2018 at 6:30 P.M. and October 1, 2018 6:30 P.M. for, respectively, the 2019 Budget Hearing and the 2019 Budget Approval. Motion made by Byvoets, seconded by Schmitt, was approved unanimously.

President Lemay presented Lisa Albers as a replacement for Bill Powers on the APC, seconded by Neulieb, and was approved unanimously.

Attorney Willoughby discussed the issue with the town drain pipes on resident property at 1636 LSD, but indicated it was being resolved and did not require current council action.

Nick Meyer motioned to pay an outstanding invoice of \$5,810 to Automated Data, seconded by Neulieb, and was approved unanimously.

Because of the Shoreline Protection Agreement to be considered later in the meeting, Bob Lemay moved that the sand movement guidelines developed by former building commissioner Durbin should be rescinded. Jane Neulieb seconded the motion and it was approved 5 – 0.

Lemay presented a new resolution regarding the Town Council authorizing the Park Board’s monitoring of Town beach stops and keeping them clutter free. This resolution was APC endorsed and sent to council. Pete motioned to approved said resolution; Schmitt seconded. Jane noted the resolution “reads poorly”, and asked the council’s definition of “monitor i.e., cleanliness of beach stops, or the safety, or the risk

management of the stops?" Lemay stated the Park Board will monitor the "presence of clutter". Jane asked the definition of "clutter"; "unwanted and impermissible is so subjective". She also believed Byvoets should recuse himself since this resolution empowers his daughter. It was noted. After all discussion, this resolution passed 4 – 1.

Lemay introduced the totter ordinance for approval that has been "in the works" for months. Because many in the audience wanted it read and some weren't sure what the council wanted to do with the totters, and because Lemay didn't want to publicly read the ordinance or summarize it, stating it had been on the website for months, and Jane mentioning the ordinance had been changed multiple times, councilman Meyer motioned that it be considered at September's meeting, a current copy be made available at town hall and it be posted on the website. Jane seconded; approved 5 – 0.

The public meeting for the Lake Michigan Shoreline Preservation and Enhancement Overlay Zoning District was opened to the floor for public comment. Lemay stated this ordinance was sent to the council with favorable recommendation by the APC and attorney Willoughby noted the legal was published in the News-Dispatch as required. Supporters of the ordinance that spoke were Patricia Sharkey, Floral Trail, on behalf of the LBCA, David Hoppe, Oaks Ct., Kathy Abbott, Roslyn Trail, Debra Schenk, Lake Shore Drive, and Doria Lemay, Oakenwald Ave.

John Mengel, Lake Shore Drive, spoke "facts" saying "there are seawalls from the "boathouse" west to Washington Park and the beaches are plenty. Everyone has a beach right now except 24, Stop 24 has a bunch of boulders". Mary Lou McFadden, Duffy Lane, asked who received surveys when the comprehensive plan was being developed; she didn't get one.

There was no council discussion regarding the ordinance. Byvoets made a motion to approve the ordinance; and after a few words from the attorney, Byvoets changed his motion to include "approved as certified by the planning commission" Joy seconded. It was unanimously approved.

Public Comment:

Joy Kuchler, Lake Shore Drive, requested there be refuse receptacles at Stop 24; Jane offered to take care of it.

Pat Sharkey, Floral Trail, voiced her dislike of a private security guard being hired a couple weeks ago and present at the beaches near stops 22 and 23.

Ernie Summers, Elbridge Way, applauded councilman Meyer who suggested the council hold payment to Green Demolition until final IDEM clearance letter arrives to the Town council, since "there are still unanswered questions on the project". He also supported resident Boyce who wants to finance the (UGRS) Underground Radar Systems.

Chris D'Amato, Lake Shore Drive, thanked the APC for their work on the Shoreline ordinance; was unhappy about the Stop 18, 19 sand moved on the beaches, and Joy stated that the Park Board wants to reclaim the Town's property at 1802 Lake Shore Drive when D'Amato asked about the homeowner's encroachment on the Town's ROW.

Roger Gansauer, Somerset, asked the council if the Town made a decision yet on his neighbor's fence that is encroaching on Town easement; he's waited 6 months with no response from the building commission after inquiring about it at a commission meeting. Lemay responded that the homeowner would need to attend a council meeting and ask permission for the fence to remain but the audience's response, to that comment, was the homeowner should be notified of his violation.

Boyce, Lake Shore Drive, applauded Nick Meyer for stating he'd wait for IDEM to clear the Town before payment to Green Demo.

C-T de Funiak informed the council if they approve the amounts of \$3,000 and \$20,000 as billed by Green Demolition for a Flouride Tank and concrete disposed of with no destination papers he will pay them but will make notes to the SBOA that it's improper. "These amounts would pay for an increase for the staff and it bothers me to agree to pay \$23,000 you talk of as if it were monopoly money". Nick Meyer stated his opinion that the contractors answered all questions about the project brought before them this evening and did what they said they'd do even with the conflicting opinions of residents, the council and the Clerk-Treasurer.

Byvoets stated, in regards to comments from those believing the contractors conducted work without permits, "traditionally and typically, the building commission has not issued permits for Town initiated work. This has been true for work initiated by the water department, the street department; any department is typically not at a building permit required, nor requested or filled out. And that's been going on since, well, dirt, so..."

"What you need to know is this is not an unusual situation for this Town initiated project". Resident Boyce asked Byvoets who does the oversight for the Town; Byvoets says it depends on the project. Boyce asked who did the oversight for Stop 24. Did the building commissioner do it? Byvoets said "No, no one, we count on the contractor to do it".

Boyce asked how you justify a contractor charging \$3000 for something when the contractor says he doesn't know where it is. Pete says he "doesn't justify it", he's counting on Nick to go through the process. Nick then reiterated that Global, Aegis, and Green Demo addressed all questions brought to them tonight.

Council Comments:

Jane Neulieb feels fully satisfied with Green Demolition. But the Park Department taking over service of the Stops is no benefit to the Town. She suggested Joy have a real plan to present to the public at the next meeting regarding the resolution passed tonight. She also announced everyone should call the DNR to protest the sand moving on the beaches.

Claims Approval: Motion by Schmitt and second by Byvoets to approve check numbers #15615 through #15687, totaling \$103,514.29 and salaries for June and July of 192,968.57 which included Summer Park Program employees, the Water Board and Town Council payments; approved by a vote of 5-0.

Meeting adjourned at 9:57 PM. with motion and second from Meyer and Schmitt.

Respectfully submitted,

Bill de Funiak Clerk-Treasurer