

Town of Long Beach
Town Council Meeting via Zoom
March 8, 2021
7:00 p.m.

Council members Bob Lemay, John Wall, Mary Lou McFadden, John Kocher, and Mike Johnstone participated in the online Zoom meeting along with Clerk-Treasurer Bill de Funiak, Police Chief Mike Swistek, Marilyn Jones & Associates with Becky Lempa, Kendra Bartlett for the Park Board, Attorney Chris Willoughby of Braje, Nelson & Janes, Street Superintendent Tom Dolph, and Mike Konicek of the HR Committee. There were also 35+ public participants.

Bob Lemay called the meeting to order at 7:00 p.m. The Pledge of Allegiance followed.

The minutes of the following meetings were approved unanimously:

February 8, 2021, approved on motion by Mary Lou McFadden, seconded by Mike Johnstone.

Public Hearing of March 1, 2021, approved on motion by Bob Lemay, seconded by John Kocher.

Police Department: Chief Swistek gave the February report. The Department handled 142 calls for service compared to 138 calls in February, 2020. They took a total of six incident reports.

Chief Swistek personally thanked the Street and Water Departments' employees for doing an exceptional job keeping the streets salted and clear from the snow.

Last week there were two separate incidents where individuals were stealing parcels from the front porches of residences. He encouraged all residents to watch the video that is out there, and he thanked the two residents who shared that video.

Amtrak called the Department today regarding rumors that the crossing at Karwick Road and US-12 would be closed for 24 days. That is not true. Amtrak is doing a rail replacement from Karwick Road west to Michigan Boulevard beginning March 15 in the evening hours starting around 7 p.m. each night. It will last 24 days, but the crossing will not be closed.

There were 35 traffic stops in February resulting in 3 citations, 27 written warnings, and 5 verbal warnings as well as 2 misdemeanor arrests. They also covered 12 residential alarms.

Police Commission: John Wall deferred to Chief Swistek, as John was out on a fire call for much of the Commission meeting. Chief Swistek reported that the commission talked about the golf cart ordinance on tonight's agenda and building security upgrades. Chief Swistek has talked to all three members of the Police Advisory Board (Bob Rose, Zach Neff, and Dan Moon) and will be meeting with them in the next couple of weeks. The Commission reviewed the law enforcement training the officers have been receiving in the last couple of months.

Moving forward, they are requesting a review of Police Commission voting procedures. The current ordinance calls for four voting members on the Police Commission. They respectfully request that this be changed to three voting members, two of which are Council members appointed by the Council President and a third member being an individual (Long Beach resident) selected by the members of the Police Department; namely, the deputies, not including Chief Swistek's office. The Chief would continue to serve as an *ad hoc* member of the Police Commission, but he does not feel he should have any voting rights on the Commission. With three voting members, it would eliminate the possibility of tie votes; and this would be similar to other law enforcement commissions in the area. Bob Gallagher, appointed to the Police Commission by the Town Council President, understands the possibility that he could lose his spot on the Commission or retain it if selected by the members of the Department. Mr. Gallagher graciously understands the proposal and wants to do what is best for the Department. With that, the Police Commission requests the Council to have Attorney Willoughby make an ordinance change if approved by the Town Council.

Bob Lemay moved that the Council proceed with the direction of the Police Commission. John Kocher seconded; motion passed unanimously. Attorney Chris Willoughby was asked to proceed with the ordinance change.

Chief Swistek also reminded everyone of the 5K run for Notre Dame School on Saturday, March 20. The Long Beach Fire and Police Departments will be assisting with that event.

Volunteer Fire Department: John Wall gave the February report for the Volunteer Fire Department. Their average response time was around four-and-a-half minutes for both fire calls (two) and medical calls (eleven).

Fire Commission: John Wall reported that the Fire Commission will meet Thursday, March 11, at 5 pm. This will be the first of three meetings to settle the Fire Department contract.

Residents, especially out-of-town residents are reminded that the Fire Department needs Key Holder names (someone local who has the key or alarm code in case of a call) so the Department doesn't have to break and enter to be sure there is no fire. Mary Lou McFadden suggested this reminder be posted on the town's web site and/or a letter be sent to residents.

If anyone is planning to do any major remodeling or demolition, please contact the Fire Department a week or two ahead of time. These situations provide valuable training opportunities for the Department.

The County is offering first responder training beginning in April and continuing through April. Anyone interested in becoming a first responder is encouraged to contact John Wall or Bill DeFuniak so we can arrange for the interested party into the class.

Street Department: Tom Dolph reported that they have plowed and salted the streets as needed. There were hydraulic issues with one of the trucks, but worked with it because they

couldn't be without the equipment for two weeks. They have been checking out the sweeper and will be sweeping soon. They have been patching holes in the streets and starting spring clean up throughout the town. They hope to be hearing some news on the community crossing grants soon.

Street Commission:

John Wall stated there was no Street Commission meeting, but there have been some developments to report. The Street Department did a fantastic job during the recent snowstorm.

Regarding the Community Crossing grant from 2020, they are meeting with the engineer and contractor early next week. There are a couple of issues on quality and problem areas, so they are still negotiating those.

The sewer project is coming up, and there will need to be some discussion between homeowners and the town. Bidding will occur in the fall, and the project may begin in the winter months.

Park Board: Board Pres. Kendra Bartlett reported they will be working with the Garden Club to improve the path in the park and widen it.

Tom Dolph will be putting up the tennis nets this week. They are going ahead with the plans to make half of the court into a pickle ball court, although they have had some problems with the contractors.

There will be new signs at all the beach stops to remind people of the "carry in/carry out" policy for trash.

Dune grass has been planted at Stop 18. It will take a full year to mature, so the "Do Not Disturb" signs will remain for that year.

Kendra stated they were open to suggestions about what to do at some of the stops where trash cans have been removed. Their next meeting will be March 22.

Once the rehab is done at Stops 21 and 23, they can go ahead with additional improvements, like benches. John Wall stated that Stop 21 is done from a structural standpoint; and at Stop 23, they are still waiting for DNR permits before they can start that work. Once we have the permits, the work will probably be done within six weeks. Chris Willoughby affirmed they are close to an agreement with the homeowners.

Kendra reported the metal stairs at Stop 20 should be completed soon.

Mary Lou McFadden reported that the Long Beach Civic Association would like to replace some of the benches in the park. They are working with the town so the benches don't sink into the ground.

Mary Lou also expressed a concern that many of the signs with "distress" instructions at the stops have been washed away in storms. Kendra will take inventory of where signs are still located, and the town or Civic Association will look into replacing them.

Chief Swistek noted that at Stop 24 there had been a sign indicating where the Town Hall is located. Tom Dolph said they have the old sign at the garage; but with the work needed, it might be better to just have a new sign made. Kendra will follow up on this.

John Wall reminded Kendra that the grant process for the Stop 24 improvement project included our responsibility as a town for public outreach regarding the flora and fauna.

Discussion moved on to the Summer Camp program. Bob Lemay thought the Town Council could schedule a Summer Camp program this year contingent on there not being a resurgence in the Covid virus and questioned whether Town Council wanted a Summer Camp program this year. John Kocher thought it could be planned. Mary Lou McFadden thought we might need a Human Resources person to handle interviewing and drug testing. Sarah Plooster, head of the Summer Camp Program, said she and her fellow Director have been taking care of the interviews, drug testing, and background checks abiding by the rules provided by the Town Council. Kendra commented that Sarah and her Director are all teachers, so they have all been vaccinated and have been dealing with Covid protocols all year. Mary Lou was concerned that there needed to be an HR person to verify I-9 forms, drug tests, and orientation. Bill DeFuniak stated that there have been pieces of this paperwork done at Town Hall, but neither he nor Deanna have the time to do that paperwork. It needs to be organized for them. He doesn't want to place it all on Sarah, but they would need additional assistance with some of this. Sarah has helped on the I-9 forms in the past as well. Sarah and her assistant have done reference checks for new employees and noted that there is very little turnover from year to year. Bob Lemay moved to save the town some money and let Sarah handle these responsibilities. John Kocher seconded; motion passed on a 4-1 vote.

Community Center: John Kocher reported that the Community Center Committee will have their first meeting on April 5 in Room 12 at the Community Center; everyone will be masked and distanced. Mary Lou McFadden inquired when the floors will be vacuumed and cleaned. Bob Lemay stated it would be done in the near future. Bill DeFuniak commented that two tenants are paying half rent without a lease and the YMCA has paid no rent. Are we going to charge half rent for the first six to eight months or will we have any rent? It was stated this would be discussed when we get to the Executive Order update.

Water Board: Mary Lou McFadden reported that the Water Board met on February 22. They are working on the bills. The next meeting is March 22 at 9 a.m. on Zoom.

Budget and Finance: Bill DeFuniak reported the Committee met on February 10. Currently we are in a good financial position. We will have another meeting this coming Wednesday at 8:30 a.m. So far we have spent almost none of the money for the paving that has been finished. We also have almost all of the \$1,000,000.00 set aside for beach remediation. We don't have any information yet on whether we will receive an award from INDOT for the CCMG. Haas Engineering put together an abbreviated request due to the short time frame. We should probably talk to Rieth-Riley and pay them at least \$500,000.00 as a progress payment. John Wall stated they would be meeting with Rieth-Riley on March 10.

Human Resources Advisory Committee: Bill de Funiak reported they met the previous Thursday. They will have an introduction for Chief Swistek so the public can meet him. It will probably be a Zoom meeting. The salary survey has been completed, but we need another meeting to discuss the details. Bill met with Mike Konicek, who graciously offered to put together the material on the Town Manager job description. The changes have been agreed upon. Bob Lemay moved to go ahead and post the Job Description as soon as it is in its final format. Motion was seconded by Johnstone. Motion carried unanimously.

Building Commission: Bob Lemay reported the Commission met on February 12. Two permits were denied. At 2610 Lake Shore Drive, they wanted to do extensive work; and there were problems with the side setback and lot coverage as well as two residences on the lot. At 2318 Hazeltine they want to increase their footprint and increase the volume. Both residents will go to the Board of Zoning Appeals.

Board of Zoning Appeals: The Board met on February 9. They re-elected Mike Gorman as Chairman and Rich Jercich as Vice-Chair. The preliminary hearing for variance at 2318 Hazeltine will be at the March 9 meeting.

Advisory Plan Commission: The Commission met on February 22. There was a long discussion on the consolidation and changes to the shoreline protection ordinance. The solar ordinance was tabled until the March 15 meeting, where they will also look into the possibility of an ordinance limiting the maximum size of a Long Beach residence.

Building Permit Revenue for February, 2021:

8 permits totaling \$89,252.00 with Revenue of \$1,853.00

3 Electric permits issued totaling \$764.00 with Revenue of \$76.40

February Legal Expenses paid \$16,331.78

\$10,081.78 to Braje, Nelson & Janes and \$6,250.00 to the Corydon Group.

These reports and claims were approved unanimously on a motion by Bob Lemay and seconded by Johnstone.

Old Business

Town's Executive Order Update: The Community Center has been at limited capacity with a limit of five people in the Y at a time. That room is really big, and the county is now in the blue category. Bob Lemay moved that we allow the Y to have 10 people in the room at a time, socially distanced and masked, with the right to cut back that number if the pandemic numbers rise again. Mary Lou McFadden seconded, and the motion carried.

The Pickle Ball players would like to get back into the Community Center. It is a socially distanced sport. We could allow them in, like the Y, socially distanced and masks. John Kocher moved and John Wall seconded that we allow Pickle Ball.

Bill DeFuniak brought up the current lack of leases. He has put together leases in the past and wanted to know what the Council wanted to do, perhaps short-term (six- or seven-month leases at partial rent) to be reviewed later in the year when things are fully open. Some lessees are in the building with limited capacity and some are not in because their activities are not conducive to social distancing. Joe Jogmen will work with Bill on this.

There was considerable discussion about keys and finding the gym unlocked and used when it shouldn't have been. At some point, we may want to look at rekeying the gym and all entrances. For now, it was agreed that the person in charge of Pickle Ball will be given a front door key and a gym key and would be responsible for it.

LSD Sewer Update: The Haas agreement basically lists their fee structure. Chris Willoughby reminded the Council that Haas's client is the Michigan City Sanitary District. While they are technically giving the approval, Haas is also keeping the Town of Long Beach informed. Bob Lemay moved that he be allowed to sign the agreement. Mary Lou McFadden seconded, and the motion carried. John Wall reminded everyone that should the project fall apart at some point, however unlikely, the Town of Long Beach will still be responsible for engineering costs.

Stop 24 Project Update: Bill DeFuniak stated that the town has received almost \$85,000.00 as the first payment from the Coastal Grant and the remaining \$15,000 is for project completion.

New Focus HR LLC Salary Survey: The survey has been completed. We need to schedule a special Town Council meeting for New Focus to present this information to the Council. Council members are to send dates they would be available to Bob Lemay. If he does not hear from them within the next couple of days, he will schedule the special meeting with the required 2-day announcement. Bob also suggested the salary ordinance be delayed until we have a chance to receive and digest the report.

Storm Water Utility: Some changes have been made, but Bill DeFuniak was not sure he had the final version. This will be on the backside of a new water bill coming in April.

Proposed Golf Cart Ordinance: Some amendments have been made. John Wall shared his screen to review the minor changes. Bob Lemay moved the ordinance be passed. John Wall seconded, and the motion carried. Bob Lemay moved to suspend the rules and consider the ordinance on second reading, McFadden seconded, and the motion passed. Bob Lemay moved that Ordinance #2021-04 be passed; J. Wall seconded. The motion carried and the ordinance was passed.

Tree Ordinance: The tree ordinance is still with the Conservation Committee.

Long Beach Volunteer Fire Department Agreement: This agreement will be discussed at the Fire Commission meeting on March 11 at 5 p.m.

New Business

Cyber Insurance: Bill DeFuniak has obtained a quote for cyber insurance from HSB, an A++ rated company. John Jones thought this would be the best rate the town could get and thought the premium would be between \$2,000 and \$4,000. The total quote for a \$1,000,000 policy is \$1,556.98/year. John Wall questioned whether the town currently has cyber insurance; we do not. There was a violation some time ago where the police side was shut down but the administrative side was not affected. John further questioned whether, once we have the policy, there would be discussions with the company. Bill stated they offered a 39- or 49-page of detailed suggestions of things we may or may not be able to do regarding encrypting. It is Bill's understanding from Jones that they would guide us with what is needed to make the town's computers the safest they can be. Bob Lemay moved we purchase this insurance. John Kocher seconded; motion carried. Bill will take care of this immediately, and we should be insured effective March 9.

Part-time Officer Salary Ordinance: Ordinance 2021-03 establishes a salary of \$25/hour for part-time police officers. This could provide a savings of \$10,000-\$15,000 per year in overtime and related costs. This amount can probably be more closely calculated before the next Budget and Finance meeting. Chief Swistek announced that our five new part-time deputies are full-time sworn police officers in surrounding agencies. They are Lt. Tim Richardson, a LaPorte County drug task force commander; Detective Corporal Marty Corley, a detective in the investigative division of the Michigan City Police Department; Officer Daniel Revoir, a patrol officer assigned to the midnight shift of the Michigan City Police Department specializing in OWI enforcement; Officer Patrick Lewis, a patrol officer on the afternoon shift of the Michigan City Police Department specializing in high traffic stop activity; and Richard Sosa, recently retired from the Michigan City Police Department and a Long Beach resident. Bob Lemay moved to unanimously consider the ordinance and suspension of rules on the same night. Mary Lou McFadden seconded; motion carried. Bob Lemay moved to pass Ordinance #2021-03. Mary Lou McFadden seconded; motion carried. Bob Lemay moved to suspend the rules and consider the second reading on the same night. Mary Lou McFadden seconded; motion carried. Bob Lemay moved to pass on second reading Ordinance #2021-03. Mary Lou McFadden seconded; motion carried.

Mo's Food Truck: Mo's would like to park their food truck on Moore Road in the corner by the parking lot of Long Beach Realty as they did last summer. There were questions about the safety and traffic in that area. Most of the patrons come as foot traffic from the beach. Also, that area is zoned residential, and it was believed that Long Beach Realty is grandfathered into that zoning. Chris Willoughby will check into this zoning issue, and we will revisit this permission next month.

Public Comments

Anita Remijas had several concerns. (1) There is an ordinance that residents have house numbers on their homes, garages, or mailboxes. She noted last August when she did census work that many houses do not have numbers on them. Perhaps with the Key Keeper initiative, Chief Swistek could send out an e-mail that is detailed and "has some teeth in it" to bring things up to date. (2) She is on the Civic Committee and the Park Board. They did discuss the benches in the parkway. She will reachout to the Beach Garden Club and the Civic Club to coordinate about the benches. (3) Regarding HR matters: there were many months where there was talk about job descriptions. Have they been completed. (The answer was that they were.) Also she sat in on the Water Board meeting and the same person, Pam, was put on for payment at the Water Board. If we are going to continue to add more work to one HR person, it might behoove the town to open this up to other people to look at. She did not hear anything at the Water Board meeting about the February 23 letter regarding the Water Board state audit and was wondering if it came up at the most recent Water Board meeting. Bob Lemay responded that the Water Board meeting, as are all meetings, is on the web site; and he believes the audit was discussed.

Brian Kanyer commented that he appreciates the Y is being opened to more people. He questioned if this included the adjacent room with the exercise bikes and whether that was a Y decision or a Town Council Decision. Bob Lemay responded that would be a Council decision and thought they could allow three people in there. There was a consensus of the Town Council to allow that. Secondly, Brian has an ongoing concern about the growing deer population in Long Beach. They are getting out of hand. In his yard alone, he often sees 8-10 deer. They are a health concern regarding Lyme disease and a traffic concern as they run into the roads. Would the Town Council have some sort of plan or education sessions where we can get together on the pros and cons of deer control. John Kocher mentioned that a few years ago a gentleman from the DNR was here, and the program was not well received. One problem is that people should not be feeding them. Perhaps we can begin with a public forum about the issue and what our options are. John Wall stated he has canvassed his neighbors recently and opinions ran the gamut. He has a contact person with the DNR. John would like to see us have some activity just to get the ball rolling. It is important that people know what we want to do and why. If so, will our Town Council endorse it? Bob Lemay took a straw poll of the Council members, and they will support this.

Tom King had concerns regarding the Water Department personnel issue. He is a CPA who designs control systems to detect and prevent this type of thing. The state auditors found an issue that was actual malfeasance behind this issue. A proper control structure should also detect errors as well as fraud. He hopes there is a real deep dive to assess where the system broke down. Also, a close look should be made at the controls in place and where they can be augmented because errors are made. Full transparency is important. Bob Lemay responded that there was a long meeting with the Water Board, Town Council, and State Board of Accounts discussing what should have been done and what needs to be done. Mary Lou McFadden added that those involved are not allowed to discuss it as it is a criminal matter and safeguards are being put into place.

Council Comments

Mary Lou McFadden commented that if people are out walking and notice street lights are out, there are two numbers on the poles. You can call NIPSCO at these numbers and they will fix the lights. John Wall also mentioned that NIPSCO has been going around and replacing the lights with LED bulbs, so there shouldn't be any more lights out for a long time.

John Wall also responded to Tom King regarding the Water Department situation. It is being addressed. As far as what they can and cannot talk about, the State Board of Accounts was very specific about a time frame during which they could not speak at all. There are some things outside of the criminal case they are talking about and will be able to report on within a short time frame.

Claims Approval: Check #17868 through #17931 totaling \$137,599.15. Salaries for February were \$64,236.34. Mary Lou McFadden moved and Johnstone seconded that claims be approved. Motion passed unanimously.

The meeting was adjourned at 8:55 p.m. with a motion by Mary Lou McFadden and seconded by John Wall. Motion passed unanimously.

Respectfully submitted,

Bill DeFuniak,
Clerk-Treasurer