

**Town of Long Beach**  
**Town Council Meeting** via Zoom  
**April 12, 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 Swistek, Zach Neff and Sarah Plooster for the Park Board, Attorney Chris Willoughby of Braje, Nelson & Janes, and Street Superintendent Tom Dolph. There were approximately 39 public participants.

Bob Lemay called the meeting to order at 7:02 p.m. The Pledge of Allegiance followed.

The minutes of the following meetings were approved unanimously:

March 8, 2021, approved on motion by Mike Johnstone, seconded by John Kocher.

Special Council Meeting of March 23, 2021, approved on motion by John Kocher, seconded by John Wall.

**Opening Remarks:** At the last meeting, there were concerns about the state audit of the Water Board. Bill de Funiak remarked that the Indiana State Police are still conducting an investigation, so some talking points are off limits.

On January 10, 2020, the Long Beach Water Office manager tendered her resignation. Afterward, it was determined that the State Board of Accounts should be contacted; and an investigation was launched the following month. The results were presented in a report that is available in the Clerk-Treasurer's office. Immediate action was taken to get control of the water billing and accounting. Soon after, two people were hired: one for billing and posting, and the other to maintain the general ledger and accounts payable. The person hired to maintain the general ledger and accounts payable resigned after a short time, and the person hired to billing and posting took on the additional tasks.

Several controls have been established. Bank reconciliations for the Town are done with cross checking by Deanna and Bill. Bank reconciliations for the Water Board are checked monthly by a member of the Water Board. There is now a very stringent policy that any credits or adjustments made must be approved by the Water Board with explanations provided. Any adjustment over \$5.00 needs Board approval.

All Town employees who handle fees are required to take the control training module provided by the State Board of Accounts.

Whenever possible, cash payments are counted in the presence of the customer or contractor submitting the payment and a receipt is provided to the customer. The receipt book is a state-mandated book reviewed by the State Board of Accounts whenever there is an audit. With the

building being closed currently due to Covid, some people have left cash in the secure water payment box. We endeavor to have two employees present when money is counted and recorded. We have also begun a quarterly review by an outside accounting firm to make sure everything is being done properly.

All information promised to the State Board of Accounts has been provided. The written policy should be done by mid-summer; the outside accounting firm is assisting us in formulating this policy.

**Police Department:** Chief Swistek gave the March report. The Department handled 195 calls for service filed 9 incident reports, made 73 traffic stops resulting in 22 citations, and made 2 felony and 4 misdemeanor arrests.

Last Thursday the Department was dispatched to Stop 22 to assist a homeless woman. Sgt. James Schooley went above and beyond the call of duty, listened to the woman's concerns and took her to the South Shore station, providing her with \$10 so she could take the train back to Chicago, which was her destination. Chief Swistek wanted to publicly commend Sgt. Schooley on his action in this case.

**Police Commission:** John Wall reported that the Police Commission met April 1. They talked about the building security upgrades initiated by Chief Swistek. The Policy Advisory Board met for the first time this year and discussed how they would proceed throughout the year. The 5K run for Notre Dame School was a successful event, with assistance from the Police and Fire Departments. Golf cart registration stickers should be available soon. Golf cart owners are reminded that all state codes applied to those moving vehicles should be followed. Bids will be opened this evening for the squad car being auctioned off. There are power boat races and jet ski races being planned for this year. Chief Swistek and John Wall have looked at the lakefront and are meeting with the organizers later this month regarding safety requirements. Chief Swistek will be participating on WE-FM's Community Focus show, which should provide some good public relations for our Town. The Commission is recruiting to replace one of our deputies who is leaving the force.

**Volunteer Fire Department:** John Wall gave the March report for the Volunteer Fire Department. The average response time was around four-and-a-half minutes for fire calls (four) and five minutes for medical calls (five).

**Fire Commission:** John Wall reported that the Fire Commission is negotiating the contract between the Town and the Fire Department. There is a basic meeting of the minds; Attorney Willoughby and John will be working on the language. It is hoped to have the contract finalized by the May Town Council meeting.

We have been talking about required equipment for many years. Some of our equipment is getting old and the station is crowded. At the Town Budget meeting later this week, we will be

talking about capital improvements and outlook for the whole Town and not just the Fire Department.

We have a couple of new recruits. About six people are currently going through the mandatory hazmat training and should be able to go out on calls within another month and moving on to Firefighter 1 and 2.

**Street Department:** Tom Dolph reported that they been sweeping the streets. The snow equipment has been put away for the year and have made sure the equipment for leaf pickup is ready for the spring pickup April 26-30. This will be a one-time pass. They have also been cleaning up the parks and placing new mulch. John Wall reminded residents to keep sticks and rocks out of the leaf piles as they cause damage to our equipment.

Tom would like to obtain his arborist certification for the Town. If approved, he would like to get started on that soon. Bob Lemay moved that Tom Dolph pursue his arborist certification; Mary Lou McFadden seconded. Roll call vote was taken; Motion carried.

**Street Commission:**

John Wall stated they are still working on clearing up the last of the 2020 Community Crossing grant. We made a large payment to Rieth-Riley this week. There are still a few issues we are working out with the engineer and Rieth-Riley. We have submitted a 2021 Community grant. We met with Haas recently and hope to hear soon about the grant.

**Park Board:** Sarah Plooster reported on summer camp plans for this year. The goal is to start June 21 for six or seven weeks, depending on school schedules. They will also be offering tennis. Applications for summer camp will be available June 1 on the website, their Facebook page, and via e-mail. They will begin interviews for counselors in about a month.

Zach Neff reported they have found someone to resurface, fix the cracks, and paint lines on the basketball and tennis courts. They will line the tennis courts for both tennis and pickle ball.

Work on some of the Stops continues with steps, board walks, picnic tables, etc. They and volunteers recently did a beach cleanup. At Stop 23, the work is ready to start; they are waiting for a permit to come through. John Wall reported negotiations are still ongoing for Stops 28 and 29.

The Park Board generally responds to g-mail within a day or two. Please send requests directly to [longbeachparkboard@gmail.com](mailto:longbeachparkboard@gmail.com).

The public is asked to use the trash bins and not leave trash at the top of the Stops.

Fireworks and a parade still tentative on July 4. After much conversation, on possible events in connection with July 4 and the Town centennial, Bob Lemay moved to proceed with making plans for July 4; John Kocher seconded. Roll call vote was taken and motion carried.

**Community Center:** John Kocher encouraged people to tune in to the Park Board meetings on the fourth Tuesday of each month to know what is available through the Park Board. Joe and Doug have made a priority project list. The restrooms in the Community Center are being cleaned weekly. The pickle ball players have worked out a system for them to get into the Center without being given keys.

**Water Board:** Mary Lou McFadden reported that the Water Board is looking for someone to work two days a week for Accounts Payable and the General Ledger. There were quite a few uncashed checks, more than three years old, that have been written off.

**Budget and Finance:** Bill deFuniak reported that \$752,000 has been paid to Rieth-Riley, shrinking the bank balance. We still have to hear from the contractor regarding beach remediation at Stops 21 and 23. We still have the \$1,000,000 bond minus the cost of setting up the fund.

There will be a meeting this Wednesday. We will be saving \$30,000 for the hydrant charges. The storm water utility has been established which will bring in about \$17,000 a month. Bill has prepared an ordinance which he will submit for next month's meeting about the American Rescue Plan, which involves Long Beach's part of the \$1.9 trillion. We will receive \$120,000 both this year and next for a total of \$240,000. Some of that can be used to offset rents which had been cut severely due to the pandemic. It can also be used for water and sewer and other related projects. That money must go into a separate account for accountability since it is federal money, and that account has been set up.

**Human Resources Advisory Committee:** Bill de Funiak reported there was a special meeting with the representatives from New Focus to discuss the salary survey. They matched job descriptions with at least a 60-70% match. The data was very helpful. We are fairly well matched with similar towns in regard to benefits.

The Human Resources Advisory Committee met to discuss the recommendations we received. We have a *pro forma* issue to discuss with some anonymity with recommendations regarding salaries. We recommend any salary adjustments made be retroactive to January 1. In the future, we need to start planning salary adjustments in October to pass salary ordinances in November and December.

Bob Lemay stated it has been recommended the police overtime be paid monthly rather than every two weeks and that HSA payments be made quarterly rather than annually. It was also asked if we could change our policy of paid time off and sick days to paid time off only. The Human Resources Advisory Committee has this on its agenda for June.

**Building Commission/Board of Zoning Appeals:** Bob Lemay reported that Pavey Excavating did some road damage on Mt. Claire Way. That will be resolved when paving is done later this year. Work was done at 1900 Lake Shore Drive without a permit. A stop work order was issued

for the outside work. At 3006 Lake Shore Drive they wanted to add a parking lot on a vacant lot. However, our ordinance states that can't be done unless there is a primary use structure; the request was denied. There was also an executive meeting to discuss legal matters.

The Board of Zoning Appeals heard a request from 2318 Hazeltine to increase the volume and footprint of their house. That has been set for public hearing. Two other issues were continued.

In other Building Commission matters: At 2700 Lake Shore Drive, the contractor did substandard work and left the job. We are waiting to see if this window company will document the substandard work. At 2500 Lake Shore Drive, the owner wanted to repair a deck and increase its size and put on a new roof. As this is a lot with a non-primary structure, the request was denied. The homeowner at 2910 Belle Plaine wanted to put a garage on the other side of the road from their home. At 2941 Lake Shore Drive, if they want to do what they propose, they will have to combine the lots legally.

**Advisory Plan Commission:** The Commission met on March 9. They discussed proposed amendments to the shoreline protection ordinance and hope to have a final version ready soon for the Town Council. They are working on the solar ordinance. They had a request to change the address of 2403 Lake Shore Drive to 2402 St. Lawrence. There are issues involved in that change that still need to be discussed, so the request was tabled until the next meeting in order to gather more information. Advisory Plan Commission member Kathleen Beeler is unable to attend the meetings. Hers was a Presidential appointment, so Bob Lemay can select her replacement. Bob selected Doug Beeler as a member of the Commission, effective immediately.

Building Permit Revenue for March, 2021:

14 permits totaling \$432,973.00 with Revenue of \$5,143.00

6 Electric permits issued totaling \$1,142.00 with Revenue of \$114.20

1 Street Cut/Bore Permit to Comcast with Revenue of \$100.00

March Legal Expenses paid were \$8,299.22 to Braje, Nelson & Janes plus The Corydon Group, Lobbyist, \$6,250.00.

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

### **Old Business**

**Town's Executive Order Update:** The Community Center is open for the Y and the pickle ball players. The ping pong players and mahjong ladies would like to play. The mahjong players have all been immunized and state they will remain masked and social distanced. The Community Center Committee will need to figure out how these groups will access the building.

Bob Lemay moved to allow the ping pong players and mahjong players to enter the Community Center. Mike Johnstone seconded. Motion carried with a roll call vote.

**LSD Sewer Update:** We are still on track. The final engineering is progressing.

**Stop 24 Project Update:** A public outreach is still being planned for this spring but has not yet been scheduled. The Save the Dunes Council had to put out a Request for Proposal for a maintenance plan. Once they get a proposed plan and a contract for the plan, they will advise the Park Board what kind of maintenance will be needed. There was also a Zoom meeting with NOAA about how smoothly the progress went and how grateful we were for the money they contributed to the project. Bill DeFuniak stated there is still \$40,000.00 in the 2021 budget for Stop 24, but it will probably not all be needed.

**Golf Cart Ordinance #2021-04: An Ordinance Establishing Golf Cart Usage Regulations in the Town of Long Beach, LaPorte County, Indiana** was passed last month and is in the process of being implemented.

**Tree Ordinance:** Bob Lemay proposed the following changes:

On page 2, under Definition of Tree Lawn, it talks about pavement to the edge of right of way measured from the center of the roadway is generally 25 feet. That is true for Lake Shore Drive, but it is 20 feet on all other roads. We can check on that to be sure.

On page 3, it states "The Town Tree Board may have the authority to consult with a certified forester as necessary and shall coordinate with the Street Superintendent." Perhaps we could just say "and coordinate with the Street Superintendent" (deleting "shall") and then we can delete "on the preferred forester."

On page 4, there is a paragraph under Section 9, Pruning, in red that states "Pruning shall begin only after the homeowner has been notified." That should say "the adjacent homeowner" because we are talking about trees in the right of way.

In Section 11 on Interference with the Town Tree Board, it says "It shall be unlawful for any person to prevent, delay, or interfere with the Town Tree Board or people working for the Tree Board or under their direction." We need to make that clear. It also talks about stumps being removed. We have two different things stated. One place says they must be removed within one week of completion; another place says they must be removed when conditions allow. We should go with "when conditions allow" and make it easier for the Tree Board to do their job.

On the next page regarding appeal of Tree Board decisions, it says any appeal shall be initiated by filing a written request with the Town Council requesting an appeal of the Tree Board's actions and decisions. This must be received for the Tree Board begins the work.

In Section 14, Public Nuisances: “Any tree, shrub or other plant located on Town property by reason of location or condition constitutes an imminent danger to health....” If the Tree Board decides there is an imminent danger to health, that should not be an appealable decision.

Attorney Chris Willoughby was asked to make these changes, and the ordinance will be brought back to the Town Council next month.

**Long Beach Volunteer Fire Department Agreement:** This was addressed earlier in the meeting. The revised version of the agreement will be ready for the next Town Council meeting.

**Moe’s Food Truck:** Moe wants to put a food truck on Moore Road in the parking lot. This will require an ordinance change because this is a residential district. Bob Lemay moved we not allow food trucks at the Moore Road parking lot location. Mike Johnstone seconded. Motion carried with a roll call vote.

### **New Business**

**Opening of Bids for 2013 Police Vehicle:** Bids for the 2013 Ford Taurus cruiser were to be submitted by 2:00 p.m. today. Two bids were received. Bids were opened. One was from Mr. Dabbaug offering \$2,068.00 for the vehicle. The other bid was from Emergency Remarketing for \$778.13. Bob Lemay moved we go with the highest bid. Mary Lou McFadden seconded. Motion carried with a roll call vote.

**Salaries:** The Human Resource Committee recommended a 4.9% increase, which would cost the Town \$27,600, and \$4,300 for overtime, for a total of \$31,900. Bill DeFuniak commented that an adjustment on seasonal employees 774 and 775 was to be 0% instead of a 2% increase. According to the salary survey, these are not necessarily merit increases but increases to get people right-sized to where they should have been. The Human Resource Committee had made proposals on three levels (high range, low range, and middle range). The Council needs to get the entire proposal. It was recommended that all Town Council members watch the latest Human Resource Committee meeting, and Bob Lemay will schedule a join meeting of the Town Council and the Human Resources Committee.

**3-Person Utility Board:** State Law requires a 3-person Utility Board. These can be current Town Council members. The Board was filled by volunteers Mike Johnson, John Wall, and John Kocher.

**Ordinance Re-Establishing CCD:** We need to have a public hearing. The ordinance (or at least the title of the ordinance) should be read.

**Ordinance #2021-05 for the Town of Long Beach Re-Establishing the Cumulative Capital Development Fund** Pursuant to IC 36-9-25-5. It is basically to re-establish the fun at 5 cents per \$1,000 of asses valuation.

Bob Lemay moved that we consider this ordinance. Mike Johnstone seconded. Motion carried unanimously.

Bob Lemay moved to approve this ordinance. Mike Johnstone seconded. Motion carried unanimously.

Bob Lemay moved to suspend the rules and reconsider this ordinance on second reading. Mike Johnstone seconded. Motion carried unanimously.

Bob Lemay moved to approve this ordinance on second reading. Mike Johnstone seconded. Motion carried unanimously.  
(Roll call votes were taken on all above)

**Retirement Health Benefits:** When a police officer retires after a certain number of years and at a certain age, the Town offers the retiree basically COBRA benefits paid by the Town until reaching age 65 few some *caveats* (i.e., if they get another job, it stops). While we have to offer these benefits, the Town is not obligated for pay for them. Attorney Chris Willoughby will review the state laws on this matter. The Human Resource Committee will also forward their recommendations. This issue will be tabled for now.

**Silvertip Lane Easement:** A homeowner at 2028 Silvertip on the steep part of the street. The property abuts an alleyway not being used by the Town. He would like to purchase the alleyway from the Town at a minimal cost. Attorney Chris Willoughby stated that before the Town Council gives an opinion, there is a process, including appraisals and making a public offer before the Town Council can make this decision. Homeowner Paul Walczak clarified the reason for the request. This item was tabled until the next meeting.

**LED Stop Signs:** Chief Swistek reported they have been analyzing traffic flow on some of the more heavily traveled roadways. They have identified two intersections for current attention. The first is Florimond and Hazeltine, where there is a 4-way stop, which is basically ignored. The Police Department would like to install a 30" LED flashing stop sign and paint stop bars on the asphalt and recommends moving the stop sign handling eastbound traffic about ten feet nearer the intersection. He would add a third LED flashing sign westbound coming out of the Country Club. It is thought that the Board of the Country Club may be willing to donate funds to the Town to assist with the cost of the third sign.

The other intersection is Roslyn and Oriole, traveling eastbound and westbound on Oriole near the Community Center. Again, he recommends the 30" LED flashing signs and painting the stop bars on the roadway.

In addition, the Chief would send a public awareness e-mail informing the Town residents of the changes in the traffic regulations; and there would be increased enforcement. The cost of these signs would be \$1,900.00 each. Bill DeFuniak stated we could find the money for this

project. Discussion ensued. Bob Lemay moved we purchase these signs and paint the stop bars. Mike Johnstone seconded. Motion carried with roll call votes.

**Commercial Power Washer:** Chief Swistek would like to purchase a commercial power washer to install in the Police Department's back garage. It would be mounted on the east wall of the garage to help maintain the vehicles and other equipment. He felt it would be worth the cost of \$1,605.98. We do have the money for this. John Kocher moved we purchase the power washer. Mike Johnstone seconded. Motion carried with roll call votes.

**Grant Application—Community Hunting Access Program:** Our Town definitely has a deer problem. We have applied for a grant for communities that need a reduction in the deer population. This grant pays for deer stands and hunting licenses. This would involve bow hunters, not rifles. Paul Fithian made a presentation about the program and answered questions. This issue will be tabled until next month to allow time for public comment at this meeting and through the mail.

### **Public Comments**

Anita Remijas commented regarding the 100<sup>th</sup> anniversary celebration of the Town. The Civic Association will do the fireworks and parade on the 4<sup>th</sup> of July along with a poster by a South Shore artist. Posters will be available for sale, possibly on July 4. They are also working with a couple of writers on a Beacher article. She also commented on the flashing stop signs. She lives at one of the stated intersections and is in favor of the signs as she sees the traffic that flows through there without stopping.

A resident commented regarding the deer discussion. She is concerned about the safety for residents, children, and pets. The resident stated that because we don't know who these hunters are, or are not vetted by the Town, we are opening the Town to liability suits by homeowners. (Paul Fithian responded that they will have the names and information on all hunters and will qualify them.)

Mary O'Neil commented she was all for the deer program. She sees the deer down by the beach, and they look sickly. She does have a concern about the flashing stop signs, even as she agrees that people roll through a lot of the stop signs.

Brian Kanyer stated that he provided the names and phone numbers of 13 potential hunters, including some of their e-mail addresses. He knows that at least five of them are certified by the state as animal control specialists.

### **Council Comments**

There were no further Council comments.

**Claims Approval:** Check #17932 through #18016 totaling \$914,474.38. Salaries for March were \$59,467.79. Bob Lemay moved and Mary Lou McFadden seconded the claims be approved. Motion passed unanimously with roll call votes.

The meeting was adjourned at 9:57 p.m. with a motion by Mary Lou McFadden and seconded by Mike Johnstone. Motion passed unanimously with roll call votes.

Respectfully submitted,

Bill DeFuniak,  
Clerk-Treasurer