

Town of Long Beach
Town Council Meeting via Zoom
May 10, 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 also 60 total 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:

April 12, 2021, Town Council meeting minutes were deferred to the June meeting
Town Council/Building Commission Executive Session, approved on motion by Mike Johnstone, seconded by John Kocher.

Special Council Meeting of April 22, 2021, approved on motion by Mike Johnstone, seconded by John Kocher

Special Town Council/Human Relations Committee Meeting of April 26, 2021, approved on motion by Mike Johnstone, seconded by Mike Kocher

Opening Remarks: Bob LeMay noted that the state legislature has decided votes on all Zoom meetings must be by roll call. Also, since there are a number of people wishing to comment this evening, comments will be limited to two minutes per person.

Police Department: Chief Swistek gave the April report. The Department handled 217 calls for service and made 10 arrests, 2 felony and 8 misdemeanor. Chief Swistek highlighted commendable work done by Deputy Babcock and Deputy Yagelski in two different incidents. There were 11 OWI arrests in April.

The Department has put in a requests for stop signs on Moore Road. They will be moving the radar speed trailer to Moore Road for a 2-week period. A report on that data will be presented at the next Town Council meeting. Only 11 golf cars have registered so far; the Country Club will register 514 cars for us and forward a check to the Clerk's office. The alarm panel on the fire detection system in the Town Hall was replaced last week. The vehicle awarded on public bid last month has been picked up, and the two new vehicles are in service. New duty ammunition has been distributed to the deputies, and Chief Swistek is waiting for practice ammunition. Holster sensors have been installed on the holsters of all full-time deputies. When a deputy unholsters his duty weapon, the deputy's body armor camera will automatically activate. Chief Swistek thanks the Park Department and its Board for their support of the Police Department's community outreach.

Police Commission: John Wall reported that the Police Commission meeting was postponed until later this week.

Volunteer Fire Department: John Wall gave the April report for the Volunteer Fire Department. They received 9 calls year to date; in April, there were two fire alarms and a stand-by call for mutual aid from another department. Their average turnout was eight. There have been 35 medical year to date, with an average turnout of six. The average response time was 4.4 minutes for fire calls and 4.3 minutes for medical calls year to date.

Fire Commission: John Wall reported that the Fire Commission met and had significant discussion on the fire contract. It is now in final form and ready for action at tonight's meeting. The Commission also talked about the ice cream social; a decision will probably be made in May. We will have four or five representatives of the Fire Department attend the FDIC in Indianapolis in August. The Fire Commission probably will not have any meetings through the summer.

Street Department: Tom Dolph reported that the spring leaf cleanup has been completed. They have cleaned up the area around their shop. All parks have been cleaned and are being mowed as needed. We are sweeping the streets after the leaf pickup. They are working on street signs that need to be repaired or replaced after the winter. The street signs for the Florimond Avenue intersection have been ordered and should be received soon. Tom is still waiting to hear from the manufacturer what kind of software is available to customize times to turn the signs on and off. They received information regarding this year's Community Crossing Grant; the preliminary award for this year is over \$326,000 for street paving.

Street Commission: John Wall stated they have met, but there is not much to report. A lot of residents have left bags of yard waste standing by the curb. Please share with your neighbors that Republic will not pick up these bags, and that our leaf pickup is done; they will have to find another way to dispose of this yard waste.

Park Board: Zach Neff reported that they hope to have the work on the tennis courts completed by mid- or late-July. Janice Brown and members of the Garden Club have done a lot of work on the paved path through the park. By July 4 the path should look much like it did about fifty years ago.

At Stop 24, people are pulling their cars down the gravel drive. Tom Dolph will install two collapsible bollards at the top of the sidewalk so people with wheelchairs, strollers, and wagons can get through but cars and golf carts cannot. Chief Swistek and his deputies will be able to unlock a padlock and collapse the bollards if they need to drive a vehicle down there. The bollards will be ordered this week, and we should have them in a month or so. There is also a "10- minute parking zone" sign missing at Stop 24 which will be replaced. They are also planning to replace the sign at Stop 24 indicating where the Police Station, Fire Department, and Town Hall are.

The Civic Association is taking care of the July 4th activities .

Work has begun on the stairs at Stop 20. People have asked about beach access over the abutment at Stop 24. Nothing will be done until the water level is down for a significant period of time. Anything we would put there temporarily would wash away with the first storm. There have been questions about Stops 28 and 29. There is a lot of washout at Stop 28, and nothing can be done at the present time due to the water level. There will be ads in The Beacher about the new carry in and carry out policy.

Sarah Plooster reported on a camp update. They have worked out the wording for the Covid disclosure waiver. She has sent a proposal for the offered activities, including Tai Chi and a movie in the park with social distancing and moving activities outdoors. With smaller numbers, we can track them as necessary. The movie in the park is typically around the time of the ice cream social, possibly July 3. Tai Chi can be offered anywhere from monthly to every other week. Bob LeMay offered tentative approval on these offerings and see about giving formal Town Council approval at the June meeting, depending on the pandemic. Summer Camp registration forms will be available online June 1.

Mary Lou McFadden reported that the Civic Association wants to replace some of the benches that are falling into the ground. Tom Dolph will work with the Civic Association on this project.

At Stop 16, there is a paved walkway that turns into a boardwalk down to the platform. Resident Dan Stecich brought the Town Council a proposal from the Stop 16 residents. Parts of the boardwalk are starting to deteriorate. He was told there is a repair and replace ordinance, but money would not be available this year, and only possibly next year. The residents would like to fix those sections or replace them with an Access Mat, which is a thin, nonwoven polyester roll that stakes into the ground. It is environmentally friendly and ADA compliant. If approved, the Stop 16 residents would have to agree to pay for it. At the end of the season, it can be rolled up (it comes with its own carrying straps) and some of the residents have offered to store it in their garage through the winters. Bob LeMay recommended they go through the process of getting a permit; the Park Board would request the Building Permit as it would be on Town property. The residents have agreed to purchase and care of its installation and storage, but with the building permit, the Park Department or Building Inspector would be responsible for supervising it. Dan mentioned that there are some sections that need to be removed down toward the beach. Can they get assistance from the Town to get rid of the old sections? Tom Dolph agreed that the Street Department can help with that. Bob LeMay moved to allow the residents of Stop 16 to install this Access Mat system at Stop 16. John Kocher seconded. John Wall suggested we make sure that private individuals installing something on Town property are covered for liability and installation. Chris Willoughby suggested a simple license and indemnification process should suffice. The motion passed unanimously.

Community Center: John Kocher reported that the Community Center Board had its first meeting in a while last week. They discussed priorities for the building, and they are in the process of switching the building to cooling.

Kocher then introduced Sue Keenan, a new member of the Community Center Board. Sue proposed having an art fair in the park as a fundraiser. There would be twenty to thirty artists, who would pay a small fee and set up their own spaces. The Park Department said they would consider having some porta-potties available. Everything would be spaced out to be socially distanced. Bob LeMay offered preliminary approval with a final decision on approval at the June meeting, depending on the pandemic. Sue Keenan stated they do not anticipate advertising in the Beacher and not having a big event for this first time around.

Water Board: Mary Lou McFadden reported that the Water Board is looking at a job description for Assistant Water Superintendent as well as the other two job descriptions. They have an opening for a part-time position for Thursdays and Fridays, which they have advertised in the Beacher and the La Porte County Herald-Dispatch. They need a bookkeeper and someone who knows accounts payable.

Everyone who has a sprinkler system should have a test on their backflow preventer. We will come up with a policy for next year to have sprinkler system backflow inspected, as it is too late to do this year because many people already have their sprinkler systems turned on.

They are working on the addendum to the tap fee ordinance. Lynne is working on the vacant lots so they are charged the storm water fee. The Stop 21 water fountain was turned off a couple of years ago. The Park Department has requested it be turned back on, and they would cover the water bill. The Board is raising the fee for non-emergency after-hours calls; that was approved at their last meeting.

Budget and Finance: Bill De Funiak reported they had an extensive presentation by the accounting firm of Cender & Company. Carl Cender provided a review of the first quarter. We are in a very good situation financially, even though we have some major expenses coming up. We have not received any invoices for beach remediation yet, but we should have sufficient funds available for that. We have to look at our portion of the \$326,000 INDOT CCM grant for paving. According to John Wall, the engineering expense won't be as much as it has been because there will be less drainage work. We will be getting our tax receipts in late June; we are expecting \$750,000-\$850,000. The next meeting will be the second Thursday instead of the second Wednesday.

Human Resources Advisory Committee: Bill de Funiak reported there was a combined Town Council and Human Resources Committee meeting at which they reviewed the salary survey. Three proposals were presented for both the Police Department and non-police employees. By a 3-2 vote, they selected salaries for the employees that seemed to fit the survey and the Council's approval. That salary ordinance will be available later in the meeting for the Council's approval.

Mary Lou McFadden reported that she began working on the consolidation of timesheets last August with a consultant who was free of charge to the Town. They had it down to one time

sheet, and it was decided one was needed for the Town and another for the Police Department. Chief Swistek said he could work with what they had, and he keeps separate records in a notebook that satisfies the State Board of Accounts. The police are used to being paid every other week with their overtime. Chief Swistek stated that the deputies work 84 hours per pay period and only get overtime pay for time beyond their 12-hour shifts, if they work on their day off, or if they are called in to work. Bob LeMay asked Mary Lou to run this by the Human Resources Committee to be sure they are in agreement with this system. The Committee will have a special meeting to talk to applicants.

Building Commission: There was no meeting this past month, but there will be a meeting on Friday.

Board of Zoning Appeals: The preliminary hearing for Andrew and Maria Smith at 2610 and 2616 Lake Shore Drive was postponed until tomorrow's meeting. Bruce and Lisa Miller at 1409 Lake Shore Drive is scheduled for a public hearing tomorrow. Paul and Julie Walczak at 2028 Silvertip is scheduled for public hearing tomorrow. There was a public hearing for William and Amanda Kenefick at 2318 Hazeltine; their request for three variances was granted.

Advisory Plan Commission: The Commission met on April 19. They again considered proposed amendments of restatement of the shoreline protection ordinance; it will be discussed at their next meeting. They discussed with the Town needs a maximum size building ordinance; this matter was tabled. The solar ordinance was discussed and will be discussed again in a week. The right of way ordinance was discussed and will be discussed again in a week. The request to change the address of 2403 Lake Shore Drive to 2402 St. Lawrence was tabled and will be discussed next week.

Building Permit Revenue for April, 2021:

18 permits totaling \$217,719.00 with Revenue of \$2,738.00

3 Electric permits issued totaling \$623.00 with Revenue of \$62.30

March Legal Expenses paid \$8,382.50:

\$8,302.50 to Braje, Nelson & Janes and \$80.00 to Auistgen Kuiper Jasaitis and \$6,250.00 to The Corydon Group, Lobbyist.

Bob LeMay questioned the \$80.00 amount for Auistgen Kuiper Jasaitis. Deanna Carlson will pull the invoice and check to see what that fee was for.

These reports and claims were approved unanimously on a motion by Bob LeMay and seconded by Mary Lou McFadden.

Old Business

Town's Executive Order Update: Last month we opened the Community Center to the bridge group and approved the Summer Camp to go forward. The July 4th events are still up in the air. Bob LeMay questioned whether we could give the Civic Association permission to go ahead with the beer and food trucks as long as the county is yellow or better. John Wall mentioned there is also a requirement to let the county know what your function looks like. Mary Lou McFadden reported that the Civic Association is not moving forward unless it is safe. She also reported that residents have concerns that when using the playground there is no access to the restrooms in the Community Center unless one is a Y member. It was also questioned how safe it will be with Summer Camp if on a rainy day all of those people are in the gym. Bob LeMay recommended that Summer Camp be canceled if there is a rainy day.

LSD Sewer Update: The sewer line will go down the middle of Lake Shore Drive with laterals going off to the right-of-way of properties on the north and south sides of the Drive. Residences on the north side will be required to hook in to the sewer while it will be optional for residences on the south side of the drive. We need to contact all property owners to determine where they want the laterals to come on to their property. Many of these property owners are not year-round residents. We need this information by June 30. It was suggested we contact these property owners by certified mail. John Wall, John Kocher, Joy Schmitt, and Mike Kuss of the Michigan City Sanitary District will meet via Zoom on Wednesday evening to work on this letter.

Stop 24 Project Update: There is nothing new on this other than what was reported by the Park Board.

Tree Ordinance: Bob Lemay proposed the following changes:
Under Definitions, we should make it clear that Town trees include those in the right-of-way. It was also discussed whether we need to spell out the measurements of right-of-way (20 feet on all roads except Lake Shore Drive, which is 25 feet).

In Section 99.12, it states stumps may be removed when conditions allow; then it states "stumps and debris should be removed within one week." Perhaps we should remove "stumps and" so that it reads "debris should be removed within one week."

Under "Interference with Town Tree Board," the two "of"s could be deleted.

In Section 99.15, Appeal of Tree Board Decisions: Add a sentence at the end "Appeal must be received before the work begins." Later, we also want to say that when the Town deems there is an emergency and public safety is at risk, that is not appealable.

Section 99.17 states that permits are not needed for Town employees; we should include contractors working under Tree Board supervision. For contractors working for homeowners removing trees from Town property (i.e., right-of-ways), the Tree Board will need to come up

with a permit form. Chris Willoughby will send the amended ordinance to Bob LeMay who will forward it to Dr. Yuhasz. We will, hopefully, finalize this next month.

Long Beach Volunteer Fire Department Agreement: Bob LeMay moved to approve the proposed agreement with exhibits. Mike Johnstone seconded. Motion passed unanimously with John Wall abstaining.

Salary Ordinance: Bob LeMay moved to approve the salary ordinance as written. Mike Johnstone seconded. There was concern that some necessary elements were not included. Bill de Funiak checked the ordinance with the State Board of Accounts, and they approved of it. Chris Willoughby raised a concern that it did not include Town policy regarding retirement health benefits. It was determined that would be in the Policy Handbook and not pertinent to this salary ordinance. The ordinance does include the Water Board but not the Town Council. This needs to be corrected, and the vote on the motion was tabled until next month.

Ordinance Amending the Police Commission Enabling Ordinance of Long Beach: Bob LeMay moved to amend it so Commission members would have 4-year terms to be concomitant with Town Council terms. John Kocher seconded. Motion passed unanimously.

Bob LeMay moved to suspend the rules. Mike Johnstone seconded. Motion passed unanimously.

Bob LeMay moved to pass on second reading the Ordinance Amending the Police Commission Enabling Ordinance of Long Beach. Mary Lou McFadden seconded. Motion passed unanimously.

Retirement Health Benefits: The Town is required to offer retiring public safety officers the same health insurance benefits that it offers active officers. However, the Town is not required to pay the entire premium. The Human Resources Committee suggests that retired officers participate in paying those premiums. There are other requirements as well as what determines eligibility or disqualification of benefits. Chris Willoughby has the state statutes on this. He will prepare this material in line with the statute and ready for the Council to plug in the percentage the Town is willing to pay. We also need to research what neighboring towns offer. We will revisit this matter next month.

Silvertip Lane Easement: The homeowners on Silvertip Lane will appear before the Board of Zoning Appeals tomorrow; this item will be tabled until the next meeting.

This brought up related matters. The Town Council may want to consider if this might lead to a more widespread matter requiring a Town policy. Also, there are several roads that are not on the Town's road inventory. We need to determine the status of those roads. This needs to be added to next month's agenda.

Deer Hunting Program: There are too many deer in Long Beach, which raises concerns regarding car accidents, vegetation being eaten, and disease transmission. Chris Willoughby has prepared a non-binding resolution for the Town Council to approve regarding moving ahead with the DNR on a Community Hunting Access Program. This resolution would also allow us to apply for grant money from the DNR for this program. Public comments were read and heard. Bob LeMay moved we pass the proposed resolution. John Wall seconded. John Kocher commented that if this resolution passes, it does not necessarily mean the hunt will happen; it allows the Town to look into this further and request funding. We can still elicit more information and community input.

New Business

Addendum to Water Tap Fee Ordinance: Mary Lou McFadden introduced on behalf of the Water Board an amendment to the ordinance to clarify that materials and expenses for installations and repairs made at the customer's request will be the responsibility of the customer. Bob LeMay moved approval of the ordinance amendment. Mike Johnstone seconded. Motion passed unanimously. Bob LeMay moved to suspend the rules to consider the ordinance amendment on second reading tonight. Mary Lou McFadden seconded. Motion passed unanimously. Bob LeMay moved to approve the ordinance amendment on second reading. Mary Lou McFadden seconded. Motion passed unanimously.

Water Department: John Kocher, in looking at the Town budget, questioned why we need a Water Board. It was explained that in years past the Water Department was a private utility. When that was dissolved, the Town had its own pumping station and water intake in the lake. Later requirements caused the Town to begin getting water from Michigan City. Perhaps we no longer need a Water Board. Chris Willoughby stated that if the Water Board were disbanded, the Water Department would be under the Town Council, like the Street Department. Bob LeMay moved that Chris Willoughby bring to the Town Council options for possibly disbanding the Water Board. Mike Johnstone seconded. The motion was carried unanimously.

CCMG: The Town was approved for the 3:1 grant for roads. We don't know yet how much money we have to put toward the grant. Bob LeMay moved that the Town Council approve that he can sign the CCMG contract. John Wall seconded. Motion was carried unanimously.

Public Comments

Becky Lipton stated concerns about pedestrian safety, especially with speeding traffic along Moore Road. She would like the Town to add two stops to Moore Road at the intersections with Mt. Claire and Westgate Way, and Moore Road with Westwood Dr.

Abby Neary requested that information about the sewer laterals be distributed as soon as possible. She is concerned that the amount of work it will take to figure out where laterals will come into each property will take quite a bit of time.

Janice Brown raised concerns about the existing park benches. They do not have foundations. If given foundations and the wood were replaced with a composite that lasts 25 years, could they be refurbished rather than replaced?

Jane Neulieb questioned whether the Stop 24 project was completed? Is there going to be a mat laid so persons in wheelchairs and with walkers can go down to the viewing area? The response was that there is a mat off to the right that goes down a terrace level.

Zafar Rizvi suggested the Town Council look at all of the Town committees and see if some of them couldn't also be consolidated. It would reduce the number of meetings.

Council Comments

There were no further Council comments.

Claims Approval: Check #18017 through #18066 totaling \$103,757.74. Payroll for April (three pay periods) was \$87,707.95. Bob Lemay moved and Mike Johnstone seconded that claims be approved. Motion passed unanimously.

The meeting was adjourned at 9:58 p.m. with a motion by Bob LeMay and seconded by Mary Lou McFadden. Motion passed unanimously.

Respectfully submitted,

Bill DeFuniak,
Clerk-Treasurer