

**Town of Long Beach  
Town Council Meeting via Zoom  
September 13, 2021  
7:00 p.m.**

Council members Bob Lemay, John Wall, Mary Lou McFadden, Mike Johnstone, and John Kocher participated in the meeting along with Clerk-Treasurer Bill de Funiak, Police Chief Mark Swistek, Kendra Bartlett for the Park Board, Attorney Chris Willoughby of Braje, Nelson & Janes and Marilyn Jones & Associates. There was a total of 170 participants, at one point, on this Zoom meeting.

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:

Council Meeting of July 12, 2021: Mike Johnstone moved they be approved as presented. John Wall seconded. Motion passed unanimously.

Council Meeting of August 9, 2021: Mike Johnstone moved they be approved as presented. John Wall seconded. Motion passed unanimously.

Special Council Meeting of August 27, 2021: Mike Johnstone moved they be approved as presented. John Wall seconded. Motion passed unanimously.

Special Council Meeting of August 31, 2021: Mike Johnstone moved they be approved as presented. John Wall seconded. Motion passed unanimously.

**Opening Remarks:** Bob Lemay added the following items to the agenda under Unfinished Business: Public Works Department, Electrical Inspector, Video Equipment, Building Commission Vacancy, and Staggered Elections.

Bob Lemay suggested they form a blue-ribbon committee consisting of Paul Fithian and two appointees plus Dr. Juhasz and two appointees. He would suggest they start with a survey mailed to each town resident to determine whether we have a deer problem; and if so, should the Town do anything about it. John Kocher moved the Town place a 12-month moratorium on the deer hunt with a special task force consisting of a minimum of three members selected by Mr. Fithian and a minimum of three members selected by Dr. Juhasz; that the task force appoint a neutral mediator, that a management plan be established to determine a long-term solution to the deer conflicts, and that a resident survey be prepared by the task force to be distributed by the Town Clerk-Treasurer's office to objectively measure resident attitudes and deer conflicts including ways to manage these conflicts. Preferably the task force would be able to prepare that survey early on to make sure all the residents have an opportunity to submit their feelings and opinions on this rather contentious issue. Mary Lou McFadden seconded the motion. After discussion, the motion passed with four in favor and one opposed.

**Police Department:** Chief Swistek reported that in August the Department handled 306 calls for service with a total of 9 incident reports resulting in 6 arrests, 4 misdemeanors and 2 felonies; 4 of which were operating while intoxicated. There were no property crimes reported.

**Police Commission:** Chief Swistek reported that the Police Commission met on September 2. They discussed the summer recap, stating that while very busy, over all there were no major concerns.

They discussed the 2022 Police Department budget, which has been submitted to the Town Council and the Clerk-Treasurer's office.

They have applied for a grant from the Duneland Health Council in the amount of \$9,400.00. This would place 30-inch life-saving devices (life rings) at each of our stops. The devices would be in plastic cases with 100 feet of rope. They are hopeful this grant will be awarded.

The power boat races the first weekend of August went very well with no concerns.

The Commission is still accepting applications to replace a deputy who is seeking to move to Arizona. Deputy Babcock has returned from his work-related injury and is back to full duty status.

On Saturday, October 30, at 9 a.m., Bolt for the Heart will hold a 5K and 10K race in Washington Park. The race will come into Long Beach up to Golden Gate at Stop 20, so Long Beach Police will have extra personnel working that morning. Chief Swistek will send an e-mail to the town residents covering some of the traffic restrictions for that event. The funds raised cover the costs for automatic defibrillators for all the police cars across the county. Long Beach Police Department has received six of these units in the past.

**Volunteer Fire Department:** John Wall gave the Volunteer Fire Department report. In June, they received calls for one hazardous condition and two fire calls, for a total year-to-date number of 28 calls. The average turnout on fire calls was eight. They continue to see considerably higher medical calls this year for a total year-to-date number of 90 calls compared to 53 calls for the same period last year. In August, there were calls for two respiratory attacks, four injuries, five sick persons, and two lift assists. The average response time was 5 minutes for fire calls and about 4.5 minutes for medical calls.

**Fire Commission:** There was no Fire Commission meeting in August. John Wall was pleased to announce that they were fortunate to be involved with a couple of neighboring departments in receiving a federal grant for a total amount of around \$300,000.00. This will enable us to replace our self-contained breathing apparatus, which is currently out of date.

John mentioned that three young girls held a fund raiser on Lake Shore Drive this summer and gave their donation to the Fire Department.

**Street Department:** Tom Dolph reported that they worked on some storm drain repairs, trimmed trees along the street paving list, did water service with the water department, cleaned up a couple of fallen trees, did an emergency tree removal on Florimond, made some repairs to metal railing and posts at one of the town Stops, mowed and trimmed parks as needed, got leaf machines checked to make sure they are ready for fall pickup, and gathered information to make sure they have everything needed to add streets to the state map system.

**Street Commission:** John Wall reported they did some pro-active work at Stop 28, topping off and removing some of the weeping willow trees that were precarious; and with the help of the contractors working at Stop 29, they were able to get the debris off the beach, making it safer. We have received the Community Grant paving award for \$300,000.00+. They had three bids, all within ¼% of each other. They have awarded the bid to the lowest bidder, and, hopefully, paving will start in October.

**Park Board:** Kendra Bartlett, on behalf of the Park Board, thanked the Beach Garden Club for a great “Art in the Park.” The Historical Society was there with pictures and information. A big group of local artists were featured. There were also events for the kids. Thanks, also, to Chief Swistek for lifting the parking restrictions for this event.

The Park Board did some cleanup at Stop 24 and got some landscapers to work with them. Thanks, again, to Janice Brown and the Beach Garden Club for advising the Board on what plants would be best.

Kendra shared pictures for the following:

Stop 23: The steps will be 6-foot wide instead of 4-foot wide; the stairs are done.

Tennis Courts: The tennis courts have been refurbished. Two have been kept as tennis courts, and four have been striped for pickle ball.

Basketball court: The basketball court at the school has been redone.

Stop 29: We need to put a split-rail fence on the west side. A water fountain and a picnic table need to be installed as well as a stainless-steel cable fence. We have cleaned up the boardwalk. We will get a building plan to put the stairs down and off the platform.

Chris Willoughby added that with the completion of Stops 21 and 23, we will be able to wrap up some housekeeping matters with the projects, in particular, with the Stop 21 Club and the residents at Stop 23 so we can clarify the licensing agreements there.

**Community Center:** John Kocher stated there was no meeting as their meeting date fell on Labor Day.

**Water Board:** Mary Lou McFadden reported that the Water Board met August 23. They had a tank inspection; and there are some holes in the top of the tank. Greg notified the Fire Department. They are working with Karl Cender on the funding options for the Water Department’s portion of the Sewer Department. Greg is getting some bids for the inspection of

the water tank. The Board is working on a 5-Year Plan for the department. Their next meeting will be on September 27 at 9 a.m., probably on Zoom.

**Budget and Finance:** Bill de Funiak reported that there is \$3.1 million in the bank, but \$900,000.00 is committed to beach remediation, which still needs to be billed to the town. We made the final payment for the 2020 CCMG. We just received an invoice for less than \$4,000.00 from Haas & Associates, and that should close out that project. We have to send a report to INDOT; they may determine that some of the fees will need to be rebated.

The CCMG for 2021 has been submitted to INDOT.

The 2022 budget was submitted to the Gateway system last week, so we are within the 10-day limit between then and September 20. We need to have a budget hearing at 6 p.m. next Monday, and we need at least three Council members present for that hearing. The hearing will be on Zoom. We will be able to vote on the budget at the October meeting.

**Human Resources Advisory Committee:** Bill de Funiak reported they have not had a meeting; their next meeting is next Wednesday. They will discuss the 2022 salaries, whether there will be increases and, if so, how much. They will also discuss Covid salary bonuses for this year. They will also pursue the paid time off policy that is in draft form; they want to have it in place by the beginning of 2022.

**Building Commission:** Bob Lemay reported there have been two Building Commission meetings since the last Town Council meeting. At the meeting on August 13, they discussed: 1802 Lake Shore Drive—they voted 5-0 to enforce the citation to stop work. 1612 Indianapolis—motion to enforce the citation was passed. Belle Plaine & Roslyn—for a new home, we need the site plan with elevations and setbacks. The plan was approved provided those calculations and dimensions comply with our ordinances. 2010 Oriole Trail—denied shed as sheds are not allowed in front yards. 3018 Northmoor—shed denied as the shed was to be too close to the side lot and there were potential coverage issues. 1900 Lake Shore Drive—pool denied until we receive proper coverage and a delineation of high-water mark. We received this information, and it was approved at the next meeting. 3040 and 3010 Lake Shore Drive—fence was denied as the fence was in the side setback.

At the meeting on September 10, they discussed:

2600 Belle Plaine---play house needs to be in the rear setback

1612 Indianapolis—decided to let them repair their roof but notified them that fines are accumulating on previous violations

Shoreland Hills Beach Stop, Stop 31—issues with a fence and signage; they are going to the Board of Zoning Appeals

1300 Lake Shore Drive—issues with the side setbacks, potentially with height; need to make sure all of the lots were combined

1417 Lake Shore Drive—had been denied based on front setback infringement, side setback infringement, and a rear shed that put them over lot coverage; they are going to the Board of Zoning Appeals

Oakenwald & Hazeltine—house was basically rebuilt. It was a nonconforming structure. They increased the volume despite the fact their permit didn't show that. They will meet with the Building Commissioner to work out a resolution to that issue

Mary Lou McFadden stated that the Town used to send letters to those with building violations, giving them 30 days to clear up the violation before sending it to the town attorney if they do not respond. She suggested we return to that procedure. Chris Willoughby stated the items he has pending are things that have been open for several months. There is a Code Violation Bureau that should be included in the process. Chris suggested a memo could be issued to the Town Council and Building Commission to set forth what the procedures are so all are on the same page. Mary Lou was agreeable to that.

John Kocher would like to see the legal fees divided on invoices from the town attorney. Chris Willoughby said he could invoice separately by commission/department.

The next Building Commission meeting is October 8 at 1 p.m. on Zoom.

**Board of Zoning Appeals:** Bob Lemay reported they met on August 11. A petition was opened for 2319 Florimond regarding setback height and lot coverage for a corner lot. A hearing is set for tomorrow at 7 p.m.

**Advisory Plan Commission:** Bob Lemay reported this commission met on August 23. A solar ordinance was discussed and set for public hearing, which will be October 5 at 7 p.m. on Zoom. The Coastal Protection ordinance was discussed. This amendment is being sent back to the Town Council with an unfavorable rating. The next meeting is October 5.

Building Permit Revenue for August, 2021:

27 permits totaling \$1,292,113.00 with Revenue of \$15,035.00

7 Electric permits issued totaling \$1,677.00 with \$1,617.00 collected and \$60.00 still due to Long Beach

2 Street Cut permits with \$200 Revenue

July Legal Expenses paid were \$10,112.50 to Braje, Nelson & Janes

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

### **Old Business**

**Town's Executive Order Update:** Bob Lemay recommended maintaining masking in the Town Hall and keeping that building closed because of the public health issue. Bob Lemay moved

that we require masks in the Community Center. Mike Johnstone seconded the motion. The motion passed unanimously. All town meetings will remain on Zoom until we are not allowed to do that anymore.

**2021 Salary Ordinance 2021-12:** Bill de Funiak sent this ordinance out last week. We provided for a 2% increase. Bob Lemay moved the ordinance be accepted. Mary Lou McFadden seconded. The motion passed unanimously. Bob Lemay moved to suspend the rules and consider the ordinance on second reading. Mary Lou McFadden seconded. The motion passed unanimously. Bob Lemay moved to pass the ordinance on second reading. Mary Lou McFadden seconded. The motion passed unanimously.

**LSD Sewer Update:** John Wall reported they met with Haas & Assoc. a couple of weeks ago. They were getting ready to seek bids. However, there is a required Indiana Department of Environmental Management review that could be a 60-day process. They have done a preliminary review with a few minor recommendations. Once the formal approval comes from IDEM, the anticipated time for bids will come around December. Construction could possibly begin in January or February, 2022, and be completed in 2024. Hopefully, we will then be able to apply for a CCMG grant for paving work on Lake Shore Drive.

**Cyber Security:** John Wall and Chief Swistek met with K-Plus. They are gathering information and will prioritize our needs within the next few weeks. A server in the basement of Town Hall needs to be replaced.

**Shoreline Protection Ordinance #2021-13:** The Advisory Plan Commission sent a negative recommendation for the amendment to the shoreline protection ordinance. That amendment could be restated so no one would be allowed to build on public trust property. Chris Willoughby clarified that since this ordinance was introduced on the Plan Commission level and sent to the Town Council with a favorable recommendation, at that time the Town Council had a time limit to respond or it would become law. The Town Council offered an amendment on the stair issue and send it back to the Advisory Plan Commission. After a vote by the APC, that amendment was disapproved. Now it is back to the Town Council. Now the Council's only option is to vote on the approval of the amendment. If it is not approved, the original ordinance (with no stairs) will become law. There are no more amendments. If the amendment is approved despite the APC's disapproval, then the amended version will be law. Mike Johnstone asked for clarification regarding the stairs under B1 and C1. Chris Willoughby stated that as of now, the Town had jurisdiction up to the public trust land. The bottom line gives the Town the ability to approve stairs as long as there is approval by the DNR and the Army Corps of Engineers. Mike Johnstone moved to approve the shoreline protection ordinance with the amendment sent to and disapproved by the APC. Mary Lou McFadden seconded. The motion passed with a vote of four in favor and one apposed.

**Deer Hunt:** As discussed earlier in the meeting, we will appoint a Blue Ribbon Committee to look into the deer hunt. They will report back within six months, and a moratorium is in place for one year.

**Paid Time Off and ARP Funds:** These subjects will be discussed at a joint meeting of the Budget & Finance and Human Resources committees at 9 a.m. September 15<sup>th</sup>.

**Town Manager Search:** John Kocher reported we need to set a special meeting to discuss employment services with a consultant.

**Stockwell Woods Land Transfer:** Chris Willoughby has a deed ready for Dr. Lemay to sign. That is ready to be completed.

**Public Works Department:** This is a work in progress. Chris Willoughby will have something ready for review before next month's meeting.

**Electrical Inspector:** Bob Lemay moved to nominate Francis J. Rooney III for that position. Mary Lou McFadden seconded. Motion passed unanimously.

**Video Equipment:** We will try to use the equipment once we are off Zoom and back to in-person meetings.

**Building Commissioner Vacancy:** Mary Lou McFadden recommended we try to find someone with a building background or an architect or engineer. We have 1140 residents. Let us give everyone an opportunity to volunteer to serve. We will also ask Meg to put it on the website.

**Staggered Elections:** Chris Willoughby has been working with Mike Johnstone on limits and procedures for appointments. More discussion at October's council meeting.

### **New Business**

**Capital Expenditures:** We will discuss how to pay for some of the major expenditures coming up at the Wednesday joint meeting of Budget & Finance and Human Resources.

**Covid—Borrowed Time:** This comes from Chief Swistek. We need to decide whether people who need to take time off for Covid can borrow from time off in future years. This is also on the agenda for the joint Budget & Finance and Human Resources meeting September 15<sup>th</sup>.

**Final Change Order—2020 CCMG Paving:** Bill de Funiak raised a concern about the final changes to Reith Reilly that were part of their final payment. Mary Lou McFadden though we voted at a special meeting which Matt Miniell from Haas & Assoc. attended about that matter. Bob Lemay moved that we reaffirm that final payment. John Wall seconded. The motion passed unanimously.

**Resolution for Anthem Insurance Refund:** Bill de Funiak reported we received a check from Anthem for \$706.67. This occurs whenever Anthem goes over 20% for administrative fees. He offered a **resolution #2021-003** to share this rebate with the employees in a proportionate

amount as we have done in the past. John Wall moved the resolution. Bob Lemay seconded. The motion passed unanimously.

### **Public Comments**

Bob Lemay reiterated that a survey will be sent out to everyone for their opinion on the deer hunt. Since there are now 163 attendees on Zoom, comments will be limited to 30 seconds.

Dr. Annabelle Juhasz requested the Council appoint a liaison to the Blue Ribbon committee to help them with procedures issues, such as mailing out surveys. She would also like the opportunity to meet with Chief Swistek to discuss the deer-vehicle survey.

Seth McCormick had comments regarding the APC recommendation on the shoreline protection amendment.

Dan Stecich wondered if acknowledgements had been sent to those who sent in their request for where the connection to the proposed sewer line would go. John Wall responded that replies were not sent. If your e-mail carrier did not return to e-mail, it was received.

Abby Neary wondered if the Town would be applying for a grant for funds for the sewer project from the infrastructure bill. Bob Lemay commented that we would be applying for some of those funds.

Jim Conniff has corresponded with Congressional Representative Mrvan about the infrastructure funds. He will forward Mr. Mrvan's response that Long Beach should apply for some of those funds to Dr. Lemay.

Moiria Parham asked how she might connect with the Blue Ribbon committee as she has a couple of papers, she would like to share with them. Bob Lemay stated e-mail addresses will be published if the committee members agree to that.

There were no further **Council Comments**.

**Claims Approval:** Check #18282 through #18365 totaling \$333,245.71. Payroll for August was \$65,079.00. Bob Lemay moved that claims be approved. Mary Lou McFadden seconded. The motion passed unanimously.

The meeting was adjourned at 8:35 p.m. with a motion by Mary Lou McFadden and seconded by Bob LeMay. The motion passed unanimously.

Respectfully submitted,

Bill de Funiak,  
Clerk-Treasurer



