

**Town of Long Beach**  
**Town Council Meeting via Zoom**  
**October 11, 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 65 participants, at one point, on this recorded Zoom meeting.

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

The minutes for the regular council meeting of September are pending, and when prepared, will be approved at the November meeting.

**Opening Remarks:** Pres. Lemay added 4 items to the agenda: Deer Committee in unfinished business, Public Works, which is already in unfinished business, COVID bonuses for employees who may have to guarantee, added to new business, and a possible letter to be mailed to the homeowners north of Lake Shore Drive for stairs on seawalls.

**Police Department:** Chief Swistek gave the report for September. Six incident reports. One property crime that Deputy Mitchell Sightes responded to, and who also retrieved the stolen property at a pawn shop in Kalamazoo, Michigan. The chief commended Sightes for his work on this case. There were two unfortunate incidents involving patrol vehicles. A tree fell on Officer Babcock's car and caused \$335.00 damage to the windshield. Officer Sightes' vehicle was involved in a hit and run while parked; he was not in the vehicle at the time. The person responsible did not stop to report it and that cost \$2,100.00 and scheduled for repair in November.

**Police Commission:** Chief Swistek reported that the Police Commission met on October 7th. They visited the Moore Rd. traffic sign discussion after consulting with the City of Michigan City. A 25-mph speed limit sign was posted just south of Lake Shore Drive on Moore Road by the Street Supt. after a request was made. The Duneland Health Council approved a grant for \$9,400.00 for the purchase of life rings to be placed at the base of the stairs at each of the Long Beach beach stops. These will be installed and ready for the 2022 summer season. The Bolt for the Heart 5K, 10K race is October 20<sup>th</sup> at Washington Park with part of one race to extend into Long Beach on Lake Shore Drive at stop 20. Vehicles and equipment are being prepped for the winter months. A new reserve officer, Rob Hugley, from H & S Landscaping completed his pre-basic course of training at IN Law Enforcement Academy and his firearms training and was sworn in at the end of September by Clerk-Treasurer, Bill de Funiak. This brings a total of 6 reserves to the Long Beach Police Dept.

Foxdale and Hazeltine intersections improvements have been completed by the Street Dept. with LED stop signs.

**Volunteer Fire Department:** John Wall gave the Volunteer Fire Department report to-date. A brush fire, a hazardous call, and 3 false alarms with 8 to 10 members responding on those calls. Medical calls were up again this month; possibly due to more full-time residents and more residents staying home due to COVID.

**Fire Commission:** Waiting to hear about the Capital Plan expenditures from the Town Council. Then the Fire Commission will meet on a more regular basis. A reminder that no leaf burning is allowed in Long Beach. The department did receive a federal grant of \$120,000.

**Street Department/Commission:** Tom Dolph was off this evening. John Wall noted that nothing significant to report other than regular street department duties. The 2020 CCMG project has been closed out and C-T de Funiak has paid all necessary invoices associated with that. The new paving project has already begun. There is a map and a list of streets being included in this year's paving on the town's website [www.longbeachin.org](http://www.longbeachin.org). Met with Haas & Associates for new drainage projects for 2022. There has been significant spikes in equipment and maintenance costs for the department; the budget and finance committee meeting will help address that issue.

**Park Board:** Zach Neff spoke this evening. The Beach Garden Club assisted with the Arts in the Park event that took place in September; possibly an event that can continue in the future. A new Facebook page has been coordinated for the Parks Board to announce events happening in Long Beach. Sarah Plooster set it up for the community center activities.

Zach shared pictures of Stop 21 and the access improvements being made. Stop 23 is now back in use after improvements have been made. No other beach access construction being done this year.

Zach opened up discussion about the ordinance change pertaining to dogs on the beach. The park board proposes that the "no dogs" ruling on the beach signs be changed so that they only read "no glass containers and no fireworks". Lemay made a motion to remove the prohibition on dogs accessing the beach via the town stops. Kocher seconded it. There was much discussion. Mary Lou did not vote on it after mentioning complaints about dogs not leashed and not cleaned up after. Roll call vote – passed 4 – 1.

Mary Lou mentioned the Stop 21 Club water bill unpaid by the Club. She asked Zach who is going to pay the water bill? Zach says the Park Board paid for the water fountain but will discuss the payment of the water bill with Joy Schmitt.

Mary Lou stated that all invoices to the Town should be billed to and sent to Town of Long Beach, 2400 Oriole Trail, in order to be paid.

**Community Center:** John Kocher stated that Joy Schmitt and the other committee members met to discuss general maintenance issues. Nothing new to report to council.

**Water Board:** Mary Lou McFadden reported that the Water Board met September 27<sup>th</sup>. The Department consulted with Karl Cender and said they would like to use some of the departments funds for the Lake Shore Drive project so they wouldn't have to purchase a bond. \$21,000 will be budgeted for 2022. The water tower will be secured and options are being researched for that. Next meeting on Oct 25th viz Zoom.

**Budget and Finance:** Bill de Funiak reported the town has a very healthy balance; some being held for the remediation project and the paving project. Received 75% of the CCMG paving funds. The maximum .05cents per \$100 of assessments will be collected starting in 2022. The required payments for the GO bond will be starting up so homeowners will start seeing an increase in their taxes in order to pay for this bond.

**Human Resources Advisory Committee:** Bill de Funiak reported they have had a meeting to discuss the PTO policy to begin in January 2022. Sick leave was also discussed. Salaries for 2022 were discussed. 3% increase for employees; 5 positions not up to snuff with outlying communities. Ordinance in place for the November meeting. Mary Lou stated the employee handbook will need some updates. An HR consultant Pam Krueger, submitted a proposal to update all 25 Long Beach policy statements, review and update 37 pages of handbook contents, job descriptions for part time building commission secretary, and part time electrical inspector - \$3,000.00. Mary Lou made a motion for the approval of those funds; Lemay seconded. No discussion. Roll call vote; passed 5 – 0. Mary Lou made a motion- 3% for all employees, outliers to get the special adjustment... Lemay stated no need for a motion; it will be on the November agenda. There was council discussion about HR matters pertaining to employees pay benefits and the addition of a couple of paid holidays. Wall asked that the attorney from Ogletree, Deakins, Nash, Smoak & Stewart, P.C. review all the documents before the approval process. Swistek would like to see employee involvement.

**Building Commission:** Bob Lemay stated the regular building commission did not take place due to no quorum. A special meeting has been scheduled for October 14<sup>th</sup> at 1:00 PM via zoom.

**Board of Zoning Appeals:** Bob Lemay stated the BZA met on Sept. 14<sup>th</sup>. 4 preliminary hearings- P. French – 3018 Northmoor Trail-set for public hearing; J. Yoder-2003 Lawndale Ave- petition continued; J. Zaluda -2900 Lothair – set for public hearing; preliminary for Stop 31 SHPHO – continued. One public hearing for resident Vyverberg at 2319 Florimond-denied.

**Advisory Plan Commission:** Bob Lemay stated the commission met on October 5th at 7 PM via zoom. Public hearing took place for the solar ordinance. A unanimous vote sent the ordinance to council with a favorable recommendation. It will appear on the agenda for November council meeting with proper publication announcement.

Building Permit Revenue for September 2021:

23 permits totaling \$214,308.00 with Revenue of \$2,553.00

2 Electric permits issued totaling \$472.00 and 4 Street Cut permits with \$400 Revenue

September Legal Expenses totaling \$13,878.00 with \$13,725.00 paid to Braje, Nelson & Janes, and \$153.00 to Knight, Hoppe, Kurnik & Knight.

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

### **Unfinished Business**

**Town's Executive Order Update:** Bob Lemay suggests Community Center operate without masks; Town Hall with masks and unlocked doors. Lemay motions the same as recommended; Mary Lou seconds – roll call votes approve the motion 5 – 0.

**LSD Sewer Update:** John Wall reported the committee received the letter from Michigan City Sanitary District that IDEM approved the plans; hopefully the bidding can begin in late December. The project is on target. The Lake Shore Drive Sewer Project committee wants to provide a letter to all Lake Shore Drive homeowners with new policies including a date for a forum for public input before the December deadline. Council received a draft of this letter for their review before it is to be mailed out. The Town website keeps updated information.

**Town Priorities List:** Mike Johnstone recommended 3 individual priorities and presented for discussion:

1. Conflicts of Interest- All committees, commission members, council and board members sign annual conflict of interest statements in January of each year.
2. Committee Commission Term Limits – would like to see consistency in committee term limits with 2 consecutive 3-yr terms for a total of 6 years. He gave more details in length of his suggestions.
3. Committee Commission Selection Process – Initiation based on a town council member's recommendation; appointment of a new member would require a majority vote of the town council. Removal of a member from a commission or committee would also require town council approval.

Lemay mentioned the conflict of interest should be clarified as to "financial", In thinking about the town's building commissioner. Wording/language would be changed and reworded with regards to his position. Attorney Willoughby stated the State has its own requirements in this matter.

Lemay also questions the terms for council members, preferring the 4 year term, instead of 3 years. Discussion followed. Mary Lou spoke of limited people on many committees and would like to see more people on more committees.

**Cyber Security:** John Wall stated the contract was approved for \$10,000/year with K+; payable monthly at \$850/ month. This now requires a signature to return to the company. Some equipment changes have already been made and a committee should be formed for consistent

communication between the vendor and the town. Wall suggests himself, Mike Johnstone, and Mark Swistek. Wall made a motion to establish this IT committee of Wall, Johnstone, and Swistek, and also to authorize Lemay to have Attorney Willoughby change/update the agreement with changes made by town council and the vendor and then have Lemay sign the agreement. Second by Johnstone. Roll call vote approved unanimously 5 – 0. Mary Lou asked if community being allowed to be on the IT committee.

**Paid Time Off:** Mary Lou made necessary changes and will be ready for the November HR meeting.

**American Rescue Plan Funds:** Resolution #2021-004-To approve bonuses to all employees who worked during the 2020 year. Lemay motioned to approve; second by Mary Lou. Roll call vote-approved 5 – 0.

**Town Manager Search:** October 13th, special meeting at 6 PM via Zoom

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

**2<sup>nd</sup> Reading: Ordinance 2021-14 re: Chapter 90 & 93 of Town Code** - To allow hunting to take place in the town. This does not mean there will be a deer hunt this year. Lemay motioned to approve in 2<sup>nd</sup> reading. Wall seconded. Approved 5 – 0.

**Public Works:** Willoughby discussed this matter with John Wall. Continuing work with Kocher and Wall; a work in progress. More information in the near future.

**Staggered Elections:** Willoughby shared State requirements for the council to review. Discussion by councilmembers followed. Information for thought. The attorney to provide more information when gathered.

**Deer Committee:** Lemay is concerned about this survey the council wants to send to all residents. Would like to see better communication between this deer committee and the council. After a long lengthy discussion, it was decided the council will send the survey out and give a deadline for submitting those surveys to the town clerk's office. Anna Belle Juhasz spoke in length on behalf of residents' concerns of the hunt. Wall spoke about the contents that he felt should be included in this "unbiased" survey, and shorten it. Wall motioned to have the council prepare the survey with 2 or 3 questions, second by Lemay. Roll call vote – 3 ayes, 1 nay, 1 abstention. The council will tabulate responses, 1 response per residence.

### **New Business**

De Funiak presented Resolution #2021-005: Resolution for Appropriations and Tax Rates. Lemay made the motion to adopt this resolution; second by Mary Lou; roll call vote with approval 4 - 0. Wall mentioned this budget is available with access to Gateway.

Council along with Police Chief Swistek announced Trick or Treat to be Sunday, October 31<sup>st</sup>, 5 – 7 PM.

Jeremy Van Giesen, a 13 yr. Reserve Officer with the Town of Long Beach, spoke about the Red Cross Blood Drive and requests permission to use the Long Beach Community Center gymnasium on Sunday, January 30, 2022, 7 am to 6 pm. Lemay motioned to allow use of the gym for this event; second by Mary Lou and approved 4 – 0. Swistek thanked Jeremy for his 13 years of volunteer service to the town, even after family medical needs required his devoted time at home; He dedicated his service to the town and community and continues to do so.

De Funiak announced that Francis J. Rooney III, who was an 11-12- year Michigan City inspector, and now hired by the Town of Long Beach, could be secured with a salary of \$35 per hour. Currently, the town is using the services of LaPorte County. There was discussion among the council and de Funiak regarding the process of how the inspector's pay is generated right now. With solar energy and electric cars being possible additives in the town, the hourly rate is in question along with who he would answer to, the council or the building commissioner. Lemay motioned to hire Francis Rooney as a part-time electrical inspector, as needed, for \$35/hr. Second by Mary Lou; approved by roll call 5 – 0.

The salary ordinance will be ready for discussion at the November council meeting, per Mary Lou.

De Funiak believes that going out for bids on a refuse contract would be a good idea, but because the town has a service contract with Republic Services already, it is beneficial to remain with Republic and negotiate with them. Mary Lou suggests Bill make calls for additional bids. Information will be gathered by de Funiak.

November 1 begins leaf pick up and will continue for 6 weeks, ending December 10<sup>th</sup>.

Attorney Willoughby spoke about current legal issues with residents Nash and Brintnall; those issues are being resolved. After discussion of the Brintnall legal issue with council, Willoughby requests permission to dismiss the appeal for Brintnall. The Nash's legal issues are also in the process of being resolved. After much discussion between council and the town attorney, Willoughby said he wanted to take this issue to the building commission. Mary Lou stated that she does not feel that the building commission has the authority to sue an individual without council's awareness. Lemay stated that the building commission's responsibility is to enforce town codes. Willoughby presented and summarized legal advice.

There was discussion among council about COVID and time off by employees and the PTO policy. This subject was put off until later.

Lemay stated that the inspector has noticed that a lot of illegal stairs have been built on seawalls since the most recent shoreline protection ordinance was passed. Lemay suggests a

letter be mailed by the Clerk's office to residents on the northside of Lake Shore Drive. Lemay put this in the form of a motion; Mary Lou seconded; approved 5 – 0.

Mary Lou mentioned a home on Roslyn without utilities and uninhabited. Working with the Police Chief on town's current ordinances relating to unkept homes.

### **Public Comments**

Mitch Taebel, 2020 Goldengate Drive, running for president for the United States on Youtube and strongly opposes the deer hunt.

Brian Kanyer, 2200 Oakenwald Dr, thanked the 3 council members who voted for a short concise deer survey.

Anita Remijas, 2300 Florimond Ave, thanked Johnstone for his suggested priorities. Made comments of a particular council member.

Phyllis Baker, 2105 Oakenwald Dr., a member of the Blue Ribbon committee, commented about the committee's involvement on the deer survey. Please consider an arbitrator.

Michelle Torrise, 1608 Nichols Court, spoke of being "steamrolled" by a particular council member and the disrespect.

Abigail Neary, 2019 Lake Shore Drive, asked about the mailing of the survey. Lemay responded one survey and one response per residence. Commented on the hunting ordinance in town.

Donna Kavanagh, 2104 Avondale Drive, spoke of a resident and a neighbor that had passed recently. Also commented on the deer survey process. Blue Ribbon committee members on the website?

There were no Council comments this evening.

**Claims Approval:** Check #18366 through #18433 totaling \$128,426.86. Payroll for September was \$59,882.31. Kocher moved that claims be approved. Mary Lou seconded. The motion passed unanimously.

The meeting was adjourned at 9:26 p.m. with a motion by Lemay and seconded by Mary Lou. The motion passed unanimously.

Respectfully submitted,

Bill de Funiak,  
Clerk-Treasurer

