

TOWN OF LONG BEACH  
TOWN COUNCIL MEETING via Zoom  
December 13, 2021  
7:00 p.m.

All council members, Bob Lemay, John Wall, Mary Lou McFadden, Mike Johnstone, John Kocher participated in the online Zoom meeting this evening, along with Clerk-Treasurer Bill de Funiak, Police Chief Mark Swistek, Street Supt. Tom Dolph, Water Superintendent Greg Parrish, Attorney Chris Willoughby of Braje, Nelson & Janes, and Marilyn Jones & Associates. There were over 40 public participants also.

After the **Pledge of Allegiance**, Bob Lemay called the meeting to order at 7:00 p.m.

The minutes of the following meetings were approved by 5 – 0 votes with motions made by Mike Johnstone and seconds by Mary Lou McFadden:  
Town Council Meeting Minutes of October 11, 2021; Council Meeting Minutes of November 8, 2021; and Town Council Executive Meeting Minutes of December 1, 2021.

Lemay, in his opening remarks, added the ethics policy to the agenda, changes to the code with regards to dog licensing ordinance. Attorney Willoughby has redline versions of both for council consideration this evening.

J. Wall wanted it noted in the October minutes that the Fire Dept. received a \$120,000 +/- federal grant.

**Reports were Read:**

**Police Department and Police Commission** reports for November were given by Chief Swistek. Swistek gave a special thank you to the Long Beach Civic Association for their grant of \$3,721.00 for trauma kits for all vehicles and in Town Hall. McFadden presented the grant to the department. The police commission did not meet in December. Thanked Bob Gallagher for his service on the commission. There is an opening on the commission which will be discussed this evening. Mentioned a new Facebook page. January meeting, as all others, is the 1<sup>st</sup> Thursday at 4 PM via zoom.

**Fire Department/Fire Commission** – John Wall gave the reports Y-T-D. Civic Association money received for portable radios (over \$4,500). (McFadden mentioned Civic also gave money to the Garden Club.) No commission meeting until Capital Plan is in order.

**Street Department/Street Commission** – Tom Dolph stated snow plows are ready. Leaf pick up is done. Drainage mapping updates being done. 2022 CCMG paving grant is being submitted through Haas & Assoc. Possible purchase of a new excavator in the new year being pursued. Final payment on the 2021 CCMG made.

**Park Board** – Kocher stated the park board did not meet in November but will meet December 14<sup>th</sup> at 6 PM via zoom.

**Long Beach Community Center Committee** – Kocher stated the committee met and discussed ongoing maintenance issues. Room 7 is available and a Pilates group might possibly be renting the space. Sarah Plooster setting up new activities all the time at the center.

**Water Advisory Committee** – Parrish stated the committee meet on November 22<sup>nd</sup> and gave the report. No December but on January 24<sup>th</sup> via zoom.

**Budget and Finance** – de Funiak mentioned the Capital Plan and the progress on that. Tax receipts should be arriving in the next week. Wants a review in January regarding the refuse contract. Haven't had any increases in the last couple of years.

**Human Resources Advisory Committee** – de Funiak – PTO policy and salary ordinance discussion this evening.

**Building Department** – Lemay gave reports for 2 meetings:

Nov 12<sup>th</sup>. 2216 LSD stairs denied; 2014 Oriole Trail, non-conforming lot – to BZA; 2810 Elbridge-solar panels approved.

Dec. 10th meeting – contractor issues-hearing set for repercussions of those issues. 2300 LSD-town attorney working on license agreement for this property patio and deck resolution. 2016 LSD beach stairs-illegal. 1612 Indianapolis-atty. Working on Legal process. 2311 Hazeltine-to BZA to increase volume on noncompliant lot. 2716 Roslyn Trail-approved. 2021 Silvertip-nonconforming property-increase volume. 1900 LSD-Stop work order in effect. 2516 LSD- stop work order lifted for foundation work only.

McFadden questioned if the Nash legal issues were resolved. Attorney Willoughby spoke regarding this matter and will report back to the council.

**Board of Zoning Appeals** – There was no quorum in November so postponements of hearings to the December 14<sup>th</sup> meeting at 7 PM via zoom.

**Advisory Plan Commission** – November meeting was cancelled.

**Building Permit Revenue Report for November, 2021:** There were 16 permits issued with value of work totaling \$269,244.00 w/ Town Revenue of \$3,760.00. There were 3 Electric permits issued with fees of \$452.00.

**Legal expenses in November, 2021:** \$ 11,011.70 with \$10,662.50 paid to Braje, Nelson & Janes and \$349.20 paid to Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

A motion made and second by Lemay and Kocher to approve all committee and revenue reports; approved 5-0.

**Old Business** – Lemay stated the mask mandate remains at the Community Center with no other changes at Town Hall-keep as is.

John Wall provided an update on the LSD Sewer Project. Met with the engineer; still on target for late December or early January bidding. NIPSCO was present to join in the discussions for relocation work. To meet again in January.

PTO Policy, Holiday Schedule, and 2022 salaries -Lemay wants to delay action on these issues until December 28<sup>th</sup> council year-end meeting, 7 PM. Comments from Mary Lou, John Wall and Kocher.

Garbage Contract – de Funiak stated there will be a 4% increase for each of the next 3 years. It will increase from \$14.75/a household to \$15.34/a household the first year. Lemay motioned for the 1 year contract with Republic Services; second by Johnstone; 5 – 0 Approved.

Town Compliance – Ethics Policy: After lengthy discussion by council and town attorney this evening, this subject was pushed to the January 2022 agenda.

Public Works Department – This subject has been pushed back to the January 2022 agenda.

Deer survey - There were 599 surveys received – tallying in progress by the deputy clerk and police dispatcher. More at January 2022 council meeting.

**Dogs Ordinance-** Town Attorney is working on the language to make changes to the ordinance. Clarified specifics in the proposed ordinance; 90.24 (c) proposed changes discussed. Dog licensing, 90.20(b) has been deleted. 90.16 was clarified. Lemay presented the ordinance to the council. Lemay motioned, second by Johnstone to consider on 1<sup>st</sup> reading with changes. Roll call vote – 5-0. Lemay motioned to adopt on 1<sup>st</sup> reading; Johnstone second; roll call vote 5-0. Lemay to suspend rules and approve on 2<sup>nd</sup> reading; second by Wall; roll call vote 5 – 0.

Staggering of elections – A drafted ordinance was discussed this evening. Willoughby clarified and Kocher agreed with the staggered elections that would coincide on same cycle as the county and state. There was lengthy council discussion and Willoughby agreed to investigate the law more thoroughly. More on this subject at the January 2022 council meeting.

The Moon Valley Land Transfer -Waiting for a recorded copy

#### **New Business –**

A year-end meeting was set for December 28, 2021 at 7 PM via zoom.

Police Commission Nominee – Swistek announced that the commission’s nominee is Bob McFadden . Lemay motioned to accept; Johnstone second; roll call vote 4-0 . Mary Lou McFadden recused herself from the vote.

de Funiak announced the Appropriation Ordinance 2021-016: Additional Appropriations Budgeting funds’ increases

de Funiak opened the hearing – oppositions? None. Those in support of? None announced. Lemay motioned to approve on 1<sup>st</sup> reading; ML seconded; roll call vote 5 – 0.

Lemay motioned to suspend rules; ML second; roll call vote 5 – 0.

Lemay motioned to approve on 2<sup>nd</sup> reading; ML second; roll call vote 5 – 0. Ordinance approved.

Community Center usage – Lemay recommends that rentals of the gym be discontinued during the pandemic while the mask mandate is still in order. De Funiak to discuss the situation with Joe Jogmen as events arise. A prospective tenant wants to lease Room 7 for Pilates classes. Lemay made a motion to

give the community center committee authority to rent it; Johnstone seconded the motion. Roll call vote approval 5 – 0.

Chief Swistek is working with K-Plus and the IT committee to create new town email addresses. Currently the town owns “lbpdin.org”; possible purchase of 2 Domains, “lbfdin.org” and “longbeachin.org”; 3 years each domain at \$150 for the 2 domains for the 3 years with additional costs for each email address at a minimum. Asking recommendations of the council before the chief goes ahead with the purchase of the domains.

There was council/ attorney discussion regarding the importance of using town email addresses by all town employees/committee members working for/on behalf of Town of Long Beach. Lemay made the motion to develop town email addresses and purchase the domains for those necessary individuals; second by Kocher; roll call vote was approved 4-0 (Lemay was bumped from the meeting at this time).

De Funiak mentioned the HSA payment schedule to the employees that HR had discussed at their meetings. Nothing will change until 2023 on how the payments are made. This subject is continued until a future January meeting.

Mary Lou McFadden advised the council of outstanding sick time of all employees at this point in time and that the HR committee agreed that the employees could buy back at 50% which, at this time, would be a cost to the town of approx. \$4,600.00. Mary Lou made a motion to pay the 50% of total remaining sick time to each employee.

(Lemay made it back online)

10 employees still have sick leave; and the recommended motion by Mary Lou is to pay each employee with time left at 50%; second by Lemay; roll call vote approved 5-0.

**Public Comments** – Donna Kavanagh, 2104 Avondale Dr., spoke and commented about the deer survey. Spoke of stop 21 decorations missing. Asks the park board to stop taking things from the Stop. Disappointed that “Stop 21 has become a parking lot”.

Michelle Torrise, 1608 Nichols Ct., spoke of the deer survey and asked why the survey is taking 2 months to tally those returned surveys. Thought that the results would be given to the deer committee; Lemay advised of the trustworthiness of the results being tabulated in the Clerk-Treasurer’s office.

There were no council comments.

Claims Approval: Checks #18501 through #18588 totaling \$664,901.08; and salaries for November, 2021 of \$76,910.12; motion to approve by Lemay, second by McFadden; 5-0 roll call approval.

Motion and second to adjourn by Lemay and second by McFadden, approved 5-0.

Meeting adjourned at 8:55 PM.

All votes were executed this evening by roll call.

Respectfully submitted,

Bill de Funiak, Clerk-Treasurer

