

TOWN OF LONG BEACH
TOWN COUNCIL MEETING via Zoom
February 14, 2022
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, Attorney Chris Willoughby of Braje, Nelson & Janes, and Marilyn Jones & Associates. There were up to 41 public viewers throughout the meeting, and Karl Cender of Cender & Co. was present.

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

All votes this evening will be by roll call once again.

Lemay announced Bill de Funiak's retirement on February 18th from the Town after 10 years as Clerk-Treasurer. Chief Swistek presented Bill with a beautiful plaque for his outstanding loyal service to Long Beach from January 1, 2012 to February 18, 2022. Everyone congratulated him and wished him a happy retirement.

Lemay then welcomed the new Clerk-Treasurer Tim Perry who will begin service on February 18th at noon.

Addendums to the agenda were announced: Term Limits, Swistek's ideas of organizing the Town Hall in terms of workstations; and computers; the Town Manager/Police Chief position; accounting manager position; the grant writing company the Town's been working with. The "Capital Plan approval" in new business is being moved to the 1st item on the agenda under approval of minutes since Karl Cender is joining in on the meeting tonight.

Lemay stated about Indiana House Bill 1245 which was passed by the House unanimously, which would effectively "scuttle" the Lake Shore Drive sewer project, and this bill is "being promoted by someone who has retained an extremely politically connected law firm in South Bend, IN to push this bill in the State Legislature. The bill will be heard on the 17th of February in the House of the Senate Utilities Committee; and if passed, will take away the ability for the Town of Long Beach to ever fund our sewer project; and could possibly affect every municipality in the State of IN in putting in sewers. The passage of this bill could be catastrophic to the environment and to the health and safety of both Long Beach and Michigan City. Long Beach has been planning this project for years and following financing state laws for years. Long Beach could possibly lose over \$400,000 of engineering costs. Lemay is asking everyone to contact the members of the Utilities Committee with your comments on this matter. He reminded all homeowners on north Lake Shore Drive that as more and more of the homes have failing septic systems, this could mean they would have to then pump and haul their septic systems. Their property values could suffer from this as well. For all other residents of the Town, Lemay noted that the Town has been committed in their pursuit of future connection to Michigan City sewers. C-T de Funiak noted he has a copy of House Bill 1245 at his disposal.

Minutes of council meeting December 13, 2021 and of Special Year-end Council meeting December 28th were approved unanimously with a motion and second by Johnstone and Wall.

Four sets of minutes; the minutes of January 10th's council meeting, January 31st's Council/HR meeting, February 1st's Special Council meeting, and the February 7th's Executive Council meeting are pending and will be approved next meeting.

Capital Plan Approval: John Wall presented this to the council along with Karl Cender from Cender & Company stating that the council had discussed the subject matter at previous council meetings with the intention to proceed. Tonight's meeting is to approve a motion for the numbers presented as seen at present, with the understanding that as expenditures occur, the council will have approval over individual expenditures. Each department has line items for the next 5 years. Karl Cender spoke of his conversations with different town's committee members; most all expenditures will be paid from the CCD Fund along with the CEDIT Fund. \$245,000.00 being brought in to the CCD Fund. Except for the Fire Truck and the Fire Dept. improvements, those are bigger dollar amounts which he recommends the Town finances. He suggests the \$150,000 for the rescue vehicle be paid from one of the 2 Funds, if purchased this year; the fire truck lease of approx. \$750,000; propose the town enter into a lease, whether it be from the Indiana Bond Bank or the Town do it on its own with bids or with leasing companies. Over ten years, that's about \$90,000/year. Those payments then would begin in 2023 for a period of 10 years. Fire Station improvements-about \$1,000,000.00. The general obligation bond the town is currently paying on would be paid off in 2026. Fire Station financing could possibly be paid off in 10 years if initiated in 2027. Cender's ideas, suggestions, and recommendations were heard by all. He offered to answer any questions. Johnstone mentioned last June's initialization of this plan. Motion to approve the capital plan as presented was made by Lemay/second by Johnstone. Unanimous roll call vote 5 – 0.

All department/ committee reports were read or given by department heads. These council meetings are recorded and are on the town's website for viewing.

Police Department/Police Commission reports for January 2022 were given by Chief Swistek.

Commended officer Mitchell Sightes for his January 6th early morning incident 1t 1500 block of LSD with a 93 yr. old elderly man who had been laying in his driveway for over an hour in the bitter cold sub-zero temperatures. With medical assistance the gentleman was given proper care. Officer Sightes was presented a letter of commendation for his work.

Cyber Insurance information will be ready for March council meeting for review along with health insurance. At the Feb 3rd commission meeting, Bob McFadden was welcomed in as a new member. New computers for the police department have been installed. Main building maintenance taking place. 2022 golf cart stickers and north parking lot stickers have been ordered. \$9,700 collected last year on golf cart registrations at \$50/cart. New vehicle being looked at; a 4-door truck for Deputy Babcock. Mandatory training is taking place within the department to meet standard requirements.

Jeremy Van Giesen recapped the Red Cross Blood Drive that took place in January. The 11 – 5 pm event was a huge success and Jeremy thanked all those who helped with the day's planning. 216 lives will be impacted by the donations. He would like to reserve the gym again next year on the last Saturday in January.

Fire Department/Fire Commission – Tom Yemc gave the January report; Gave average times on medical and fire calls. Thanks to the street department for their quick response on February 2nd with

two calls for electrical lines being down and clear trees. Recertified on CPR this year. Beginning training on SCBA's. Reminder to residents about having keyholders for emergency purposes. No commission meeting in January, but planning to meet the first Tuesday of each month from now on. Trade show going on in Indy in April. Happy with the Capital Plan approval.

Street Dept/Commission – Plowed and salted streets; maintenance on all spring equipment. The CCMG application for 2022 paving and drainage project was submitted at the end of January; should hear back sometime in April. Stormwater funds have accumulated and Tom has a quotation in from Vermeer Midwest for a hydro-excavator, trailer unit-\$102,350.00. This would be paid for by Stormwater funds. Bill recommends we purchase it outright. There is \$160,000, as of Dec 31st, in the fund, with approx. \$50,000 coming in every quarter. Revisions will be made to the capital plan to include this equipment even though it will not be expensed from CCD or CEDIT but through Stormwater funds.

Park Board – Kendra reported Stop improvements have been halted until spring weather permits. Stop 28 plans are ready for that as the first project on the agenda. Art in the Park will take place in July. Beach Garden club to meet in April. Sarah Plooster has many activities planned for the community center; check out the facebook page. Zach Neff was appointed as the new president. Below budget for 2021.

Long Beach Community Center Committee – Kocher stated a small leak in the bathroom repaired. Room 13 renovations and upgrades being done in conjunction with the Park Board and park funds. Swistek commented about contacting NIPSCO about adding a second light to a pole at entrance to the community center parking lot. \$18.50/additional/month to NIPSCO-wants council approval. Motion by McFadden/second by Johnstone; 5 – 0.

Water Advisory Committee met on January 24th reporting for 2 months since no meeting in December. Water samples came back clear. She read the full report, also available from the water department. Next meeting will take place on February 28th.

Budget and Finance – de Funiak stated most of the meeting focused on the capital plan. All the budgeted items were within the funds for the year. Annual report due March 1; Trista Hudson of Cender and Co. assisting Bill with that.

Human Resources Advisory Committee approved the PTO policy and the 4 salary increases for the public work employees. On the agenda this evening for council approval. Bill stated the committee is nearing the final stages for the employee handbook and it should be ready in the next 15-20 days.

Tree Board met this last month. Reports were sent to everyone by Dr. Juhasz. A resident at 1304 LSD, the Burkes, want to demolish and build a new house. Their plan would include taking out cottonwood trees on the town's right-of-way. Tree Board denied their request for removal of the trees. Janice, Vice Chair, is standing in for Juhasz for reporting tonight. Detailed reports sent by Juhasz to the council earlier. C & A Arborists had been consulted about the situation by the tree board, authorized by the council. Feb. 2nd meeting included a 4 – 1 vote to deny the resident's petition for the town to remove the trees. Homeowner Mr. Burke spoke of differences of conflicting opinions between 2 arborists. Burke read his opinion to the council and asked the council to reconsider the Tree Board's decision. There was lengthy discussion amongst council members. Lemay made a motion to deny the Burke's

request; no second. Johnstone made a motion to make a study by a third arborist; second by McFadden; 5 – 0 approval.

Janice says the Tree Mann of LaPorte will be contacted for a third opinion and information will be available for March meeting. Burke requests to be included in the discussion with the Tree Mann.

Building Department – Lemay gave the full report, stating there were 3 meetings since the last council meeting. Highlights: 1/14/22 meeting- The committee voted to have the town attorney send letters to all violators north of Lake Shore Drive regarding the lakefront stair ordinance. 1612 Indianapolis Ave- Lawsuit has been filed with the attorney and working for a solution on the issue. Structures were built without permits. 2600 Belle Plaine Trail-Structure put up without permits; citations were issued. Also, pavers in backyard; no permit and lot coverage issue; stop work order issued. 2311 Hazeltine- permit denied; non conformance issue. 1/26/22 meeting – Regarding a contractor registration issue where the contractor constantly disregards town codes, stop work orders, ruptured gas lines. Decided on a second 6 month suspension and a \$2500 fine. 2/11/22 meeting- New House at Oakenwald and Hazeltine; commission suggested they go to the BZA within one month or face citations. Increased volume of a nonconforming structure. 1302 LSD – Approved permit for new home. 1409 LSD – new home to be built; required to go to BZA. 2600 Belle Plaine Trail-30 days to clear up issues, with fencing and pavers, the building commission or fines with daily accruals. 2516 LSD- project can proceed once the contractor pays his fines. 2311 Hazeltine – sent to BZA. 2021 Silvertip – Permit denied due to non-conformancy.

Board of Zoning Appeals – Lemay gave this report - Meeting of January 11th – 2007 Oriole Trail- preliminary hearing postponed. 2317 Hazeltine – preliminary continued to the next meeting. Feb 8th. – 2007 Oriole Trail -petition removed from the agenda due to missing required materials. 2017 Hazeltine – set for public hearing.

The **Advisory Plan Commission** - Meeting cancelled.

Building Permit Revenue Report for January, 2022: There were 7 permits issued with value of work totaling \$157,234.00 w/ Town Revenue of \$1,806.25. 2 Street Cut permits with revenue of \$200.00

Legal expenses in January, 2022: \$ 8,165.00 paid to Braje, Nelson & Janes

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

Old Business – Lemay motioned to authorize Chief Swistek to call for mask removal at the community center once the County moves out of the red zone and into orange. Wall seconded the motion; 4 – 1 approval.

Lake Shore Drive Sewer update by John Wall – met with NIPSCO last week and very cooperative. Relocation work to begin in April and possibly complete in the fall.

Attorney Willoughby made changes to the ethics agreement after discussions at last month's meeting. He clarified certain points previously raised. Willoughby also recommended the inclusion of the disclosure statement with the agreement if it passes. Lemay motioned to approve the agreement on 2nd reading; Johnstone seconded; approved 5 – 0.

Term limits discussion, Public Works, and Committee appointments: Lemay motioned to hold a special council meeting next meeting, February 21st, at 7:00 pm. to discuss committees – BZA, APC, Water Advisory and Street Commission, to possibly combine as one committee, and to discuss term limits. Willoughby explained the importance of codification of Town and State codes when considering these this topic. Kocher wants to hold off the subject of committee appointments this evening. Mary Lou agreed. Lemay reiterated his motion for holding that special meeting; second by Johnstone; 5 – 0.

Staggered Elections- Willoughby reminded the council they could consider an ordinance, with December 2021 revisions made, on the table, that was submitted last month. Kocher spoke on how the term limits would work according to this ordinance. Lemay motioned to pass on 1st reading; second by Kocher; approved 5 – 0.

New Business –

De Funiak presented the **Salary Ordinance #2022-01: Amending Salary Ordinance 2021-017 for 2022 Salaries.** # 2021-017 had been passed December 28, 2021 but the 4 public works employees' salaries were not. Kocher made the motion to suspend the rules and pass this evening; Lemay 2nd the motion; approved 5 – 0. With a motion by Mary Lou and second by Johnstone, this ordinance **#2022-01 passed** 5 – 0.

The Long Beach Town Council President is designated as the responsible party for Long Beach, as stated by John Wall discussing the MS4 Administration. He suggests the town authorize a former IDEM lady employee, Reggie to handle all paperwork to file for the Town as it is quite involved. Wall entertained a motioned to council to authorize Reggie submitting a proposed contract for \$8K - \$10K for council's review and ask her to represent the Town at the February 25th MS4 meeting. Mary Lou made that motion for her (Reggie) presence at that meeting with a payment not to exceed \$1000, as Wall mentioned; second by Lemay; passed 5 – 0. Council will review her subject proposal and report back.

Swistek recommends continuing the Granicus contract again for 2022 with negotiations that concluded with a fee of \$2,500.00.

Swistek presented the LIT (Local Income Tax) resolution. The increase from .95% to 1.45% would bring an approximate additional \$220,000 for the Town's use. He stated the stipulations in which the money could be used. Mary Lou motions to accept the resolution; Johnstone seconds, and it is approved 5-0.

Lemay and Wall reminds everyone of the accounting workshop on February 16th to revisit functions in the Town within all departments. Wall shared the screen to show an organizational chart being formatted and wants the proposed chart accepted by council this evening. Mary Lou suggests the council hold off until workshop.

Swistek spoke of reorganizing workstations for efficiency in the offices of the Clerk-Treasurer and water departments, now that there are 4 employees besides the C-T. He ordered an HP computer and secured a price on that and is asking for \$2,200 for the monitor, stand, etc. Overall, he's asking the council to approve his spending, not the exceed \$6,000 for phones and all equipment necessary for the workstation configurations. deFuniak agrees this is a good move. Kocher motions; Mary Lou seconds, and the expenditure is approved 5 – 0.

Lemay states and Wall elaborates on the grant writing company, Christianson Co., the Town would like to secure for an Incentive Study and Grant Applications proposal for \$8,000. They were referred by a resident, Zafar Rizvi, and their expertise would help the Town by searching for available grants. Lemay motions to approve the \$8,000 proposal for Phase I with an hourly rate thereafter, pending Attorney Willoughby's review of their contract; second by Johnstone; passed 5 – 0.

Swistek accepted the offer of \$110,000/yr for the Town Administrator/Police Chief position presented to him this evening after Lemay suggested this wage for the combined position. There was discussion, with Mary Lou mentioning this figure had been talked about through HR meetings. Lemay motioned to extend the pay to him at \$110,000 with an effective day of February 21, 2022. Second by Mary Lou; approved 5 – 0.

Lemay made the motion for the St. Pat's Color Run, allowing them to use Long Beach streets for their run. Kocher seconded the motion; approved 5 – 0.

Public Comments – Jim Neulieb, 2202 Florimond, asked how the LB building commission could suspend a contractor's license/registration but still allow him to work on permitted projects. Asked how a particular homeowner on Lake Shore Drive can live in his house for 2 years with a Certificate of Occupancy. How did the succession to the Town Clerk-Treasurer's retired position take place? Jim was told to address the Republican Party on that question. Brian Kanyer, Oakenwald Dr, inquired about the deer survey results.

Claims Approval: Checks #18639 through #18721 totaling \$207,228.02; January payroll was \$78,002.40
A motion to approve by Lemay, second by Johnstone; approved 5-0

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

Meeting adjourned at 9:15 PM.

Respectfully submitted,

Bill de Funiak,

Clerk-Treasurer