

**TOWN OF LONG BEACH**  
**TOWN COUNCIL MEETING at Town Hall**  
**via In Person / Zoom**  
**September 12, 2022**  
**7:00 p.m.**

All council members Bob Lemay, John Wall, Mary Lou McFadden, Mike Johnstone, and John Kocher, Clerk-Treasurer Perry, Police Chief Mark Swistek, Attorney Chris Willoughby of Braje, Nelson & Janes, and Marilyn Jones & Associates were present at Town Hall. ALCO was present to record this meeting for television viewing. Approximately 16 Zoom members attended the meeting.

**Pledge of Allegiance**, followed by the meeting convening at 7:00 p.m.

Lemay gave a special thank you to the Long Beach Police department, particularly Mark Swistek, on duty alone on September 1<sup>st</sup>, called to a residence in Michiana Shores where he found 2 stabbing victims, and was able to take down the suspect.

Additions to the agenda were announced: Raises, Public Works Appointments, and new websites proposals.

Town Council Executive meeting minutes of August 8, 2022 were approved 5 – 0 with motion and second by McFadden and Wall. Council meeting minutes of August 8, 2022 minutes were unanimously approved 5 – 0 with a motion and second by Johnstone and McFadden to include 3 changes/corrections noted and amended by Lemay, to be made to the minutes. These minute changes were made for town file with Lemay's approval by phone with clerk's office.

All department/ committee reports were read. These council meetings are recorded and are on the town's website for viewing. In brief:

**Police Department/Police Commission/Town Administrator** – Swistek gave the report for August. (Full Copy on file) Commended Jason Yagelski for his work with an incident August 6<sup>th</sup> on the beach in Duneland Beach. The commission held their quarterly meeting September 8<sup>th</sup>. Thanked all area departments who assisted in the Michiana Shores September 1<sup>st</sup> stabbing case; thanked all area departments who assisted-LaPorte County Sheriff's Dept., Michigan City Police Dept., Trail Creek Police Dept., and the Town of Michiana Michigan. The LaPorte County Sheriff's Dept. has adopted the case for the investigation per Swistek's directive since one victim is still on life-support and will be a joint investigation with County. The department has been looking for another patrol unit and it was ordered the beginning of the year; could be available sometime in 2023. The department hired a part-time police clerk in May to assist on Saturdays. Swistek mentioned the crisis program in La Porte County. All cars are up and running after the diesel fuel incident and all invoices pertaining to the mishap have been paid by the fuel supplier. Mentioned \$263,000 LIT money the Town to receive to use for first responders.

**Fire Department/Fire Commission** – Wall gave the Y-T-D report and August report with average response times. There was one fire call and 3 false alarms. Medical calls down from last year at this time, although August was very busy with 18 medical calls. There was no fire commission meeting.

Training is taking place this evening with the new SCBA units. New fire station bids are out for the new station design. Phase I deadline is September 17, 2022 to submit to the fire commission. Budget numbers for this will be more known in November. Encourages homeowners to have "key holders" for emergency purposes.

No **Public Works** meeting in August to report. Meets September 26<sup>th</sup> at Town Hall at 9 AM.

Joy Schmitt stated the **Park Board** did not meet in August but will hold the next meeting at 6:00 PM on September 27<sup>th</sup>. Joy Schmitt stated that Room 2, the Historical Room, has lots of history in it but is never open to public access. The park and recreation board would like to swap room 2 that they use now for room 14, the old principal's office. Sarah Plooster works year-round hours now and could utilize part of it for the Park Board office and open the historical portion up for public access. The town would take back room 2 and the park board would rent room 14. Joy will contact Debbie Steele-Semla to remove her belongings from room 2. Swistek spoke of the community center committee working with potential renters for room 2. Mention was made of increasing total rent for these rooms in 2023 to \$15,000.

The **Community Center Committee** did not meet in September because of Labor Day, but meets again October 3<sup>rd</sup> at 3 PM. Joy Schmitt to work with Town Attorney Willoughby to create a Memorandum of Understanding with the Park Board to present to the Town Administrator and Community Center Committee for rooms 10 and 14 upon Swistek's recommendation to council. Approved 5 – 0 to proceed with MOU, with motion and second by McFadden and Lemay. McFadden made the motion and Lemay seconded the motion, with allowing the Park Dept. to move from Room 2 to Room 14; 5-0 approval. Wall asked about reviewing all tenant rent and rates for 2023. Swistek says the community center committee has that on their agenda already.

The **Budget and Finance** committee met on September 7<sup>th</sup>. Perry read his report on that meeting and says the town is on target with the 2023 budget. LIT is starting in January 2023. Worked closely with Trista of Cender & Co. and DLGF to meet deadlines for September 10 filing and thanked Helen Sheridan for her due diligence in getting the budget numbers in to Gateway for the Sept 10<sup>th</sup> deadline. Public hearing is scheduled for Sept. 17 at 6 PM for the budget.

The **Human Resources Advisory Committee** met on September 8<sup>th</sup>, a week later than usual, at 2:30 pm in Town Hall. Salary increases and longevity are being discussed for employees. The Chief, Mary O'Neil, and McFadden are working on an employee appraisal process to discuss at their October meeting.

The **Tree Board** did not meet in September, but will meet October 5<sup>th</sup> at 4 PM.

The **Building Commission** on August 12<sup>th</sup> and gave highlights – 2021 Silvertip went to BZA; from there, the building commission approved that permit for a garage. 2900 Lothair Way, house destroyed by fire- they wanted solar panels on the garage roof but changes to the ordinance didn't allow for the approval on the permit yet. Rest of house project was approved. 1400 LSD-siding was permitted but deck requires additional information. 1610 Nichols Court fence was put in by an unregistered contractor and having no permit. Letter sent to homeowners with 10 days to remove fence from right-of-way and remove all together since no permit was applied for. Daily fines will commence after that 10-day timeframe. 2006 Juneway- citation for no permit and unregistered contractor. A letter has been sent to the homeowner since homeowner refused to pay the fine. Long Beach Country Club permit had been

approved but the Country Club is working with the La Porte County Health Dept. because of septic permit concerns. The septic permit needed to be approved through the county before Long Beach could approve the building permit. This application is all on hold at this time. Special meeting was held regarding homeowners who had built stairs on their seawalls, violating the town's beach protection ordinance. Quite a number of properties were discussed and pictures were taken of same properties. Property owners were informed and invited in advance by mail of this meeting. Another special meeting will be held after information is processed on the matter.

**Board of Zoning Appeals** met August 9<sup>th</sup>. 2021 Silvertip Lane petition was approved. Yellow Bear Farms, LLC Lots 51 through 73 in Hidden Shores, requested their public hearing be continued to the September 13th meeting.

**Advisory Plan Commission** -Atty. Willoughby reenforced the fact that the stair ordinance does not require amendments, as the DNR will respond to lakefront homeowners who request to build stairs. The steep slope ordinance was again discussed. A new ordinance will be prepared by Atty. Willoughby to be discussed at the September meeting and Lemay mentioned the changes to be made. The proposed ordinance will appear on the website. Next meeting is Sept. 19<sup>th</sup>, 7 PM at Town Hall.

C-T Perry gave the **Building Permit Revenue Report** for August 2022: There were 27 permits issued totaling \$915,004.00 w/ Town revenue of \$10,490.00; 6 electric permits totaling \$585.00; 8 street cut permits with \$700.00 revenue. (One was for the Town with no fee). **August Legal expenses** paid totaling \$10,452.00 with \$10,200.00 paid to Braje, Nelson & Janes and \$252.00 paid to Knight, Hoppe, Kurnik & Knight.

A motion made and second by Lemay and McFadden to approve all committee and revenue reports + legal expenses; approved 5-0.

#### **Old Business –**

**Solar Ordinance #2022-10:** No second reading required. This ordinance was approved 5 – 0 that had been presented to the council with a favorable recommendation from the APC. The motion and second by Lemay and McFadden were made to accept the recommendation. The resolution regarding department head spending authorization was removed from the agenda by Lemay.

#### **New Business –**

Council approved the LaPorte County Government office to use the gymnasium facilities for election on November 8, 2022 with a motion and second by Lemay and McFadden and a 5 – 0 vote. Lemay stated that at the last meeting the council agreed the town was not going to stripe the basketball courts at the community center for pickleball. They were striped and an invoice for \$2,500 was issued to the police department from Arnt Asphalt for the work. Asked Mr. Perry to address the issue. Perry says he believes the town is divided when he came and that there was opposition by some of his position as Clerk-Treasurer. He wanted to unite everyone and take the lead on the pickleball matter. He agreed he acted outside of his authority by striping the courts. The Club owns the land and said they'd do what they want with it, and approved the striping. Two residents contributed to the striping so Perry had it striped. He made a public apology to everyone. Perry offered to pay the invoice from his Art in the Park sales proceeds. But asked for council direction on the solution. Willoughby noted that the

contributed funds have already been deposited and earmarked for use for the community center. Communication should be made to the contributors. And clarification with the Country Club on matters that relate with the Long Beach Country Club. Perhaps a simple license agreement. Lemay stated that the biggest reason the council did not want the courts striped is because of the noise right outside the windows of one of the town's biggest renters at the community center, the YMCA. Kendra Bartlett of the park board requested from Perry the date and time of the Country Club's approval. He said he could get the information from the Club and send to her. Lemay motioned that the town not spend funds for something the town did not approve; there is an open invoice to pay. Kocher suggests sending the money back to the contributors and hope they would help pay the striper. Joy Schmitt, Park Board, addressed the council and remarked the Board labeled \$10,000 for tree removal from the park. Asked if this now should not happen? Discussion took place of all the property owned by the Country Club. Willoughby suggests the possibility of MOU's or license agreements between the Town and the Country Club. The Country Club has always been cooperative with the Town over the years. Anita Remijas of the Park Board addressed the council regarding Perry's suggestion of use of Higdon's funds. Lemay wants Chief Swistek and Attorney Willoughby to work together on agreements pertaining to the tennis courts, the septic system, the summer park program, the art in the park, movie in the park, use of the pavilion, etc. and communicate with the country club for future endeavors. Swistek said he'd reach out the Mr. Clark and Brian Hogan of the LB Country Club. Will follow up later on this matter. Lemay added, amended his motion to not spend money for the striping and include returning the money to the contributors; second by Wall, approved 5 – 0. Lemay wants Perry to contact Arnt Asphalt regarding the open invoice.

Chief Swistek recommends the Town pay the fees of \$171.95 for councilwoman McFadden's renewal and re-certification to be notary which includes the bond. He'd like one to two employees being notaries beginning 2023. Lemay motions to pay the expenditure of \$171.95; second by Johnstone; approved 5 – 0.

Stop 18 work is complete with the new ramp. Over a period from 2019, 2020, and 2021, stope 18 was getting eroded pretty bad and was unsafe. The project grew in cost and although Wall came to the council with \$10,000 worth of expenses previously, it's now increased to \$15,000 but the invoice is at \$22,000 now. Proposes the additional \$7,000 which is the rock work and is the stormwater improvement portion, be paid from Stormwater funds. Wall made a motion that the council approve the \$22,000 expenditure to Sullwood, LLC with \$7,000 of it being paid from stormwater funds. Kocher asked what the scope of work originally entailed and if there was a budget for it since the dollar amount keeps increasing and asked if there was a plan before the project began. Lengthy discussion by council took place on Stop 18 expenses paid out over the last 3 to 4 years. Second by Johnstone on the motion by Wall; and approved 5 – 0.

Stop 29 Town right-of-way/retaining wall safety issues were addressed by Swistek and the costs of \$9,685.00 from Healy Landscaping for the work done. The resident at 2822 Lake Shore Drive agrees to pay \$3,000 towards this project. the town extends an existing retaining wall that is located at the property at 2822 LSD and would continue to the immediate west and far enough off the road to allow the town to landscape. The town's expenditure would then be reduced to \$6,457.00. Recommends council allow Healy Landscaping to proceed on the project in September since it is an extreme eyesore and a safety issue. The town will contribute the mulch. The finished project will not allow any public access to the beach from this point forward. Council approves the expense not to exceed \$10,000 and Healy to proceed with a motion by McFadden and a second by Lemay. Approved 5 – 0.

Swistek presented renewal for the Equature recorded phone lines that used by the police department. Currently annual is \$1,534 for recording systems, software, maintenance and monitoring. The server is

outdated. Up for renewal, the 5- year contract would be: Yr. 1 - \$4,676.00; Yrs. 2-5 would be \$3,676.00. After the 5 years, the annual budget would be approximately \$2,000 a year. Gave the numbers to the C-T's office for budgeting purposes. Lemay made the motion to proceed with Chief's recommendation of renewal, McFadden seconds. 5 – 0.

K-Plus IT renewal for 2023 with a \$100/mo. increase recommended by Swistek. New monthly payment would be \$950.00. Lemay made the motion to approve and McFadden seconded the motion to approve \$950/mo. Approved 5 – 0.

Swistek addressed the council about the Moore Rd. pumphouse HVAC malfunctioning concerns. Dye Plumbing and Heating can service the old 20 + unit and recommended replacing the unit all together. This project will be approximately \$7,400 which will come out of the current operating budget and no need for council approval.

Employee Identification Cards-Swistek suggests that all civilian employees and staff be identified as "agents of the Town", especially if traveling and making purchases on town credit. Police already hold ID Cards. The cost will be about \$15/per ID with in-house processing. Council approved to proceed with a motion by Lemay and second by McFadden; approved 5 – 0. Lemay wants this to include committee members.

Republic Services contract renewal – Swistek presented the council the specifics for the renewal. Monthly costs would be approx. \$15.95 per resident with the new contract, where it had been \$15.34 per resident. The town bills each resident \$16.06/mo. for this service currently. Council approves the one yr. contract at 15.95/mo. with motion by McFadden and second by Lemay; 5 – 0 approval.

Perry announced he had a quote today from Lake Shore Recycling for refuse service. Wants to strike the matter since approval already made for Republic Services.

Swistek was in contact with Tim Haas of Haas Engineering about the Lake Shore Drive Water project. Because it is taking six months or more on materials right now and the uncertainty of their availability, Haas suggests bids on the project be postponed. After speaking with the water superintendent Greg Parrish, and Tim Haas, Swistek is asking to proceed with working with the attorney and Parrish to get pricing and the necessary supplies ordered for the project. Lemay made the motion to delay the project bidding but continue with procurement. Second by McFadden, and approved 5 – 0.

Council continued with the previous discussion of Lake Shore Recycling where Perry announced at 4:30 today he received a quote of \$14.95 per household from the company. Wall would like to hear more specifics of this contract so this will be visited again at the September 19<sup>th</sup> special council meeting. Lemay motioned to rescind his previous motion to accept Republic Services' contract; second by Johnstone. The vote was 5 – 0.

The Town Attorney is working with the State of Indiana on the Floodplain Ordinance; this matter was continued.

John Wall spoke of Long Beach zoning ordinances in place and a significant size house being proposed for construction In Hidden Shores. Personally, he wants to see a maximum size on homes. Johnstone not in favor of a size limitation. McFadden is okay with the proposed Yellow Bears home size. Kocher agreed with John Wall. Not exactly against size limitation but asked how big? Lemay to take these ideas to the APC

Swistek proposes to replace the sign on Karwick Rd. that will read "Karwick Rd. becomes Chastleton Dr." at a cost of \$109 for the 18: x 24" sign with reflectors. Lemay motions to approve the expense; Kocher seconds. 5 – 0 approved.

Website proposal has been continued until the October meeting with a motion and second by Lemay and McFadden; 5 – 0 vote.

Lemay motions to call for an executive meeting of the council at 4:30 PM on Sept 19<sup>th</sup> to discuss raises. McFadden seconds the motion; approved 5 – 0.

Lemay made a motion to place John Wall, Mary Lou McFadden, Scott Popp, Rick Remijas, Mark Swistek, Greg Parrish, and Tom Dolph on the Public Works & Safety Committee. Johnstone seconds, and it was approved 5 – 0.

**Public Comments** – Anita Remijas, 2300 Florimond Ave., is a notary and willing to donate her services where needed in the town. Had opinions of the pickleball striping of the courts at the community center. Brian Kanyer, 2200 Oakenwald, spoke on deer overpopulation and the one-year moratorium of deer hunting. Suggests a solution be addressed once again and assess last year’s decision. Lemay says if someone wants to change their vote on last year’s survey, send an email to the council. Paul Fithian, 3013 Loma Portal Way, spoke on the deer population and urges the council to act on it. Kevin Flemington, 2409 St. Lawrence, offered an option to hunt in the woods. Attorney Willoughby spoke of jurisdiction issues on who owns the woods out by the maintenance department. Zafar Rizvi, 1636 Lake Shore Drive, will send an email to Lemay and Wall regarding the storm water pipes he’d like removed from his property. His basement has flooded and the requests for removal go back 8 years now.

**Council Comments - John** Wall commented on Rizvi’s request. Wall will revisit this matter with Haas Engineering.

Claims Approval: Town checks #19128 through 19138, 10 voided checks; and checks 19139-19203 totaling \$212,692.96; Water Dept. checks #54561 – 54583 totaling \$114,113.64 and August payroll of \$78,595.02. Also, an invoice to be paid to John Doyle & Associates for \$4,800.00 was included for approval. A motion to approve by McFadden, second by Johnstone; approved 5-0.

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

Meeting adjourned at 9:13 PM.

Respectfully submitted,

Deanna Carlson,

Deputy Clerk