

TOWN OF LONG BEACH
TOWN COUNCIL MEETING at Town Hall
via In Person / Zoom
January 9, 2023
7:00 p.m.

Present at Town Hall were Council members Bob Lemay, Mary Lou McFadden, John Wall and John Kocher, Police Chief Mark Swistek, and Attorney Chris Willoughby of Braje, Nelson & Janes. Johnstone and C-T Perry were absent. Becky Lempa of Marilyn Jones & Assoc. and approximately 26 other people attended through Zoom this evening. ALCO TV was present to record this meeting for television access. This meeting is being recorded for the record.

Lemay called the meeting to order with roll call at 7:00 PM followed by the Pledge of Allegiance

Pres. Lemay added to the agenda: CCMG; the Bartlett vs Perry matter, the Lobbyist; and weekly deposits by Clerk's office

Lemay was nominated for Council President by McFadden; second by Kocher; approved 4– 0. Kocher was nominated for Vice President by McFadden; second by Wall; approved 4– 0.

Council meeting minutes from December 12, 2022: Lemay makes a correction that on page 3 under The Advisory Plan Commission- should read "The committee decided not to create an ordinance regarding maximum building size." Also, Wall asks that the vote be corrected on the purchase of the fire truck in these minutes; they should read "It passes with a 4 – 1 vote." Motion to approve with the 2 corrections by Lemay; second by McFadden; 4 – 0. Minutes of December 27, 2022 approved with motion by Lemay; second by McFadden; 4-0.

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 – Chief Swistek read the police report for December (copy on file). Briefly: Officer Yagelski clocks a motorist speeding over 100 mph on U. S. Hwy 12 resulting in a pursuit with apprehension. Congratulations to Deputy Mitchell Sightes who responded to a structure fire on December 18th and assisted with area departments pulling the victim from a trailer home. Deputy Sightes received a letter of commendation. The Police Commission met on January 5th. Congratulations goes out to Chief Deputy Marshal James Schooley for his 25 years of service on January 2nd. A plaque is on order and will be presented at a later date. The new patrol vehicle is in production. There was one residential burglary in 2022 being investigated. The majority of thefts in 2022 were packages that had been delivered to homes by either Amazon or Fed Ex. September 1, 2022 was the date of the unfortunate double homicide in Michiana Shores currently under investigation. Testing of a new Glock firearm is happening this week. 2023 goals include a possible new ATV by Memorial Day and additional training and updating of firearms. Swistek is to meet with the new LaPorte County Prosecutor Sean Fagan on January 19th. There was nothing to report this evening as the Town Administrator.

Fire Department-Yemc: The Fire report was given by T. Yemc for the month of December and YTD. 14 calls; 160 calls for the year. Average response time is 4.5 min. for fire and 4.3 min. for medical. The new rescue vehicle is waiting for radios and sirens before being put in service. Contracted with Federal Signal who had the best bid. Team is working on the annual proficiency test this week. "Danger-Thin Ice" signs were put out along Lake Shore Drive for the public's awareness.

Fire Commission-Wall: The fire commission met last week and discussed the new fire truck purchase the council approved. Public Safety building subject matters will be discussed later in this meeting.

The **Public Works** committee did not meet in January because of Martin Luther King Day. The committee will meet on January 23rd. However, John Wall, Dolph, Swistek, and Haas & Assoc. met regarding the CCMG application that was to be due in January of 2022. They did not apply but went for the "second call" in the summertime for a smaller project. \$341,480.00 paving project with \$85,000 for the town's portion and engineering portion of \$43,000 for a total of about \$129,000 owed by the Town. It was awarded in December of 2022 to move with that project in 2023 with the Town paying that portion in 2023. A "second call" in 2023, awarded and paid for in 2024- a \$1.1 million + project. Wall says about half of this work is storm sewer work so that could be paid for in 2024 with stormwater funds. Town's portion of approximately 75% could then be paid for by the state. The package is presented by Wall to council for review and consideration this evening with a motion by Lemay to spend the \$129,000.00; seconded by McFadden and passed 4-0.

Park Board and Community Center Committee did not meet in January according to Joy Schmitt. She briefly addressed the council about the park budget. She states that what was submitted to the State does not match the Park Board numbers, nearly \$100,000.00 lower. Parks will be able to fund basic routine functions, that include Park employee salaries and Summer Park program. However, it will not include any of the following 2023 proposed projects which were discussed at length at the Aug. 2022 budget meeting: engineering plans for an ADA plan at Stop 15; guard railings at Stop 21 and 23; tree trimming in any of the park areas; remodeling and expansion of the memorial brick garden; pavilion/tennis courts upgrade; landscape architect plans for an ADA walkway in the park; nor upgrades to Room 14 at the community center. In addition, the Park's landscaping budget was cut in half which means no routine maintenance of the park areas or the Stops. She requests permission of the council to sit down with Helen Sheridan, deputy accounting clerk, in the next week or so to come up with a plan to access some funds from somewhere to present for consideration to council at the February meeting. Kocher asked if \$100,000 would cover all the projects; Schmitt says yes. McFadden makes a motion to allow the Park Board to work with Helen and to make up those funds. Wall mentions to hold off until after the budget and finance meeting. McFadden then withdrew her motion, to allow Wall and the budget and finance to meet to review funds first which has been postponed until later in the month.

Budget and Finance committee did not meet in January.

The **Human Resources** committee met January 4th and talked about performance appraisals, working with different surrounding areas for ideas, so Long Beach can begin implementing a plan in the future for its employees. Swistek reached out to the Town's insurance carrier for information on Medical Trust Health Care plans. Water Department personnel replacement is ongoing. February 9th is the next meeting.

Tree Board did not meet. **Building Commission** meets on January 13th. The **Board of Zoning Appeals** will meet on January 10th at 7:00 PM. The **Advisory Plan Commission** will meet on January 16th at 7 PM.

Deputy Clerk Carlson gave the **Building Permit Revenue Report** for December 2022: There were 13 permits issued totaling \$372,460.00 w/ Town revenue of \$4,230.00; 4 electric permits totaling \$508.00; and 5 street cut permits issued with revenue of \$500.00. **Legal expenses** totaled \$14,494.50: \$14,262.50 paid to Braje, Nelson & Janes for November and December invoices and \$232.00 paid to Barnes & Thornburg

A motion made and seconded by Lemay and McFadden to approve all committee and revenue reports + legal expenses; approved 4-0.

All **New Business** this evening:

The topic of committee and board appointments was tabled until the February meeting since councilman Johnstone is absent tonight. Council agreed 4 – 0 to table.

McFadden made a motion to approve the water department clerk to work evenings and weekends until her replacement is hired and trained; Lemay seconds the motion. It passes 4 – 0. McFadden stated the HR committee will start advertising for a general part-time, 20 – 30 hr./wk. water department clerk, for 8 am. – 2 pm., five days a week.

Homeowner Patrick Burke, 1302 Lake Shore Drive, requests permission from the council to connect to the Michigan City Sanitary District sewer line on the west end of town, already pre-existing. This is a home that was torn down and rebuilt; it had already been hooked-up before the new construction. After council discussion, McFadden makes the motion to allow Burke to tap into the pre-existing MCSD sewer system; second by Lemay; approved 4 – 0.

The posting for (3) three openings to make up a Public Safety Building Corporation Board will go on the town's website. More information will be made available at the February council meeting. Wall requests the council send a "formal letter of notice to proceed" to Holladay Design/Build. Attorney Willoughby stated he drafted one.

Wall presented 3 quotes from companies for soil boring at the Public Safety Building project. They were: AES (Advanced Engineering Services, Inc.-\$5,450.00; K & S Engineers, Inc.-\$6,400.00; Weaver Consultants Group-\$10,700.00. Lemay made a motion to hire AES for \$5,450.00; second by Kocher, and approved 4 – 0.

Lemay announces there is a settlement agreement between Jeffery Bartlett and the Town of Long Beach which includes a \$2,500 payment to Bartlett for legal expenses; Attorney Willoughby expanded on it. Lemay reads a Long Beach Town Council Public Statement, Exhibit A in the settlement, required as part of "the settlement agreement by and between Jeffery Bartlett and Town of Long Beach, Indiana, including Tim Perry (Clerk/Treasurer) in his official capacity only".

Exhibit A reads: The Town Council has been informed that on or about May 14, 2022, Town clerk-treasurer Tim Perry contacted resident Jeffrey Bartlett's employer and, under his title as Town-Clerk Treasurer, indicated that the Town possessed information which calls into question Mr. Bartlett's

character and his fitness to be an airline pilot. The Town Council is further aware of a private dispute between the Bartlett family and Mr. Perry which predated Mr. Perry's appointment as Town-Clerk Treasurer. Mr. Perry's statements were made without the Town Council's knowledge or approval, and his actions were outside what the Town Council understands to be the duties and responsibilities of the Clerk-Treasurer's office under applicable provisions of the Indiana and Long Beach Town Codes. Furthermore, the Town Council has not approved and does not approve, condone, or support any such statements or actions at any time. On behalf of the town of Long Beach Indiana, I Robert Lemay, as Town Council president and on behalf of the Town Council, wish to now apologize for Mr. Perry's poor judgement and deplorable actions, and the Town Council deeply regrets any issues, inconvenience, and/or other problems Mr. Perry's actions caused not only Mr. Bartlett but also his family and employer. (Original on file) Kendra Bartlett was available on Zoom as it was read aloud and mentioned how Tim Perry should have been present this evening, as this pertained to him. Lemay makes a motion to accept the settlement, the statement by council and release claims by Bartlett, and to pay the \$2,500 legal expenses for Bartlett, as part of the agreement. Second by McFadden, passed with a 4 – 0 vote.

Lemay recommends council hire the lobbyist once again for protection of the Long Beach shoreline; he mentions Rep. Jim Pressel's new legislation in the Statehouse. Lemay makes a motion to obtain services of Chris Gipson at \$25,000 in 4 installments. Wall commented that Save the Dunes supports Long Beach using the lobbyist's services. Kocher seconds the motion and it passes 4 – 0.

Lemay inquired about the weekly reports he asked of the Clerk-Treasurer pertaining to money received on a weekly basis at the Clerk's office and frequency of deposits being made. Those were not made available; Lemay asked that Tim bring them to the next Budget and Finance meeting.

Public Comments – Anita Remijas, 2300 Florimond Ave, gives her support of hiring the lobbyist and thanks council for the same. Thought the ordinance pertaining to term limits was "ridiculous" saying that there are limited volunteers to some of the committees already. Spoke of the absence of the Clerk-Treasurer and his lack of presence and responsibility. Doria Lemay, 2201 Oakenwald Dr, says Anita speaks the truth on behalf of many residents regarding the C-T and asks for Tim Perry to resign. She wants residents to take more active roles. Annabelle Juhasz, Florimond Ave, supports the hiring of the lobbyist.

Since there are no Council Comments Claims Approval are read by Deputy Clerk Carlson: There weren't any town checks to approve since the December 27, 2022 council meeting, but there were Water Dept. checks #54638 – 54652 totaling \$90,684.57. December 2022 payroll had been approved already at the December 27, 2022 meeting. A motion to approve by Lemay; second by McFadden; approved 4-0.

Motion and second to adjourn by Lemay and second by McFadden, approved 4-0.

Meeting adjourned at 8:21 PM.

Respectfully submitted,

Deanna Carlson, Deputy Clerk