

TOWN OF LONG BEACH  
TOWN COUNCIL MEETING at Town Hall  
via In Person / Zoom  
February 13, 2023  
7:00 p.m.

Present at Town Hall were Council members Mary Lou McFadden, John Wall, Mike Johnstone, and John Kocher, Police Chief Mark Swistek, Attorney Chris Willoughby of Braje, Nelson & Janes, Clerk-Treasurer Tim Perry, and Karl Cender of Cender & Co. Council Pres. Bob Lemay, Becky Lempa and Marilyn of Marilyn Jones & Assoc. and approximately 23 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.

Kocher chaired the meeting; Lemay attended through Zoom; it was called to order with roll call at 7:00 PM followed by the Pledge of Allegiance. All votes will be by roll call this evening.

Council meeting minutes from January 9, 2023 were approved with a motion by McFadden; second by Johnstone; 5– 0.

Police Chief Swistek presented Employee Service Recognition Awards on behalf of the Long Beach Town Council: Chief Deputy Marshal James Schooley, for his 25 years of professional service with the Town of Long Beach Police Department since January 2, 1998. Water Superintendent Greg Parrish, for his 20 years of public and professional service to the Town of Long Beach Water Department since February 14, 2003. Deputy Marshal Jason Speakman, for his 15 years of service with Long Beach Police Reserve Deputy Marshal Unit since June 19, 2008 and who is going on to serve as full time Deputy Marshal for the Town of Trail Creek, IN.

John Wall adds one agenda item: RAVE – La Porte County emergency informational.

Two “New Business” subjects start out of the meeting- Chief Swistek speaks on behalf of a request by the Water Department to build a retaining wall at the Water Tower site of Foxdale Trail. Recent years have seen sand moving towards the road and this wall will help keep the erosion under control along with providing a parking space on the right-of-way for a Town vehicle or any service contractor vehicle. Two proposals: \$70,877.88 and \$17,584.00. The lower bid will save the town approximately \$52,294.00. The request is to approve the lower bid with Falatovics Construction; the money is available in the budgeted Water Dept. funds. McFadden motions to approve the Falatovics’ \$17,584.00 proposal; second by Johnstone; roll call vote 5 – 0.

The subject of vacant lots was presented by McFadden with reading of an email from Swistek after his meeting with water department staff “reference the recent discussion and shared emails related to the current fees charged to vacant lots”. Those discussions lead the Public Works committee, which voted 6 to 1, to recommend the Town Council consider such an ordinance that could be titled “Ordinance Establishing Fees related to all vacant lots”. Discussions have taken place on this subject since last fall. Supt. Parrish presented further information to council. Parrish states that currently there are 7 vacant

lots in question. Lengthy discussion by council concluded this evening with a motion to draft an ordinance; Johnstone seconds; roll call vote 4 ayes– 1 nay. Atty. Willoughby will work on a draft.

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

**Police Department-** Chief Swistek gave the report for the month of January. (On file) Two unfortunate death investigations in the Town of Michiana Shores. Thanked the newly elected LaPorte County Prosecutor Shaun Fagan. Fagan had donated \$8,500 to the Town of Long Beach towards the purchase of a police drone to be used for investigations and search and rescue. Fagan picked up the entire cost of the drone out of the infraction deferral program funds. Lake front water safety will benefit from the use of this drone since there have been many unfortunate deaths in Lake Michigan. This drone along with the Coast Guards new helicopters will be active this summer along the lakefront. The **Police Commission** did not meet in January.

**Town Administrator report** by Chief Swistek – The community center painting project is complete, thanks to TMC Painting. \$3,800 was approved by council for the painting; LB Civic Assoc. donated \$2,800; and the Higdon 5K run donation of \$1,000 all went to the final cost of \$3,806.00. Thanked Melanie Davis for the clean up done at the center along with all other committee members.

**Fire Department** report by Yemc: There were 11 calls in January -all were medical calls. Gave average response times. (On file) The ice rink at the park had little winter use; warm temperatures gave it a short season of use. Gave a warning to stay off the shelf ice, it is such a hazard. Training was ongoing this month with CPR, with the AEDs, and elevator safety. The department is looking forward to drone training with the police. Rescue truck is waiting for a battery charger but should be in service soon. Then the suburban will be ready to go out for sale. McFadden congratulated all those that put the ice rink together for the community.

**Fire Commission-**Wall stated the commission met to discuss the public safety building; the financing for the fire truck- a proposal from Horizon Bank for a loan for the purchase of the vehicle. Should have a couple of quotes for the truck financing in the near future. Payment isn't required until delivery of said vehicle which is probably 18 months away.

The Building Corporation – Ed Gausselin, Dan Moon, and Cory Soller will serve on the building corporation.

The proposed Lease Agreement is being presented to approve for form only, not signing it. Then approving the resolution that allows the town to then move forward to have a required public hearing with regard to the lease with the substance of it. Nothing with the substance or locking the town or the building corporation that needs to be set up.

Wall verifies a few things with regards to the contract with Holladay Design. 30% cost estimate is \$2,500,000.00. The contract states it is \$2,500,000.00 for contract costs. Johnstone stated he believed the approved was an "all inclusive", not just the construction costs. Kocher stated he believed the \$2,500,000.00 is the ceiling and as the project moves forward, the costs could possibly be less than that. Willoughby mentioned changes he believes should be made to the contract. The only "glaring" detail he thinks should be hashed out is the final numbers. Karl Cender explained \$135,000 cost of issuance, not including the underwriter's discount estimated at near 1.2%, so \$35,000. So now at \$170,000.00. Cannot start a levy in 2023 since the budget is already approved. Capitalized interest is \$93,000.00. The budget and finance committee earmarked that until the GO bonds were paid off at the end of 2026, that

money was put into the capital plan. That \$93,000 would be paid through January 2024 would be covered by the Local Income Tax, public safety money. Karl suggested an anticipated "\$200,000 contingency" but that decision is up to the council. That \$200,000 is about 8% of the \$2,500,000 which is not too uncommon-to have a 10% contingency before even receiving bids on projects like this. Bond amount would be \$2,875,000 rounded up to \$2,900,000; a decision for the council. Interest only between now and the end of 2026 when the current GO bonds are paid off out of, hopefully, the public safety tax. Budget and Finance committee needs to make the final decision.

Swistek also brought to the council's attention costs that may not have been part of the design – The security system for the building; the internal infrastructure with security cameras; card readers with automated technology for building access with key fobs; the training rooms with adequate IT -audio, video technology, acoustics, etc. Maybe these can be incorporated within the contingency costs.

Wall hopes that the building can use the same sanitary system as the Town Center building uses. He is actively trying to help reduce costs on the project. Lengthy discussion continued.

Lemay stated he thought the costs mentioned at the meeting on Dec. 27<sup>th</sup> was for \$2,500,000 construction costs only, not to include financing. The town desperately needs a fire station and it was overwhelmingly supported by the community at that meeting. The current building will not hold out for too long. Wants the \$2,500,000 to be considered for construction costs only. Karl concurred and used that number for the December 27<sup>th</sup> meeting. Johnstone asked for more information from Karl Cender. February 28<sup>th</sup> was suggested for a public hearing -20 year at \$267,000/yr. Wall mentioned that the county public safety money coming in each year is just about that \$267,000 needed.

Wall makes a motion to set a special council meeting for Tuesday, February 28<sup>th</sup> at 7PM for the lease form and resolution and finalize negotiations with Holladay Design; Johnstone seconds; roll call vote 5 – 0; approved.

The **Public Works** committee met January 23<sup>rd</sup> and will meet February 27<sup>th</sup> at 9 AM. The vacant lots subject was discussed earlier tonight.

**Park Board** met January 24<sup>th</sup>. Joy Schmitt states most of the park board projects are on hold until they can determine their funding. Still waiting to meet with Helen to finish closing 2022 to go over that. With the help of the Beach Garden Club that will be able to have a landscape architect draw up plans for a new memorial brick walkway in the park. Irrigation service will be contracted with Serviscape this year to be consistent with the Town's services. RES Repairs will put new flooring in room 14 at the community for a cost of \$5,320.00. Next meeting on February 28<sup>th</sup> at 6 PM will include encroachments at certain town Stops.

**Community Center Committee** met Feb. 6<sup>th</sup>. Amy Shinn moved in to Room 2 beginning Feb. 1<sup>st</sup> through December 31<sup>st</sup>. Outstanding plumbing issues are being worked out with Poston & Sons plumbing. Heat pump that went out at the Y has been replaced. The YMCA implemented a "key fob" system for members to use after hours; they have been pretty popular. The hallways have been painted. Emergency exist signs needed will be discussed later in new business.

**Budget and Finance** committee met January 25<sup>th</sup>; Perry gave report. Abbreviated meeting; no year-end reports as 2022 is not closed out yet. Will meet Feb. 15<sup>th</sup> at 8:30 AM. Close out numbers from 2022 will be discussed then. Other topics mentioned were the LSD sewer project, and the necessity to budget for a potential expense of \$500,000+ to the town; 2022 and 2023 CCMG applications, looked briefly at the capital plan; talked about public works accounting and combining the Town's bank accounts with the

Water Dept.'s bank accounts. There are some benefits in doing that but a vote by council would be necessary to proceed with that. He is tracking down a Stop 29 shoreline protection invoice from Woodruff & Sons, the Lakeshore Drive water improvement project of approx. \$900,000 bid process and schedule, fire truck financing, Stop 17 and 18 drainage preliminary estimates. Perry, as a resident, says he'd like to hear more about that project. Talked about the 2023 budgeting process; making it a little smoother for those in the Clerk's office. First payment came through with LIT money. Park Board funding was discussed and the lack thereof, trying to rectify that for the Park Board. Regarding combining the two town accounts; the benefits would be, one large account with more money than separate. The current interest rate environment would allow for the town to make some revenue on money that sits in the bank. With current rates, it could generate another \$50,000 to \$80,000 a year in additional revenue, which is appealing. Perry says It would be easier to reconcile the statements from the bank. And there have been some software problems where if water dept. runs checks and town runs checks in a similar time frame, the whole thing blows up, and then calls are placed to Civic Systems to reprogram a bunch of stuff so combining would help resolve a lot of software issues. McFadden commented about Perry's issue with running checks at the same time with the two departments. If both departments communicate about when they are running checks and closing the G/L, those instances don't happen. The water department only voided one check in the last three years, the Town side has voided many. She says it's not a glitch in the system and is nervous about combining. Perry says there is no "your side and our side", we are in the same town. Kocher asked how much we are making on our money right now, Perry says, almost nothing. Perry says de Funiak was in the office a couple of times in the last few months, but he has seen the challenges with the two accounts and he believes de Funiak supports combining them. This summer there was a significant upgrade to the software and Perry thinks that upgrade caused some of those issues that eventually could be solved by getting the system on "the cloud". Right now, the two competing systems are causing turmoil. McFadden wants the topic of combining the accounts tabled so she can look at everything. Wall notes the accounts would still be town and water accounts, we are just talking about combining the money," putting the cash in one big box". Johnstone asked Perry if the bank has mentioned the product called Zero Balance Accounting. Perry states he and Lemay have a conference call with bank tomorrow. Johnstone would like to be part of that. Perry entertains a motion to combine the two accounts. Willoughby mentioned that the current ordinance states the Water Dept. is under the purview of the Town Council; and it doesn't necessitate the council needs to do anything other than general communications and agreements between the two departments. As long as it meets the requirements of the State Board of Accounts, there shouldn't be any objection other than honoring McFadden's request. Johnstone will meet with Perry, Lemay and the bank. The council would like to be informed as to the information received by the bank and follow up with that at the Feb. 15<sup>th</sup> Budget and Finance meeting. McFadden will attend that meeting.

The **Human Resources** committee met on February 9<sup>th</sup>. Performance appraisals have been shared with town employees and they were asked to share ideas, suggestions, and comments on the subject. These will be implemented in February, but next year, 2024, in January. There were 9 applicants for the job opening in the Water Dept., two interviews with two different people, and a second with one. This particular lady wants part time, she has her Bachelor of Science in Accounting, her MBA, and worked the last twelve years with Save the Dunes. She has been interviewed by Laurel Kuczynski, Lynne Conlon, and McFadden thus far. A second time by Greg Parrish, Tim Perry, the Chief, and McFadden. This position is \$19.95/hr. subject to this last interview and a background check. Chief Swistek reviewed the Salary Range with the council stating the recommended hire hourly rate of \$19.95 is within the range. Lemay

stated he was willing to step aside from the interviewing and motions to move forward with the hire; second by McFadden. Approved by roll call vote 5 – 0.

The **Tree Board** had sent a draft of its amended tree ordinance to all council by way of McFadden for their review. The Tree Board did not meet in January. Ellen Lynch wasn't able to join in with the Zoom link this evening.

Lemay gave the report for the **Building Commission** meeting that was held on February 10<sup>th</sup>. He announced a special meeting of the commission to be held on February 22<sup>nd</sup> at 1 PM for the purpose to discuss stairs and fines to people who build without permits and contractors who work without registrations. The IWORQ software was discussed which is a computerized way to do permits and registrations. A power point presentation will soon be presented to town council. The building commission is in favor of the software.

A permit for 2023 Melrose Drive was approved.

An application for 2805 Oriole Trail for solar panels on a roof was originally approved but was rescinded since the contractor wasn't registered and no permit fees were paid.

A 2311 Hazeltine Drive application was approved, but after inspections were completed, the contractor is asked to submit amended permit application with updated information requested by the commission. A stop work order was issued on this project.

1612 Indianapolis Ave.-a consolidated permit application has been requested.

2400 Shorewood Drive was approved. \$500 fine issued to the homeowner/\$500 fine issued to the contractor, working without permit and registration.

The **Board of Zoning Appeals** met on January 10<sup>th</sup> at 7:00 PM. A public hearing has been set for 2211 Oakenwald Drive, the Duffy residence.

The **Advisory Plan Commission** met on January 16<sup>th</sup> at 7 PM. An address has been assigned to the new Public Safety Building, that being 2400 Town Court Road.

**Building Permit Revenue Report** for January 2023: There were 11 permits issued totaling \$607,516.00 w/ Town revenue of \$6,332.00; 7 electric permits totaling \$1,342.00; and 1 street cut permit issued to NIPSCO -revenue \$100.00.

**Legal expenses** paid in January totaling \$4,875.00 to Braje, Nelson & Janes

**Lobbyist fees** paid to Corydon Group totaling \$12,500.00

A motion made and seconded by Johnstone and Kocher to approve all committee and revenue reports + legal expenses; approved 5-0.

#### **Unfinished Business:**

The topic of committee and board appointments was again tabled to March.

Public Safety Building was discussed at the beginning of this evening's agenda.

Wall announced that the LaPorte County Emergency Management came to Long Beach asking to inform the population that RAVE is available, a notification system the county has with Emergency Management. The information can be sent through the Tim in the Clerk's by email to all residents in town that they can opt either in or out for emergency alerts on their cell phones or email or both.

Swistek states that current emergency exit signs at the Community Center need to be lowered because of obstructions in viewing from one end of the hallway to the other end due to HVAC venting in the ceilings. Recommends PG Electric's quote of \$1000 to lower and move 5 locations and add 1. The Chief asks to budget \$1,600 from Riverboat funds for 6 signs. McFadden makes the motion; Wall seconds it. Although it wasn't budgeted this year, he asks for approval of the expense from Riverboat because Building and maintenance funds for the community center are low due to heat pumps that have had to be taken care of and future unforeseen expenses for the building. He doesn't want them depleted. Approved 5-0.

Wall suggests a March 3<sup>rd</sup> meeting for pre-bids with bids opened on March 13<sup>th</sup>. Council will require a special meeting on March 20<sup>th</sup> to award bids. That meeting is set for 6:30 PM on the 20<sup>th</sup> before the 7 PM APC meeting.

Stop 17 drainage project - Wall requests the town use Stormwater funds for this project and push the CCMG project to 2025 so those funds can be accessed. Wall makes a motion to allow Haas Engineering to move forward with the final design on Stop 17 drainage project. Johnstone seconds the motion; approved 5-0. Perry wants an update on this project since he lives at Stop 18; Wall explained.

Chief Swistek recommends the purchase of the ATV from Maxim Power Sport for \$24,197.47 plus \$500 for graphics, \$4,700 for emergency lighting, and \$3,900 for an added medical insert which allows for a backboard or stokes basket, portable gurney, for the police department. The total purchase would be \$33,297.47. With the B. Whitfield donation of \$10,000 to the police dept. and the \$4,000 radio donated by the City of Michigan City, the remaining \$23,297.47 could be paid for from golf cart revenue with current funds in that account at approx. \$20,000.00. An additional revenue this year of about \$19,000.00 will be applied to that purchase. With Duneland Beach complaints of underage drinking on their beaches, and complications of moving an intoxicated individual from off the beach Swistek says this all-terrain vehicle can greatly assist in the coming busy summer months. McFadden motions to approve the purchase; second by Johnstone, passed with 5-0 vote.

Swistek stated that access points to get down to the beach are at Stop 14, 16, and 24 with slight modifications made at Stop 14. Duneland Beach has an access point at their lot at Stop 31.

Swistek presented designs for the Town "Welcome" signs with "All Contractors Must Register with Town Hall" on them. 5 signs- 48" long x 36" tall, to be placed at 4 entrances to Long Beach, placing them at the entrance on Chastleton Drive near Hacienda, Stop 13, 31, at the Mt. Claire entrance at Moore Rd. Cost is \$1600, recommending Riverboat funds be used for purchase, or a portion to come from building permit revenue. McFadden makes a motion to purchase; Lemay seconds the motion; approved 5 -0.

Swistek requests consent from council, to allow the police department to trade in (7) current Glock model 17, 9 mm pistols and trade in (4) AR15 - 223 patrol rifles for the purchase of (7) Glock 45's and (1) AR-15 patrol rifle. Trade value is \$310.00 for each. Funds are in the current budget for the purchase so no request for funds, just the consent to trade and purchase. Motion by McFadden to trade in the firearms and the authorization to do it; second by Johnstone, passed 5 – 0.

Swistek requests purchasing 2 AED's (Automated Electronic Defibrillator) through settlement funds from a federal lawsuit from an Opioid lawsuit. Funds will be received for the next several years from the lawsuit. Although the officers carry Narcan for particular needs provided free from the La Porte County Health Department, purchasing an AED for placement at Town Hall, and at the Community Center could

be quite beneficial and at approximately \$2,000 each, the funds from the Opioid settlement would pay for them. Lifesaving and medical health are authorized uses of the funds. Kocher motions for the purchase; McFadden seconds; approved 5 – 0.

Swistek stated last January the council approved the purchase of a police responder F-150 for the department to replace either a 2013 or 2014 Ford taurus in the fleet. After 13 months, the department received the truck. Requesting authorization to have a check cut for \$49,932.25 to pay it. This is the discounted price through the government assistance program. Johnstone makes a motion to pay the invoice; second by McFadden. Approved 5 – 0.

Wall makes mention that the schedule the bond guy gave, the bond funds may not be available until May. So, the town may be under obligation, since we don't want to stop the design process, some design work will be invoiced that require payment- an invoice arriving in February and payable at end of March of about \$50,000; and another arriving at the end of March, due at end of April, for about \$25,000. These may have to be covered until bond funds arrive and then reimburse.

**Public Comments** – Zafar Rizvi, 1636 Lake Shore Drive, commented about bank interest rates and investing money and the article in The Beacher about the Council President Bob Lemay and his wife Doria, calling for a “Bob Lemay and Doria Day”.

Ernie Summers, 2711 Elbridge Way, a resident since 1958, says he isn't against or opposing the Public Safety Building although he has concerns. With 1100 to 1200 homes in Long Beach, and millions of dollars to be invested for a new building, where will all the money come from. Would like to see more accounting for it. Believes that at each council meeting there should be a report of what has been spent to date toward the building and how much toward “other things”. No one mentions, and the residents should be aware of, the over \$500,000 lawsuit against the town by the Michigan City Sanitary District. He states the town's insurance does not cover any contract liability.

Bob Boyce, 2926 Lake Shore Drive, mentions the old survey that was used for the pre-design of the Public Safety Building. Will there be a new plat of survey? Some residents might think there could encroachments on their driveways, on accesses to backs of homes and parking within the north parking lot for Stop 24. Boyce says he thought the parking was part of an agreement for getting the grant for the Stop 24 project, that parking would be made available for the beach. Was there a feasibility study done by the project manager? He doesn't see where the septic goes anywhere beyond town hall by the looks of the survey presented. The old septic in front of the Town Hall isn't used anymore; now moved across the street at the park. When the building is complete, how much is designated to the police department? It looks like 15 ft. by 80 ft. by the plans, not enough room to pull in squad cars. So basically, a storage area. Overhead doors should be added and at least a minimum of 25 feet. John Wall responded to the comments made, saying there is a current survey from the year that was used. Septic was shown only as a schematic, hoping to tie into the existing. He spoke with the County early on in the project and still in negotiations. There will be overhead doors for police use also.

Anita Remijas, 2300 Florimond Ave-She had reached out to the Chief asking if he would entertain doing public CPR training; and he just talked about the purchasing of the AEDs for the Town. Could training be conducted between the Fire Dept. and the Police Dept.? Commended the Building Commission and the Commissioner on enforcing the code with all their ongoing efforts to enforce the ordinances including

residents and beach stairs and holding each, and everyone, accountable. Commented about all the ways information is made available to the public.

Donna Kavanagh, 2104 Avondale Dr, a resident since 1956, commented that there should be more transparency in town and is disturbed by what is hidden about things and the lawsuit by MCSD.

Claims Approval: Town Checks #19503 – 19583 totaling \$201,791.09; Water Dept. checks #54653 – 54665 totaling \$76,513.30. January 2023 payroll - \$96,282.66 (includes longevity bonuses)  
Lemay asked if check #19577 was corrected? Perry confirms yes. Was the website solicitation that was paid, corrected? Perry confirms yes, Lemay will follow up. 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 9:22 PM.

Respectfully submitted,

Deanna Carlson,

Deputy Clerk