

Town of Long Beach
Town Council Meeting
May 8, 2023 w/Revisions
7 PM

All council members were present- Lemay, McFadden, Johnstone, Kocher, and J. Wall. The town attorney, Chris Willoughby, police chief, Mark Swistek, Marilyn Jones & Assoc. and Becky Lempa, court reporter, and ALCO TV cameraman. Approx. 44 attended through the Zoom link along with attendance in town hall.

The pledge of allegiance was said after which Lemay added 2 Agenda items: Code of Conduct; and a workstation for Honor Adam within Town Hall.

Minutes were approved for April 10th's council meeting. Lemay motions; McFadden seconds; passes 5 - 0.

Committee reports were read by department heads. Police and fire reports were submitted to council for the file; others can be read on the Town's website in the committee directory. There was no Police Commission, Public Works, or Human Resources meetings in April.

Chief Swistek mentions two-year golf cart stickers are now available through the police department.

There were 24 building permits totaling \$735,143.00 issued with revenue of \$9,070.00; 5 Electric permits issued totaling \$606.00; and 3 street cut permits with revenue of \$300.

April legal expenses of \$8,625.00 were paid to Braje, Nelson & Jane's; \$278.00 to Knight, Hoppe, Kurnik & Knight; and \$1,294.50 to Barnes & Thornburg; for a total of \$10,197.50. The lobbyist, The Corydon Group was paid \$6,250.00.

Motion by McFadden to approve all committee reports and permit and legal expenses; second by Johnstone; 5 - 0 approval.

It was approved by vote that the draft of the ordinance regarding vacant lot assessments be put to public hearing at June's council meeting. Lemay motions/J. Wall seconds; 5 - 0 vote.

J. Wall stated the Woodruff & Sons invoice "is being prepared. Council noted it has been 3 months and they still haven't seen an invoice.

Clerk Perry announced that updates and the move to "the cloud" should be finalized within 30 days. K Plus IT will communicate with Cender & Company and Civic Systems to fully complete the process.

Swistek referenced the 100-year-old drain on St. Lawrence that heads north to the Lake Shore Dr. A proposal from National Rodding for \$22,800.00 was presented and Swistek recommended council approve the 4 days of work at \$30,400.00. It was approved with motion and second by Lemay and J. Wall; 5 - 0. Reggie Korthal, MS4 Senior Advisor from Butler, Fairman, and Seufert, Inc. was present and suggested notices be sent to residents advising them what is/isn't in the water from that work.

Council was presented a draft of a Resolution "Adopting a code of conduct for elected and appointed officials of the Town of Long Beach, Indiana". This will be reviewed by all, which discusses conduct for public meetings, harassment, bullying, and intimidation. It will be continued to next council meeting. Willoughby could prepare an amendment to the Ethics Ordinance to include this code of conduct for discussion next month.

Lemay announces he wants to seek to remove Tim Perry from office. Lemay harshly states to Perry that Perry is not a part of the Town Council and that this evening's meeting is a council meeting. Lemay advised the public they can review council meetings in the past and gave occurrences of bad behavior by Clerk Perry. Various vendors notify the clerk's office of overdue invoices or returned checks. Late fees on credit card payments. Late in filing federal taxes. Funds have not been moved to interest bearing accounts as was previously promised by Perry. "State statute, unfortunately, does not allow dismissal for incompetence. He did not wire over \$93,400.00 as instructed by Lemay to US Bank for the Bond for the Public Safety Bldg. Lemay read IN state statutes and announced he wanted La Porte County Superior Court to remove Perry from office. He then makes that motion to proceed to have the court remove Perry/second by J. Wall, but the vote is 2 - 3 and fails to pass. Wall says "he's at the end of his wits" and is disappointed. Johnstone wants to know how the procedure works, and what constitutes taking this matter to court. Kocher is disappointed with the way the town's money is sitting and not earning substantial interest where possible, but is hesitant to support the motion because with the possibility of higher attorney fees and all that would entail of the lengthy process to do it. Atty. Willoughby provided council with the codes, and states that if the council moved forward with such a process, he'd recuse himself because of certain conflicts. McFadden mentions her prior disappointments in Perry but feels he "stepped up" with regard to the Public Safety Building.

*** (See full transcript attached for these last two paragraphs)

Council approved a requested lot merger by Tony Macri of 2928 Oriole Trail. Johnstone motions/McFadden seconds; approved 5 - 0.

Fran Tibbot of La Porte County EMA is present and presents LaPorte County Multi-Hazard Mitigation Plan upon which the council approves Resolution #2023-007: A resolution of the Town of Long Beach, Indiana adopting the LaPorte County Multi-Hazard Mitigation Plan (April, 2023). McFadden motions to approve/Lemay seconds; 5 - 0.

Tibbot also requests the relocation of the La Porte County Emergency Siren to be at/near the tennis courts across from Town Hall. Lemay motions to approve the move/McFadden seconds; passes 5 - 0.

Reggie's Korthal presented the MS4 update to council and the public stating there was about \$80,000 in the County Commissioner's "Pot" which means \$20,000 each to Trail, La Porte, La Porte County, and Long Beach.

Tim Haas of Haas & Associates addressed council regarding the private sewers for certain 5 Lake Shore Drive, lake side residents, currently on pump and haul and wants approval from council to run sewer lines up Chastleton Drive to connect to Michigan City for these residents. Woodruff & Sons would perform this work. Lemay wants additional information before decisions are made. J. Wall motions to allow the attorneys for the residents to proceed forward with gathering more information from the different avenues of concerns relating to the project and

report back to Long Beach. Willoughby stated that the council had previously committed to a conditional approval of the project. McFadden seconds; passes 5 - 0.

Chief Swistek gets approval from council to place American flags, for a limited time, along Chastleton Drive. Approximately 20 costing nearly \$1000, donated by The Floor Store. McFadden motions/Johnstone seconds; passes 5 - 0.

Council approves the 4th of July festivities, put on by Long Beach Civic Association with a motion by Lemay and second by McFadden. Passes 5 - 0. It is noted this is not a Town sponsored event.

Council approves the street closure for Britt Whitfield, for a July 8th party. Belle Plaine Trail will be closed behind the community center in the 2600 block. Whitfield paid \$1000 rent for the two-day use of the community center gym. Lemay motions to approve the closure/second by McFadden; passed 5 - 0.

Swistek notes that Britt Whitfield wants to give a landscaping donation for improvements up to \$20-25,000.00 at the community center. McFadden motions to allow for the landscaping project and Lemay seconds it. Passes 5 - 0.

Council approves an expenditure for additional paving needs, approximately \$60,000+ but not to exceed \$70,000, for paving outside of the paving grant received, subject to availability of funds. J. Wall makes the motion; Johnstone seconds. Kocher abstains from voting; 4 ayes. Vendor Tom Feratovics" quote for \$2000 to remove the town's leaves was approved with a motion by McFadden and second by Johnstone; 5 - 0.

Street Supt. Tom Dolph's assessment of 7 trees- 1 on Oriole, 1 on Northmoor, 2 on Melrose, 1 on Lake Shore Drive, 1 on Roslyn and 1 near Stop 30 - requires a quote for approval for removal of said trees and debris for \$7,050.00, from Maple City Tree Services. An additional 8th tree at Mt. Claire and Oriole at \$2,000. Council approves a "not to exceed" of \$10,000 for all. Motion by McFadden/second by Johnstone; 5 -0.

New fire truck financing will be discussed at the budget and finance meetings.

Atty. Willoughby will prepare the renewed Interlocal agreement regarding electrical inspections with the county with appropriate updates as approved by council where Lemay makes a motion and McFadden seconds. 5 -0.

John Wall makes the announcement that he wants Cender & Company more involved to review the town's finances and analyzing town reports along with regularly bi-weekly assistance in the clerk-treasurer's office. Kocher would like to see Baker & Tilly; they are Civic Systems and are familiar with the software already. Johnstone wants the discussion to continue at budget and finance meeting. McFadden prefers Baker Tilly.

Lemay reminds Helen Sheridan she's out of order when she arose to address the council. She heatedly debates with council about her disappointment with their comments tonight about functions of the clerk-treasurer's office. Wall feels "he was personally attacked ". Wall addresses Helen's comments and reminds everyone of the council's responsibilities with respect to finances and reporting and answering to SBOA.

The building department secretary, Honor Adam, is requesting to be moved out of Clerk Perry's office and have her own workstation. Perry commented on this further, saying she can stay where she is. Swistek said she asked to switch places because "she feels uncomfortable in Perry's office" and would like to work in the back hallway. Helen would move to Perry's office. So, Perry says he supports the change and council has no problem with it.

Public Comment:

Jim Neulieb, 2201 Florimond, questions Lemay about the private sewers. Brought up HB 1404 was a concern of the community. Asked if there were any amendments to HB1401 that made it into law. Lemay said, "Nothing detrimental to the Town".

Donna Kavanagh, 2104 Avondale, commented about the constant attacks toward the town Clerk; it is very disconcerting. Mentioned the lawsuit of MCSD v Town of Long Beach for over \$500,000.

Reggie Korthal, MS4, commented on the private contributor for landscaping at the community center.

Mike Perry, 1802 Lake Shore Dr., son of Tim, asked about the public safety building and the 20-year lease. What comes after the 20-year lease. Lemay says, "When the lease ends, the town owns the building."

Larry Barna, Somerset Rd, says he went through that entire lease. He says his interpretation of lease reads that after the term of the lease, the building goes back to the building corporation. Willoughby refers him to paragraph 11 of the lease.

Bob Route, LSD, asks "who is the lessor on the new building?" Willoughby answers, "The public building Corporation." Who are the officers of the corporation? Willoughby answers, Cory Soller, Ed Gausselin, and Dan Moon.

Claims approval: Checks for the Town -#19752 - 19819 totaling \$232,668.79 and checks for the water dept -#54693 - 54705 totaling \$99,949.39. Salaries for April were \$80,821.66. Motion made to approve by McFadden; second by Johnstone. 5 - 0.

Motion to adjourn by Johnstone; second by McFadden. 5 - 0.

Meeting is adjourned at 9:12 pm.

Respectively submitted,

Deanna Carlson
Deputy Clerk

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BEFORE THE
LONG BEACH TOWN COUNCIL
LONG BEACH, INDIANA

IN RE: Regularly scheduled)
meeting of the Town of Long Beach)
Town Council;)
_____)

EXCERPT OF PROCEEDINGS

The excerpt of proceedings as held before the
Long Beach Town Council, on Monday, May 8, 2023, commencing
at or about 7:00 p.m. at Long Beach Town Hall, Long Beach,
Indiana, and Zoom videoconference, and as reported by
Rebecca Lempa, Associate Reporter.

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(219) 879-4077

BOARD MEMBERS PRESENT:

Bob Lemay (President)
Mary Lou McFadden
John Kocher
John Wall
Mike Johnstone

ALSO PRESENT:

BRAJE, NELSON & JANES, LLP
BY: CHRISTOPHER WILLOUGHBY
126 E. 5th Street
Michigan City, Indiana 46360
(219) 872-2100

Appearing on behalf of the Long Beach Town Council

Mark Swistek, Chief Marshal/Town Administrator

Tim Perry, Clerk/Treasurer via Zoom

Marilyn M. Jones, CLVS, CCV, videographer via Zoom

(Members of the general public in person and via Zoom.)

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1 Monday, May 8, 2023 --

2 (Board members and general members of the
3 public present in person and via Zoom
4 videoconference at or about 7:00 p.m.)

5 . . .

6 MR. LEMAY: Okay. New business: Code of
7 conduct. Mary Lou?

8 MS. McFADDEN: I was talking to
9 Chris Willoughby and Dr. LeMay, and we -- I would
10 like to initiate a code of conduct, and Chris was
11 very receptive to that. And he -- The rest of the
12 council hasn't had a chance to look at it tonight,
13 but I gave 'em copies. And what it be is, it's
14 the code of conduct for public meetings, so if I'm
15 a council person, if I'm on a committee, but it
16 hopefully will eliminate any harassment, any
17 bullying, intimidation. And I really was very
18 pleased; I mean, I just gave Chris, like, a little
19 summary of what I thought it should be according
20 to Robert's Rules of Order, and he really
21 expounded on it. So, I've given everybody a copy,
22 and I'm -- hopefully that we would look at it the
23 next month, sign it; correct?

24 MR. WILLOUGHBY: I do have one suggestion,
25 you have it in front of you in resolution form.

1 It might be also proper to amend the ethics
2 ordinance that we previously did and add this
3 under the same section as the ordinance. So, you
4 know, it's your pleasure of how you'd like to do
5 it, but an ordinance is obviously stronger than a
6 resolution, it'd be part of the town code, and,
7 you know, easily reviewable. So, that's one
8 suggestion I might make. But, again, with the
9 discussion with Mary Lou and after her request,
10 wanted to get something before you so that the
11 concept was before you for consideration. But,
12 you know, whether you do it at next month's or the
13 following, or whatever your pleasure is, I can
14 change that format.

15 MS. McFADDEN: And maybe we can have it on
16 the website so people can look at it, because I
17 think it's important. Many people don't speak up
18 because they're intimidated, and I just think it's
19 important that we treat everybody -- look out for
20 everybody and be respectful of them.

21 MR. JOHNSTONE: So, Chris, you're
22 recommending that we then incorporate however we
23 need to deal with the ethics ordinance with this?

24 MR. WILLOUGHBY: Yeah, I think if you were
25 inclined to consider this concept, that it's

1 probably better to put them both. So, then I'll
2 prepare an ordinance that would amend the ethics
3 ordinance to include this so --

4 MR. JOHNSTONE: Good. Thank you.

5 MR. WILLOUGHBY: -- that they reconcile and
6 it works together. Like I said, this is a
7 resolution, the ethics ordinance. You pass by
8 ordinance by definition. So, that's my
9 suggestion, if you were inclined.

10 MR. JOHNSTONE: I would agree with that.

11 MR. KOCHER: I would, too.

12 MR. LEMAY: Okay. So, that's coming back
13 next month.

14 Next item: Initiation of action to seek the
15 removal of the clerk/treasurer from office. This
16 is my item. I don't wanna rehash all the many
17 problems we've had in the clerk's office since
18 Mr. Perry was appointed by the LaPorte County
19 Republican Committee.

20 MR. PERRY: What statutory provisions are
21 you --

22 MR. LEMAY: Mr. Perry, you do not -- you're
23 out of order!

24 MR. PERRY: No, I'm not.

25 MR. LEMAY: This is a meeting of the town

1 council! You are not a member of the town's
2 council!

3 MR. PERRY: -- question that's --

4 MR. LEMAY: No, you're not!

5 MR. PERRY: -- and you can answer to my
6 attorneys, as well.

7 MR. LEMAY: Absolutely.

8 MR. PERRY: Thank you.

9 MR. LEMAY: We'll talk in court, I hope.

10 MR. PERRY: Can't wait.

11 MR. LEMAY: Anyone wishing to familiarize
12 themselves with all these issues that we've had
13 can view the minutes of Zoom links to our town
14 council meetings of 12/12, 12/22, 1/9, 2/13, among
15 others, on the town website.

16 Since our last council meeting, more of our
17 vendors have notified the clerk's office of their
18 overdue invoices which have not been paid. This
19 is in addition to many others that have been
20 received since Mr. Perry has taken office.

21 On 5/1, we were notified by Cargill, our
22 town's street salt provider, of unpaid notices
23 from 12/31 and 3/9 totaling over \$8300.

24 On 5/2, we received another past-due invoice
25 from our office supply vendor. The town credit

1 card has accrued \$59 in overdue and overdraft
2 fees. We've been late in paying our federal --
3 federal taxes for a total of \$2200. AT&T was late
4 being paid. The building commissioner was late
5 being paid, and Bloomington Ford was late being
6 paid for our new police vehicle.

7 To my knowledge, this sort of occurrence
8 hasn't taken place in this town prior to
9 Mr. Perry's taking office. If this continues, and
10 I have no reason to think that it won't, vendors
11 will want to be paid in advance for all services
12 and materials provided and the town and our credit
13 rating will not improve. In fact, it will worsen.

14 Also, town funds have yet to be moved from
15 noninterest-bearing accounts to interest-bearing
16 accounts as we discussed earlier tonight. This
17 was promised months ago to the council and has
18 cost the town thousands of dollars a month.

19 Unfortunately, state statute does not allow a
20 clerk/treasurer to be dismissed for incompetence,
21 moral turpitude, or having no interest in
22 performing their jobs. It does, however, allow
23 dismissal for failure to perform their prescribed
24 duties.

25 At the last town council meeting, this town

1 council approved the bonding process for the
2 construction of the public safety building. To
3 complete that process, last Monday afternoon, I
4 instructed the clerk to wire \$93,407.60 to
5 U.S. Bank the following morning. At his request,
6 I explained in detail why this is necessary. On
7 Tuesday morning, in an apparent attempt to thwart
8 the bonding process, he refused to do so and, in
9 fact, listed five demands that he would require to
10 be fulfilled before he would do so. This is all
11 well-documented on an e-mail chain, which everyone
12 sitting at this table has had access to.

13 According to Indiana Code 36-5-6-6(b), the
14 clerk shall do the following: One, receive and
15 care for all town money and pay the money out only
16 on the order of the town legislative body. By
17 Indiana statute, the clerk is not the decision
18 maker. Decisions are the job of the legislative
19 body, that is the town council. His duty is to
20 follow the directives of the town council;
21 therefore, I move to initiate action to seek the
22 removal of the clerk/treasurer from office through
23 the LaPorte County Superior Court. This is more
24 than just a vote of no confidence, which this
25 council has already passed unanimously at a

1 previous town council meeting. Mr. Perry's
2 continued presence in the role of clerk/treasurer
3 presents a clear present and future danger to the
4 Town of Long Beach; therefore, I make that motion.
5 Is there a second?

6 MR. WALL: I'll second it.

7 MR. LEMAY: Discussion?

8 MR. WALL: I've been an apologist for the
9 clerk/treasurer's office for as long as Tim's been
10 in office. We've had many discussions about, you
11 know, the various ways the position needs to
12 function, and I'm just at the end of my wits right
13 now. We've had so many opportunities where we
14 could have straightened things out, and it seems
15 like we just keep getting mired down in the same
16 situation over and over again. Some of these
17 things are not as important as others but less
18 money was the last straw as far as I'm concerned.
19 I'm disappointed and I'm sad, you know, we had
20 high hopes, but it just seems like we keep
21 tripping on our shoelaces, and I just think it's
22 time for this council to make a strong statement
23 relative to the lack of performance.

24 MR. JOHNSTONE: I would like to recommend
25 that town counsel comment on the process and what

1 constitutes taking this to court, ultimately, in
2 terms of the violations.

3 MR. KOCHER: I -- I share Mr. Wall's concern.
4 I'm frustrated mainly with the lack of the two to
5 three million dollars we have laying around in
6 basically noninterest-bearing or very low
7 interest-bearing accounts and we can be vested in
8 short-term, not long-term, but short-term CDs are
9 yielding between four and five percent. You know,
10 I don't know how much longer the higher rates are
11 gonna last, but if we don't take advantage of it
12 while we're there; however, having said all that,
13 you know, I've -- And I think all the council
14 members received a copy of the Supreme Court of
15 Indiana case *State versus Neff*, and to remove a
16 clerk/treasurer, the bar is very, very high.

17 And you can -- there's a lot of deficiencies,
18 a lot of issues here, but you still have to prove
19 it in court, if it goes that far, and what I fear
20 is we're gonna get bogged down in litigation for
21 weeks, months, years. If we'll get -- appeal to
22 the appellate court then the supreme court? These
23 cases can drag on forever and God knows how much
24 in attorneys fees we're gonna be spending.

25 So, for that reason, I'm very hesitant to

1 support this motion, even though I appreciate
2 Dr. Lemay and John, what your concerns are; I have
3 the same concerns. But when you get into court,
4 we have to prove all this, and I don't know.
5 It's -- It's a high bar to show the -- if you read
6 the *State versus Neff* case, that clerk/treasurer
7 didn't pay bills for 48 months and did a lot of
8 things that are way more serious than what
9 Mr. Perry's been neglecting, and the Supreme Court
10 said, "Yeah, not -- not enough. Can't discharge
11 him." So, for that reason, I'm hesitant to
12 support the motion.

13 MR. LEMAY: John, by statute, the Superior
14 Court has to take this issue up within ten days of
15 getting the referral; we have an e-mail chain
16 specifically documenting his refusal to do --

17 MR. KOCHER: I know all that. I know all
18 that. They have to do it, you have to have a
19 hearing, but just because the Supreme Court hears
20 it or decides, that doesn't put an end to it. It
21 can be appealed, you can get a --

22 MR. LEMAY: Once you dismiss from office, a
23 new clerk/treasurer can be appointed. That solves
24 our problems, to a lot of our problems.

25 MS. McFADDEN: We'll be retired by then, Bob.

1 It takes a long time.

2 MR. LEMAY: Ten days is how long they have to
3 consider it, Mary Lou.

4 MR. KOCHER: Yeah, I've been on a lot of
5 boards and committees and everything. And the
6 easiest things in the world to do is fire
7 somebody. Simple to do. What's difficult is
8 getting somebody in a replacement, and you could
9 end up with some -- a situation that's far worse
10 than what you had before. And so, I'm just trying
11 to look at the broad picture here. You know, I
12 could be off base, but that's just the way I see
13 it.

14 MR. LEMAY: I would make the argument that
15 finding someone worse than Mr. Perry would be a
16 tall order.

17 UNIDENTIFIED SPEAKER: Let's keep it
18 professional.

19 UNIDENTIFIED SPEAKER: Really. That's so
20 rude.

21 MR. JOHNSTONE: Chris -- Chris, can you
22 comment further on this, in terms of your
23 interpretation?

24 MR. WILLOUGHBY: Well, first, as I pointed
25 out, upon request, I did provide the council with

1 a copy of the state code statutory provision that
2 does allow -- there is a procedure for removal of
3 someone from public office. And that procedure is
4 pretty straightforward in terms of how you
5 initiate that process. The issue, and going to
6 what Mr. Kocher said, is the level of proof, and
7 it is a high bar.

8 And first and foremost, if you choose to move
9 forward, that is your decision, I would personally
10 recuse myself because I represented the town
11 clerk/treasurer as well as the council, and he is
12 a voting member of the town council if and when
13 there's a tie. So, I believe that I would have a
14 conflict, something I've already represented to
15 all of you, that you would have to obtain outside
16 counsel.

17 Number two, Mr. Johnstone, if you're asking
18 just specifically -- and if I were representing
19 you, if I know -- do I think that this -- those
20 deeds or misdeeds or lack of action that you
21 allege, are they enough? I can't say that with
22 any agree of certainty; I don't know. And I guess
23 that's why we lawyers have jobs; right? It's a
24 gray area. Do I think that you have enough to
25 initiate something -- an action that would be --

1 that wouldn't be deemed meritless? I do. But
2 does that mean prevail? That's a whole different
3 ballgame. And so, there is expense here, there
4 are appeals, so that's a decision you have to
5 make.

6 That Supreme Court case is pretty strong;
7 when you read it -- and I know that I've referred
8 to it many times when it's been discussed, that
9 clerk/treasurer didn't do that job for a long
10 time, and I was surprised to read it, but this has
11 nothing to do with your situation, but when I
12 read -- when I was asked about the scenario here,
13 there's a pretty high bar. So, with that said,
14 it's a tough decision for this council. You do
15 have an avenue to seek removal. Whether you
16 prevail, I couldn't give you a better than 50/50
17 as best, in my opinion. However, my opinion
18 doesn't matter because I wouldn't be the one
19 representing you in any action.

20 MR. JOHNSTONE: Thank you.

21 MS. McFADDEN: So, I want to say, Tim knows,
22 and I think I'm pretty honest. I felt like I've
23 always been. I've never been happy with how the
24 office is run, but when Tim made his stand last
25 week, it has to do with the public safety

1 building. And I've asked several people, my
2 husband and I were gonna build a house, and we
3 didn't have the -- if we didn't have the plans and
4 we didn't have a building permit and we didn't
5 have a septic permit, and we didn't have the
6 financing, would we move ahead and order
7 everything? And so, I disagree with what Tim did,
8 but to say, "Wait, let's stop this train and see
9 where we're at." So, I have a hard time
10 supporting getting rid of him.

11 MR. LEMAY: I would argue that that is not a
12 decision a clerk/treasurer is allowed to make.

13 MR. PERRY: I love a good fight, and I never
14 run away from one, --

15 MR. LEMAY: Tim, you're out of order. No,
16 you can't!

17 (Overlapping speech.)

18 MR. LEMAY: I'm running this meeting, and
19 you're out of order!

20 MR. PERRY: Five hundred and fifty K, think
21 about that. Think about that for your sewer;
22 okay?

23 MR. LEMAY: All right. So, --

24 MR. PERRY: Think about that.

25 MR. LEMAY: -- there was a motion and a

1 second; all in favor, say aye.

2 Aye.

3 MR. WALL: Aye.

4 MR. LEMAY: All opposed?

5 MR. JOHNSTONE: Opposed.

6 MR. KOCHER: Opposed.

7 MS. McFADDEN: Opposed.

8 MR. LEMAY: Okay. Another issue --

9 (Applause.)

10 MR. LEMAY: One other thing that came up in
11 these bills that haven't been paid was \$59 in late
12 fees for our credit card. According to the State
13 Board of Accounts, credit cards: "Additionally,
14 any interest or penalty incurred due to the late
15 filing or furnishing of documentation by an office
16 or employee should be the responsibility of that
17 office or employee." There's \$59 this month in
18 late fees, Tim, that you, sir, are personally
19 responsible for. I would appreciate --

20 UNIDENTIFIED SPEAKER: I'll pay it for him!

21 MR. LEMAY: I would appreciate you going back
22 and looking to see how many other late fees there
23 were because you're responsible for those, also,
24 and you will be responsible in the future.

25 MR. PERRY: Yeah, we'll see.

1 MR. LEMAY: I'm sorry? "We'll see?" I
2 expect to see that those get paid.

3 MR. PERRY: I don't report to you.

4 (Remainder of the proceedings reported but
5 not requested transcribed herein. Meeting
6 adjourned at or about 9:13 p.m. CST.)
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1 STATE OF INDIANA)
2) SS:
3 COUNTY OF LAPORTE)

4 COURT REPORTER'S CERTIFICATE

5 I, Rebecca Lempa, do hereby certify that I
6 reported by the means of CAT shorthand the proceedings held
7 on May 8, 2023, commencing at or about the hour of 7:00
8 p.m.;

9 That it has been requested that I transcribe the
10 excerpt pertaining to code of conduct and removal of
11 Tim Perry; and that I have transcribed my shorthand notes of
12 said proceedings into the typewritten form, and that the
13 foregoing and attached pages or parts of pages, numbered one
14 through 17, comprise a complete, true and accurate
15 transcript of said excerpted proceedings;

16 IN WITNESS WHEREOF, I have hereunto set my hand
17 and official seal this 11th day of September, 2023.

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22 REBECCA LEMPA
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