

TOWN OF LONG BEACH  
TOWN COUNCIL MEETING at TOWN HALL  
December 14, 2017  
7:00 p.m.

Present were Jane Neulieb, Bob Lemay, Joy Schmitt, Nick Meyer; Clerk-Treasurer Bill de Funiak, Police Chief Bob Sulkowski, Long Beach Volunteer Fire Chief Dave Albers and Town Attorney Christopher Willoughby of Braje, Nelson & Janes. Council President Pete Byvoets and Street Superintendent Tom Dolph were not in attendance. Vice President Joy Schmitt chaired the meeting. There were approximately 30 townspeople in attendance.

**Pledge of Allegiance**

Motion was made by Lemay to approve the minutes of November 9, 2017; seconded by Meyer; and was approved 4-0.

Motion was made by Meyer to approve the minutes of December 4, 2017; seconded by Neulieb; and the motion passed unanimously.

Joy Schmitt suggested that the public comments be moved to the beginning of the meeting. Meyer made the motion, seconded by Lemay. Discussion followed and the motion failed by a 1-3 vote.

**Police Department** – Chief Bob Sulkowski presented the November police report.

**Police Commission** – Nick Meyer reported that no meeting was held in November.

**Fire Department/Fire Commission** – Dave Albers read the YTD report for the LBVFD through November. He offered congratulations to Bart de La Barre and Mike Szczepaniak for their generous donation of time and effort to construct an ice rink for the enjoyment of winter skaters. Dave also thanked the Park Department for their generous purchase of the rink.

The Fire Commission met to discuss options for the Fire Building upgrade.

**Street Department** – Tom Dolph was on vacation, so no report was issued.

**Street Commission** – Jane Neulieb reported that the monthly meeting was held on November 15<sup>th</sup>. The commission met with the owner of 1636 LSD to discuss the town drainpipe on his property. It was agreed, that, at town expense, the town pipe would be joined with the homeowner's drainpipe and moved south for the safety of beach walkers. Jane asked the Town Attorney to work with her to craft an agreement to present to the homeowner.

Jane mentioned that the leaf pick-up had been completed. Mary Lou McFadden said that much of Duffy Lane had been missed and Jane said she would check into that.

At this juncture in the meeting, Joy Schmitt introduced Chris Willoughby as the new Town Attorney.

**Park Board** – Joy Schmitt stated that there was no November meeting but that discussions were underway to see if lighting can be secured for the ice skating rink.

**Long Beach Community Center Committee** – Joy Schmitt reported that no LBCC meeting was held since the last council meeting.

The **Water Board** –Nick Meyer reported that residents should be alerted to the winter hazards of freezing pipes. He suggested that leaving a faucet partially open during long absences may alleviate frozen pipes. He alerted C-T de Funiak that the Water Board had approved the 2017 payment of \$7,500.00 for the Civic Systems upgrade. Because of the Christmas holidays, their next meeting would be held December 18<sup>th</sup> at 9:00 am.

**Budget and Finance** – De Funiak reported that no meeting was held, but that the additional week of leaf pickup had resulted in an additional expense of \$8,000. He suggested that an increase in the leaf assessment might be necessary in 2018.

**Human Resources Advisory Committee** – de Funiak said that a meeting was held to discuss salaries and health coverage. Because of the lack of a formal review process, it was determined that a merit increase system was not justified. After review of comparable-sized municipalities, a 3% salary increase was recommended. The “Grandmothered” Anthem health plan with a 9.7% increase in premium and identical benefits was recommended. The AIM Medical Trust option for health coverage will continue to be evaluated.

**Building Department** – Bob Lemay indicated that 2 meetings had occurred since the November council meeting and made the building department report for November.

**BZA Report** – Lemay reported that at the 11/14 BZA meeting that a preliminary hearing was held on the Wronski administrative appeal to rescind the building permit approval for the Long Beach Country Club parking lot expansion. A public hearing was conducted on the Maschmeyer variance petition which was granted. A public hearing was initiated on the Higdon variance request at 1607 LSD. The Higdon petition was denied.

On December 11<sup>th</sup>, the BZA met for a preliminary hearing on the Meyer petition for 2302 Grassmere. The public hearing on the Wronski administrative appeal was conducted. That resulted in the affirmation of the original Country Club building permit approval and denial of the Wronski appeal.

Mary O’Neil asked what the council hoped to gain from the lawsuits against LSD owners Barr and Clayton. Attorney Willoughby responded that the legal action was pending. Bob Boyce asked if either owner had submitted a building permit application and was assured by councilman Lemay that they had not.

**Advisory Plan Commission** – Nick Meyer reported that no meeting was held in November and BZA Chairman Bob Lemay asserted that no further discussions were held.

**November permit revenue report:**

C-T de Funiak announced that 1 street cut permit was issued with revenue of \$100.00. Three electrical permits were issued for \$417.00 with town revenue of \$41.70.

**Legal Expenses** – Legal expenses paid in November were \$6,333.75 to Blachly, Tabor, Bozik and Hartman.

Resident Mary Lou McFadden asked why no building permit report was being provided as had been done by former Building Commissioner Tomscheck. She also stated that there had been assurances that the building department costs would go down in 2017 and they appeared to be increasing. Vice President Schmitt said she would look into this subject.

Motion by Meyer and second by Lemay to approve reports and claims. Before approval, Jane Neulieb asked C-T de Funiak why he had utilized his attorney in November. De Funiak explained that he had been subpoenaed for a deposition and had an attorney/resident request for an action that he felt would jeopardize himself and the town.

Motion to approve claims and reports was passed 4-0.

### **Old Business –**

- C-T de Funiak discussed the Town Garbage contract renewal and suggested that the town renew its agreement with Republic at the same fees as 2017. A motion was made by Neulieb, seconded by Meyer to accept the Republic renewal. Resident Tina Keltz complimented the Republic personnel for their services. Motion was passed 4-0.
- Police contracts have been reviewed and modified by Town Attorney Lowe. Meetings with Michiana Shores and Duneland Beach will be held before expiry of contracts on January 31, 2018.
- De Funiak read **Ordinance #2017-07, Establishing Salaries for Employees for 2018 Calendar Year**. Motion was made by Meyer; seconded by Lemay; approved 4-0 on first reading. Motion by Meyer; second by Lemay to suspend the rules was approved unanimously. Second reading of Ordinance #2017-07 made by Meyer; seconded by Lemay; was approved 4-0.
- Nick Meyer and representatives from Global Engineering provided an overview of the latest plans for Stop 24 and the progress of the grant petition. He then presented **Resolution 2017-005, a resolution to assert that the Town has budgeted and approved \$100,000** from the CCD fund **for the Stop 24 project** and that eventual management of the Stop 24 site will be the purview of the Park and Recreation Department.
- Joy Schmitt gave an update on the sewer project. She, Pete Byvoets and John Kocher met with Haas Engineering and accounting firm, Cender & Co. to discuss sewer construction, maintenance and funding. Jane Neulieb met with a sewer development and maintenance corporation. Joy instructed Chris Willoughby to coordinate legal efforts with the Michigan City Sanitary District.

### **New Business –**

- C-T de Funiak presented **Resolution #2017-006, a resolution to make intra-transfer of funds in General, Riverboat, CEDIT and CCD**. Motion by Lemay to approve the resolution; second by Meyer and approved 4-0.
- DeFuniak requested a meeting before year-end to approve final invoices. Meyer suggested that a special meeting for that purpose to be held on Tuesday, December 19<sup>th</sup> at 5:00 PM, to be followed by an executive session at 5:30 PM to discuss ongoing litigation matters with representatives of Knight, Hoppe, Kurnik &

Knight. Meyer motioned to hold these meetings; seconded by Lemay; and approved 4-0.

- Nick Meyer made a motion to move the regular council meetings to the second Monday of the month at 7 PM; seconded by Jane Neulieb; approved unanimously.

**Public Comments –**

Resident Anita Remijas spoke in support of the police and made comments about her feelings about abusive behavior of a resident regarding the dog issue. Jane Neulieb spoke in opposition to Remijas' comments.

Greg Alberdine, Oakenwald Dr., thanked the park board for the ice rink; also mentioned that the Civic Association did not deserve the disrespect it was getting about the town's welcome sign, still in progress, being paid for by Civic.

Bill de Funiak stated there would be an upcoming meeting to develop street inventory

**Claims Approval:** Motion by Lemay and second by Meyer to approve check numbers #14975 through #15091, totaling \$187,824.84 and salaries for November of \$60,411.44; approved unanimously.

Meeting adjourned at 8:50 PM.

Respectfully submitted,

Bill de Funiak Clerk-Treasurer