

In the Matter Of:

EAST CHICAGO WATERWAY MANAGEMENT City of East Chicago, Engineering/Annex Buildin

YOUR PACKET.

January 16, 2019



Iseminger & Associates, Inc.
877-337-7379

1 **EAST CHICAGO WATERWAY MANAGEMENT**
2 **DISTRICT BOARD OF DIRECTORS' MEETING**
3 **City of East Chicago, Engineering/Annex Building**
4 **4444 Railroad Avenue**
5 **East Chicago, Indiana**
6 **January 16, 2019**
7 **Wednesday, 5:00 p.m.**

8
9 **Transcript of the proceedings had in the**
10 **above-entitled matter, on the 16th day of**
11 **January, 2019, at 5:00 p.m., at the City of East**
12 **Chicago, Engineering/Annex Building, 4444 Railroad**
13 **Avenue, East Chicago, Indiana, before Peggy S.**
14 **LaLonde, Certified Shorthand Report and Notary**
15 **Public for the County of Porter, State of**
16 **Indiana.**

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21 **ISEMINGER & ASSOCIATES, INC.**
22 **2 Indiana Avenue**
23 **Valparaiso, Indiana 46383**
24 **(219) 464-2178**
25

A P P E A R A N C E S:

MR. JOHN FEKETE, President

MR. JOHN BAKOTA, Board Member

MR. HENRY RODRIGUEZ, Board Member

MR. PATRICK RODRIGUEZ, Board Member

MR. RAY LOPEZ, Board Member

MR. FERNANDO TREVINO, FMT Consulting

MS. ELLEN GREGORY, Ellen Gregory Law

ALSO PRESENT

MR. DAVID ALONZO,

BMO Harris Bank

* * * *

1 MR. FEKETE: All right. I'd like to call
2 to order the East Chicago Waterway Management
3 District Board of Directors' meeting. Today's date
4 is January 16th, and the time is 4:58.

5 First order of business is the
6 roll call. John Bakota?

7 MR. BAKOTA: Yes.

8 MR. FEKETE: Henry Rodriguez?

9 MR. HENRY RODRIGUEZ: Yes.

10 MR. FEKETE: Patrick Rodriguez?

11 MR. PATRICK RODRIGUEZ: Yes.

12 MR. FEKETE: Ted Zagar?

13 (No Response)

14 MR. FEKETE: Kevin Doyle?

15 (No Response)

16 MR. FEKETE: Ray Lopez?

17 MR. LOPEZ: Yes.

18 MR. FEKETE: John Fekete? Yes. We have a
19 quorum.

20 We will now have the Executive
21 Director's report, Mr. Trevino.

22 MR. TREVINO: Yes. Fernando Trevino, FMT
23 Consulting. I'd like to start off by going over the
24 contents of your Board packet. You have the Board
25 minutes for the December 19, 2018, Board meeting.

1 You have a letter from IDEM's
2 Alyssa Meyer, dated January 3, 2019, approving our
3 2019 Trust budget.

4 You have the claims docket
5 for today's Board meeting dated January 16, 2019.
6 And you have the financial statements from
7 CliftonLarsonAllen dated December 31, 2018, and they
8 were provided earlier today. It wasn't ready to
9 make the e-mail Board packet that was sent last
10 night, but that's also part of your Board packet.

11 You have First Merchant's
12 Bank statements for accounts ending in 608 and 416.
13 And you also have additional account information
14 regarding the 12-month CD and the 24-month CD, for
15 accounts ending in 898 and 936.

16 You have the BMO ECI
17 Facility Trust report dated December 31, 2018. You
18 have the BMO Harris Bank account statement for
19 account ending in 712, for the month of
20 December 2018.

21 You have People's Bank
22 statements for account ending in 301 for the fourth
23 quarter of 2018, and one is for the tipping fee and
24 I thought the other one was for -- mine are
25 doublesided, so give me a second -- I think it's for

1 account ending 301. And also for the dredging
2 escrow account for the fourth quarter 2018.

3 And you have Army Corps of
4 Engineer report for the Board meeting dated
5 January 16, 2019.

6 You have Attorney Ellen
7 Gregory's report dated, revision date January 14,
8 2019.

9 You have an invoice from
10 IDEM for the MPDS permit for \$400.00 in your Board
11 packet.

12 You have Resolution 2017-3
13 in your Board packet regarding the the TSCA Risk
14 Base approval. You have the INDOT right-of-way
15 permit renewal in your packet. You have a report of
16 the monthly bird observation monitoring report
17 number 40, for December 18th -- I'm sorry --
18 December 2018 from Parsons.

19 You have Atlantic Richfield
20 Company monthly report number 46, for the month of
21 December 2018, regarding the AOC site activities.
22 And that concludes the items in your packet.

23 I'd like to go over a
24 Couple items.

25 MR. LOPEZ: I don't have a copy of Ellen's

1 report.

2 MR. TREVINO: That's it.

3 MR. LOPEZ: Thank you.

4 MR. TREVINO: I'd just go over a couple
5 items. As I mentioned it's in your Board packet,
6 IDEM has approved our 2019 Trust budget.

7 Buckeye Pipeline requested
8 access to the South Tank Farm property to do
9 pipeline integrity digs. And I will be working with
10 Attorney Ellen Gregory and Attorney Wieser to
11 evaluate their request.

12 Still working on putting
13 together the User Fee packages and invoices for
14 2019.

15 Regarding the Great Lakes
16 Legacy Act project, the project agreement has been
17 approved. We haven't received an official copy
18 because of the government shutdown, but we have
19 heard from our EPA contact, Rick Nagle, the project
20 agreement has been approved. So we'll be working on
21 the 2018 cost share report. Also, as I mentioned,
22 the MPDS permit that's included in your packet and
23 also included in the claims docket, the project team
24 decided to keep the permit active in the event it
25 may be needed.

1 The Canal Street Bridge
2 project, Attorney Ellen Gregory and I met with Matt
3 Kent, from the Indiana Department of Administration
4 regarding procurement process for engineering and
5 construction services for the project. So I plan to
6 have a recommendation to the Board at the February
7 Board meeting.

8 Regarding the dredging
9 project, we received a letter from EPA approving the
10 use of the CDF for disposal of TSCA material. We
11 plan to send EPA and IDEM a response letter on
12 behalf of the District regarding their decision.

13 The Section 10 permit
14 agreement, the INDOT permit, that's a subpart of
15 that agreement has been renewed. Attorney Ellen
16 Gregory will be giving an update on the Section 10
17 permit and INDOT permit in her report.

18 The Lake Shore Chamber
19 asked if I was interested in becoming a board member
20 of the Chamber. And I said I was interested. So I
21 was approved as a board member and my first meeting
22 on the Chamber Board is scheduled for tomorrow
23 morning. That concludes my report.

24 There is a couple action
25 items on the Board agenda. There's the election of

1 officers. If the Executive Board is interested in
2 continuing serving as president, vice-president,
3 secretary, treasurer, and fiscal officer, and then
4 there is the investing officer.

5 MR. FEKETE: Is that a new one, investing
6 officer?

7 MR. TREVINO: No.

8 MS. GREGORY: The investment people, and
9 included in that was the investment officer, and
10 that policy expires this year because you can't have
11 it in effect for more than four years.

12 MR. TREVINO: And you have served as the
13 investing officer. The other appointment is the
14 finance committee members and chair person. In the
15 past the chair person was Mr. John Fekete, with the
16 members being Ray Lopez and Kevin Doyle.

17 The other two action items
18 are pretty traditional action items for our Board
19 meetings. That's approval of the minutes and
20 approval of the claims docket. And that concludes
21 my report.

22 MR. FEKETE: Any question for Mr. Trevino?
23 Where does the Lake Shore Chamber meet?

24 MR. TREVINO: Downtown Hammond. I'm not
25 familiar with the name of the streets, I just know

1 how to get there.

2 MR. FEKETE: Okay. Just out of curiosity.

3 MR. TREVINO: Corner of Hohman, and it's
4 just Hammond and East Chicago.

5 MR. FEKETE: Okay. The next order of
6 business is the election of officers.

7 MR. BAKOTA: I nominate John Fekete for
8 president.

9 MR. HENRY RODRIGUEZ: Second.

10 MR. FEKETE: I'll accept.

11 MR. PATRICK RODRIGUEZ: I have a question,
12 Mr. President. If there are no other candidates,
13 can we vote by acclamation?

14 MR. FEKETE: Well, we have done that in
15 the past.

16 MR. PATRICK RODRIGUEZ: I'd like to make a
17 motion, since there aren't any changes in the
18 officers for the East Chicago Waterway Management
19 District Board, I'd like to make a motion to approve
20 by acclamation the same slate of officers for the
21 Board for 2019.

22 MR. TREVINO: So just for clarification,
23 President, John Fekete.

24 MR. FEKETE: I accept.

25 MR. TREVINO: Ray Lopez.

1 MR. LOPEZ: I accept.

2 MR. TREVINO: Kevin Doyle, Vice-president.
3 He accepts. I talked to him earlier.
4 Treasurer/Financial officer, Ray Lopez and
5 Investment Officer, John Fekete.

6 MR. FEKETE: Okay. Before we act on that
7 motion, we have to have the other motion that was
8 made and second withdrawn. Do you withdraw your
9 second?

10 MR. HENRY RODRIGUEZ: Yes.

11 MR. FEKETE: You withdraw your motion?

12 MR. BAKOTA: Yes.

13 MR. FEKETE: Make sure we got this
14 correct. So we have Patrick's motion on the floor
15 for renewing the officers as they currently exist,
16 that's presented before us.

17 MR. LOPEZ: Second.

18 MR. TREVINO: I talked to Kevin last night
19 and he said he was interested in continuing to
20 serve.

21 MR. FEKETE: All those in favor?

22 (All signify aye).

23 MR. FEKETE: The next order of business is
24 appointment by the President of Finance Committee
25 members and chair person. The existing committee

1 members are myself as chair, and Kevin Doyle and Ray
2 Lopez.

3 MR. PATRICK RODRIGUEZ: I make a motion by
4 acclamation to appoint the same members.

5 MR. BAKOTA: Second.

6 MR. FEKETE: We have a motion and second.
7 We'll have a roll call vote. John Bakota?

8 MR. BAKOTA: Yes.

9 MR. FEKETE: Henry Rodriguez?

10 MR. HENRY RODRIGUEZ: Yes.

11 MR. FEKETE: Patrick Rodriguez?

12 MR. PATRICK RODRIGUEZ: Yes.

13 MR. FEKETE: Ray Lopez?

14 MR. LOPEZ: Yes.

15 MR. FEKETE: John Fekete? I vote yes.

16 That motion is approved.

17 Next order of business now
18 that we are duly authorized again, approval
19 consideration of the meeting minute notes for
20 December 19, 2018.

21 MR. BAKOTA: Motion to accept.

22 MR. LOPEZ: Second.

23 MR. FEKETE: We'll continue our practice
24 of voice vote, all those in favor signify by saying
25 aye.

1 (All signify aye).

2 MR. FEKETE: Motion is approved.

3 Accounting Consultant report.

4 MR. TREVINO: Yes. Mr. Tim Anderson
5 wasn't able to make tonight's meeting, so I will
6 give a brief summary of the financial statements
7 through the month of December 2018.

8 So if you look at page 2,
9 it has a summary of the receipts and disbursements,
10 the increase in cash, cash balance as of
11 January 1st, 2018. The cash balance as of
12 December 31, 2018, which is 3.28 million and some
13 change. It also gives a summary of the Operating
14 Account, the User Fees, and Certificate of Deposits.
15 And once you sum those three up, you will see that
16 it equals the same amount that I just gave of the
17 cash balance at the end of December 31, 2018, which
18 was 3.28 million and some change.

19 Page 3, is a schedule of
20 cash account activity. And it gives an Operating
21 Account cash balance, again as of January 1st, 2018,
22 it has the cash disbursements per month throughout
23 2018. And it breaks it down by User Fee account and
24 the User Fee account balance as of December 31,
25 2018. And it also has a summary of the two

1 Certificate of Deposits and the interest that
2 accumulated in those Certificates of Deposits.

3 And then the last two
4 pages, page 4 is the budget summary for the budget
5 year 2018. And if you look at the January 2019
6 checks for 2018 invoice column, which is second to
7 the right, that total is \$17,592.80. And if you
8 look at the very next sheet, that is a budget
9 summary for the 2019 budget year.

10 So, there is two items on
11 page 5 that are not on page 4 because there are some
12 items in the claim docket that are against the 2019
13 budget. And those two items are the office lease of
14 \$2,100, which is for the lease for January and
15 February of 2019. And then the \$400 against the
16 Great Lakes Legacy Act project for the MPDS permit
17 that I mentioned earlier. So those are the two
18 items that will go against the 2019 budget.

19 And so the total claim
20 docket balance is \$20,092.80. And that concludes
21 the report on the financial statements.

22 MR. FEKETE: Any questions for Mr.
23 Trevino? (None) Hearing none, thank you very much.

24 Next order of business is
25 approve the accounts payable voucher register dated

1 January 16, 2019.

2 MR. LOPEZ: Motion to approve.

3 MR. FEKETE: Motion to approve. Do I have
4 a second?

5 MR. HENRY RODRIGUEZ: Second.

6 MR. FEKETE: All in favor?

7 (All signify aye).

8 MR. FEKETE: The next order of business is
9 the BMO Harris Bank Trust report. Mr. Alonzo,

10 MR. ALONZO: David Alonzo, BMO Harris.
11 Well, not a whole lot of excitement this past month.
12 I'll just give you a couple updates here. So
13 jumping into that second page -- the first page, the
14 graph showing values over time.

15 The second page, so the
16 value of the Trust as of December 31st is
17 \$4,727,271. So from the last meeting up until now,
18 that was a difference of \$63, which is only
19 generated from the Money Market account. And then
20 in 2018 the total disbursements.

21 The third page is what we
22 have got in the Money Market account, which is
23 liquid if we need to pull for the budget. So in the
24 next few months we'd be drawing from that account.
25 This year we have got two Certificates of Deposit

1 that come due. The 33-month CD and then the
2 four-year CD coming due. As far as the rate
3 environmental goes, the market responded and might
4 go slow with rates, if not change at all. Right now
5 we are looking at 18 months around 2.65 percent on
6 the CD, that could change quite a bit from now and
7 June 30th when the next CD comes due for 900,000,
8 and also in July when the second one comes due. At
9 least by that point we might be at the height of the
10 rate environmental. Hopefully great opportunities
11 in the following year. And in 2020 we'll have two
12 other CDs come due. We have got them spread out
13 over two years.

14 Beyond that, all the
15 interest came from the Money Market, and we have a
16 few more months before we have to meet for the
17 Finance Committee. Any questions on the report at
18 all? (None).

19 MR. FEKETE: Very good. Keep those
20 interest rates.

21 MR. ALONZO: Hopefully they'll get a
22 little better. We'll see in a few months. Today
23 what is going on with the government you never know
24 what is going to happen. Thank you very much.

25 MR. FEKETE: Next order of business is

1 Attorney Ellen Gregory's report.

2 MS. GREGORY: Ellen Gregory, of Ellen
3 Gregory Law. Couple of the legal items that
4 Fernando mentioned I will report on. The first one
5 is the INDOT permit, which is the authorization to
6 attach the booms in the canal to the Indianapolis
7 Boulevard bridge. That permit was due to expire on
8 January 18th and I coordinated with the INDOT permit
9 and agreed to renew that for another year. So that
10 will expire on January 18, 2020.

11 Section 10 permit, which
12 was the Corps permit to allow the booms to be in the
13 navigation channel in the canal. We have had a call
14 with BP to coordinate the renewal of that permit.
15 Since the Federal government shut down, the
16 personnel of the Federal government are unavailable
17 to move forward with renewing that permit. Once the
18 EPA people get back in the office, we will be
19 coordinating a call on renewing that permit.

20 The Canal Street Bridge
21 procurement process. As Fernando mentioned, we had
22 discussion with Matt Kent, at the Department of
23 Administration, about procurement for the design and
24 construction of the Canal Street Bridge. And there
25 is a specific statute that applies to Public Works,

1 which this project falls within the definition for
2 subdivisions. And we are working through the
3 requirements for procurement, including the bidding
4 requirements for the construction part of that
5 project.

6 As Fernando mentioned, we
7 have a February 4th deadline coming up. We had an
8 extended alternative dispute, resolution
9 negotiations dispute with the Army Corps, a
10 resolution with ArclerMittal, the Tipping Fee
11 Agreement. We've been following up with Kevin
12 Jerbe, the Army Corps of Engineer attorney, as to
13 that deadline.

14 And finally, as Fernando
15 mentioned, we are working on putting together a
16 formal written response to the TSCA approval for the
17 placement of PCB material into the CDF. And we'll
18 be submitting that within the next several weeks.
19 That's all I have.

20 MR. TREVINO: I just want to clarify
21 something. Attorney Ellen Gregory and I keep
22 referring to the Canal Street Bridge project, but we
23 are not building a bridge. So it's that the bridge
24 was demolished in the early seventies and apparently
25 they left some remnants behind that require

1 attention for safe passage for ships that go through
2 that area. So the project entails evaluating what
3 is required for safe passage of ships from what was
4 left behind from the Canal Street Bridge.

5 MR. PATRICK RODRIGUEZ: I have a question.
6 With respect to -- on page 58 of the University of
7 Iowa, I was reading on it earlier today. And it
8 said they wanted to do monitoring of the PCB level
9 and the sediment in the air, that is a project that
10 they have taken upon themselves or it's sanctioned
11 by the Army Corps, or is the information going to
12 the public at large or what?

13 MS. GREGORY: That was -- it's my
14 understanding that was a project -- the woman who's
15 leading it up does a bunch of research on PCB
16 contamination and sediment contamination in general,
17 I think. And they were doing a research project and
18 asked for access to the site so they could get some
19 samples and some results, and nothing ever happened
20 with that. I think we had it in front of us like
21 three or four years ago.

22 MR. BAKOTA: They did find out there are
23 PCB in the ballast of the lights and the caulking in
24 the windows in the school, that was one of the
25 findings. They took a town in Iowa that had similar

1 population, Hispanic, and similar diets, and took
2 blood tests from the kids.

3 MR. FEKETE: Blood tests in the home and
4 actually had devices they put in the home that set
5 on the shelf that monitor PCB levels and collect
6 them. So it was a whole community based project.

7 MR. BAKOTA: That was a good thing.

8 MR. FEKETE: All they asked of us is
9 basically access to get in on the property and take
10 samples.

11 MR. PATRICK RODRIGUEZ: But did they?

12 MS. GREGORY: Not since that request. If
13 you are looking at my report, the request was made
14 like three or four years ago.

15 MR. PATRICK RODRIGUEZ: 2016.

16 MS. GREGORY: They have not followed up
17 with that to do the samples.

18 MR. BAKOTA: But they did find the
19 ballasts in these lights emit PCB and so do
20 caulking. I don't know if the new caulking has it.

21 MR. TREVINO: They sent an e-mail earlier
22 this year, or 2018, regarding this. I'll follow-up
23 and see if they finalized their report or not,

24 MR. PATRICK RODRIGUEZ: Thank you.

25 MR. FEKETE: It was the lead lady, Carrie

1 Hornbuckle.

2 MR. BAKOTA: We met a number of times with
3 her.

4 MR. FEKETE: Met a number of times and the
5 organization is not defunct, but it was the Calumet
6 project.

7 MR. BAKOTA: Did they follow these kids
8 that they took blood tests on?

9 MR. TREVINO: I have no idea.

10 MR. BAKOTA: That was suppose to go on for
11 years.

12 MR. FEKETE: I have no idea. And actually
13 there was a period where the University of Illinois,
14 Circle Campus, and there was a lady there that was
15 actually involved in assessing any data that they
16 collected. But, you know, we have not been
17 involved, it's been years since there was ever a
18 meeting. I think the last meeting I remember was
19 actually in this room.

20 MR. BAKOTA: That was a good idea, I
21 think.

22 MR. TREVINO: I will follow-up to see
23 where they are at.

24 MR. FEKETE: Did you have anything else?

25 MS. GREGORY: No.

1 MR. FEKETE: Thank you very much. Any new
2 business? Electronic filing request?

3 MR. TREVINO: So CliftonLarsonAllen every
4 year they do electronic filing of the 1099 tax forms
5 and they are asking that we approve and sign and
6 authorize them to electronically file the 1099.

7 MR. FEKETE: Okay. Do I have a motion?

8 MR. LOPEZ: Motion to approve.

9 MR. FEKETE: Do I have a second?

10 MR. HENRY RODRIGUEZ: Second.

11 MR. FEKETE: Roll call vote. John Bakota?

12 MR. BAKOTA: Yes.

13 MR. FEKETE: Henry Rodriguez?

14 MR. HENRY RODRIGUEZ: Yes.

15 MR. FEKETE: Patrick Rodriguez?

16 MR. PATRICK RODRIGUEZ: Yes.

17 MR. FEKETE: Ray Lopez?

18 MR. LOPEZ: Yes.

19 MR. FEKETE: John Fekete? I vote yes.

20 That motion is approved.

21 Any public comments?

22 (None) Hearing none, the next Board meeting is
23 February 20, 2019, at 5:00 o'clock, in this
24 facility. Do I hear a motion to adjourn the
25 meeting?

1 MR. BAKOTA: Motion to adjourn.
2 MR. PATRICK RODRIGUEZ: Second.
3 MR. FEKETE: All in favor, signify by
4 saying aye.

5 (All signify aye.)
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8 ***** Meeting is adjourned *****
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C E R T I F I C A T E

I, Peggy S. Lalonde, Certified Shorthand Reporter (CSR), and Notary Public within and for the County of Porter, State of Indiana, do hereby certify that I appeared at the City of East Chicago, Engineering/Annex Building, 4444 Railroad Avenue, East Chicago, Indiana, on the 16th day of January, 2019, to report the proceedings had of the District Board of Directors' Meeting.

I further certify that I then and there reported in machine shorthand the proceedings given at said time and place, and that the testimony was then reduced to typewriting from my original shorthand notes, and the foregoing transcript is a true and accurate record of said proceedings had.

Dated this 15th day of February, 2019.

Peggy S. LaLonde, CSR

My Commission expires: 2/06/2026

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