

In the Matter Of:  
East Chicago Waterway Management

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**DISTRICT BOARD OF DIRECTORS' MEETING**

*October 16, 2019*

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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           **October 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          October, 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**

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. KEVIN DOYLE, Board Member

MR. RAY LOPEZ, Board Member

MR. FERNANDO TREVINO, FMT Consulting

MS. ELLEN GREGORY, Ellen Gregory Law

ALSO PRESENT

MR. MICHAEL NGUYEN

\* \* \* \*

District Board of Directors' Meeting  
10/16/2019

1 MR. FEKETE: All right. I'd like to call  
2 to order the East Chicago Waterway Management  
3 District, Board of Directors' meeting. Todays date  
4 is October 16th, 2019. The time is 5:00 p.m.. Roll  
5 Call. John Bakota?

6 MR. BAKOTA: Yes.

7 MR. FEKETE: Henry Rodriguez?

8 MR. HENRY RODRIGUEZ: Yes.

9 MR. FEKETE: Patrick Rodriguez?

10 (No Response)

11 MR. FEKETE: Ted Zagar?

12 (No Response)

13 MR. FEKETE: Kevin Doyle?

14 MR. DOYLE: Yes.

15 MR. FEKETE: Ray Lopez?

16 MR. LOPEZ: Yes.

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

19 The Executive Director's Report,  
20 Mr. Trevino.

21 MR. TREVINO: Yes. Fernando Trevino, FMT  
22 Consulting. I'd like to start off with going  
23 through the contents of your Board packet. You have  
24 the agenda for today's meeting. You have the Board  
25 minutes for September 18, 2019.

1                   You have the Claims Voucher for  
2 approval consideration, dated October 16, 2019.

3                   You have First Merchants  
4 transfer of funds dated October 16, 2019. It's a  
5 Letter of Authority, to transfer funds.

6                   You have a letter from Atlantic  
7 Richfield Company, dated September 17, 2019,  
8 summarizing their proposed Change Order related to  
9 the sheet pile wall design project.

10                  You have a spreadsheet entitled,  
11 2020 Budget Proposal, dated October 16, 2019, and  
12 two backups for that budget proposal. One is  
13 summarizing the FMT Consulting budget estimate. And  
14 then the other summarizing the office assistant  
15 budget estimate. And then the other backup to the  
16 proposed budget is Attorney Ellen Gregory's budget  
17 summary, and that budget summary has a cover page  
18 and then several detailed backups to it, which --  
19 let's see -- total about 21 pages. So together with  
20 all of that, it kind of is the budget proposal, with  
21 all the backups, for 2020.

22                  You have a copy of the proposed  
23 contract agreement for office services with Olga  
24 Cosme, and that's on the agenda for approval  
25 consideration.

1                   You have the BMO ECI Facility  
2 Trust report, which includes the September account  
3 statement for account ending in 712.

4                   You have the Army Corps of  
5 Engineers report to the Board dated October 16,  
6 2019.

7                   You have Attorney Ellen Gregory  
8 report to the Board, with revision date of  
9 October 14, 2019.

10                  You have the First Merchants  
11 Bank statements for accounts ending in 608 and 616,  
12 for the month of September 2019. And you also have  
13 the 12-month CD and the 24-month CD reports with the  
14 report creation date of October 14th.

15                  You have a People's Bank account  
16 statement for account ending in 301 and account  
17 ending in -- well, actually both 301. One is for  
18 the dredging escrow account and the other is for the  
19 tipping escrow account; and they are both for the  
20 month of September 2019.

21                  You have the State Board of  
22 Accounts Financial Statements Review Report of the  
23 East Chicago Waterway Management District, and it's  
24 for the years 2015 through 2018.

25                  You have a letter dated

1 September 30, 2019, from myself to Natalie Mills  
2 transmitting the 2019 Great Lakes Legacy Act Project  
3 second quarter work in-kind report summary. And  
4 that is everything that was e-mailed in the Board  
5 packet.

6                   You also were provided a copy of  
7 the September 30, 2019, financial cash basis  
8 statement from CliftonLarsonAllen. You were also  
9 provided a copy of the FMT consulting proposed  
10 contract renewal. You were also provided a copy of  
11 the 2019 FMT Consulting performance evaluation for  
12 2019. And that concludes everything that was  
13 provided to the Board.

14                   To go over a couple items for my  
15 report. A Finance Committee meeting was held  
16 earlier today. Some of the items we reviewed  
17 included the 2020 proposed budget, the FMT  
18 Consulting 2019 performance evaluation, the FMT  
19 Consulting contract renewal, the Olga Cosme contract  
20 renewal for secretarial support. And we also  
21 discussed the State Board of Accounts financial  
22 report. As I mentioned, the 2020 proposed budget is  
23 on agenda for approval consideration.

24                   Couple other things to report  
25 on. Board member Ray Lopez and I attended the Lake

1 Shore Chamber Luncheon and Business Expo.

2                   Regarding the User Fees to-date,  
3 there is only one unpaid 2019 User Fee.

4                   Update on the Great Lakes Legacy  
5 Act Project. You might recall that the Board  
6 approved the third modification to the project  
7 agreement couple meetings ago -- or it might have  
8 been last meeting -- it's hard to recall. They  
9 agreed not to sign it until we received a signed  
10 copy of the affiliated Cost Share Agreement from  
11 Atlantic Richfield/BP. And we have recently  
12 received their approval consideration to the second  
13 Cost Share Agreement, along with the approval  
14 signatures to the project agreement.

15                   That prompted me to schedule a  
16 meeting with Board president, John Fekete, last week  
17 to sign the District's signature page of the project  
18 agreement, and it has been forwarded to EPA. EPA  
19 estimates that it should take about two weeks to go  
20 through their internal approval signature process.  
21 And once we receive that, I'll share it with the  
22 Board.

23                   The project team continues to  
24 meet weekly to discuss the planning and coordination  
25 of Lake George Canal/Mittal and remediation. And we

1 are also starting to discuss the planning for  
2 remediation of the Grand Cal River, east and west  
3 sections.

4                   The Board might recall that the  
5 first Cost Share Agreement that the Board approved  
6 last year, I believe, has cost share provision  
7 affiliated with the design of the sheet pile wall.  
8 Part of that procedure is the approval of proposed  
9 design change orders to process out of scope design  
10 work that might be required by the designer and  
11 Atlantic Richfield. Atlantic Richfield has  
12 submitted a proposed change order for additional  
13 ground water with mottling work, in the amount of  
14 approximately \$22,500. This increases the total  
15 design cost of \$340,762, which is below or not to  
16 exceed \$500,000, total that was stipulated in the  
17 Cost Share Agreement. And that change orders is on  
18 agenda for approval consideration.

19                   Also I continued to discuss with  
20 Dave Ryan of the Lake Shore Chamber and EPA  
21 regarding coordinating a presentation of our Great  
22 Lakes Legacy Act Project at a Lake Shore Chamber  
23 luncheon. So I will continue to work with both  
24 entities and report back to the Board as that  
25 progresses.



1 Mr. Anderson. Mr. Anderson is not with us.

2 MR. TREVINO: Mr. Anderson wasn't able to  
3 make it.

4 MR. FEKETE: Are you doing the honors?

5 MR. TREVINO: I'll pinch hit for Mr.  
6 Anderson. If you turn to page 2, it's a summary of  
7 cash receipts and cash disbursements through  
8 September 30th, of 2019. The total receipts  
9 received from interest income, User Fees and Trust  
10 transfers total \$640,681.14. The disbursements  
11 through September is \$312,452.88. The cash balance  
12 as of September 30, 2019, is \$3.6 million.

13 Now, if you turn to page 4, it  
14 basically is a summary of our budget and the  
15 management of our annual budget. The first two  
16 columns are the 2019 budget appropriations. The  
17 next column is the Accounts Payable through  
18 December 31, 2018. And then the last column is --  
19 as Tim says -- is the important one. It shows that  
20 none of our unused budget line items are in the  
21 negative. And the second to the last is Claims  
22 Docket for October. So that summarizes our Claims  
23 Docket that are on today's agenda for approval  
24 consideration.

25 That summarizes the report for

1 Mr. Anderson. Any questions?

2 MR. LOPEZ: Just make a comment. Page 3,  
3 we have that interest, that's pretty good. You  
4 skipped page 3.

5 MR. TREVINO: It has a different kind of  
6 summary of what is provided in page 2. But, yes,  
7 you see the interest income for the month, which is  
8 -- well, actually interest earned 2019. And if you  
9 go to page 2, you actually see what the interest  
10 income is for the nine months through  
11 September 30th, and that total is \$41,593.21. And I  
12 think that's attributed to the Board's decision to  
13 put some of our money into CDs that were providing a  
14 higher rate of return than the traditional bank  
15 accounts were, that we had in the past. Any other  
16 questions?

17 MR. LOPEZ: Thank you.

18 MR. FEKETE: Thank you for that report.  
19 That leads us to the approval consideration of the  
20 accounts payable voucher register dated today's  
21 date, October 16, 2019. I'll entertain a motion to  
22 approve.

23 MR. HENRY RODRIGUEZ: Motion to approve.

24 MR. DOYLE: Second.

25 MR. FEKETE: We have a second. Any

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1 discussion? Hearing none, we'll have a roll call  
2 vote. John Bakota?

3 MR. BAKOTA: Yes.

4 MR. FEKETE: Henry Rodriguez?

5 MR. HENRY RODRIGUEZ: Yes.

6 MR. FEKETE: Kevin Doyle?

7 MR. DOYLE: Yes.

8 MR. FEKETE: Ray Lopez?

9 MR. LOPEZ: Yes.

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

11 That motion is approved.

12 Next order of business is the  
13 consideration of the First Merchants Letter of  
14 Authorization, Reference 2019 Budget Amendment, that  
15 we basically approved at the last meeting. I'll  
16 entertain a motion to approve.

17 MR. DOYLE: Motion to approve.

18 MR. FEKETE: Entertain a second.

19 MR. HENRY RODRIGUEZ: Second.

20 MR. FEKETE: Motion and second. Any  
21 discussion? Hearing none, we'll move to roll call  
22 vote. John Bakota?

23 MR. BAKOTA: Yes.

24 MR. FEKETE: Henry Rodriguez?

25 MR. HENRY RODRIGUEZ: Yes.

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1 MR. FEKETE: Kevin Doyle?

2 MR. DOYLE: Yes.

3 MR. FEKETE: Ray Lopez?

4 MR. LOPEZ: Yes.

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

6 That motion is approved.

7 Next order of business is the Sheet  
8 Pile Wall Design, Change Order. I will entertain a  
9 motion to approve.

10 MR. BAKOTA: Motion to approve.

11 MR. LOPEZ: Second.

12 MR. FEKETE: Motion, and we have a second.

13 Any discussion? Hearing none, we'll have a roll  
14 call vote. John Bakota?

15 MR. BAKOTA: Yes.

16 MR. FEKETE: Henry Rodriguez?

17 MR. HENRY RODRIGUEZ: Yes.

18 MR. FEKETE: Kevin Doyle?

19 MR. DOYLE: Yes.

20 MR. FEKETE: Ray Lopez?

21 MR. LOPEZ: Yes.

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

23 That motion is approved.

24 Next order of business, the approval  
25 of proposed 2020 Annual Operating Budget. I will

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1 entertain a motion to approve.

2 MR. LOPEZ: Motion to approve.

3 MR. FEKETE: Is there a second?

4 MR. HENRY RODRIGUEZ: Second.

5 MR. FEKETE:: Any discussion? Hearing  
6 none, we'll have a roll call vote. John Bakota?

7 MR. BAKOTA: Yes.

8 MR. FEKETE: Henry Rodriguez?

9 MR. HENRY RODRIGUEZ: Yes.

10 MR. FEKETE: Kevin Doyle?

11 MR. DOYLE: Yes.

12 MR. FEKETE: Ray Lopez?

13 MR. LOPEZ: Yes.

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

15 That motion is approved.

16 Next order of business is the  
17 approval consideration for Office Management  
18 Secretarial Support Contract, with Olga Cosme.

19 MR. LOPEZ: Motion to approve.

20 MR. BAKOTA: Second.

21 MR. FEKETE: Any discussion? Hearing  
22 none, roll call vote. John Bakota?

23 MR. BAKOTA: Yes.

24 MR. FEKETE: Henry Rodriguez?

25 MR. HENRY RODRIGUEZ: Yes.

District Board of Directors' Meeting  
10/16/2019

1 MR. FEKETE: Kevin Doyle?

2 MR. DOYLE: Yes.

3 MR. FEKETE: Ray Lopez?

4 MR. LOPEZ: Yes.

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

6 That motion is approved.

7 Next order of business is approval  
8 consideration for the FMT Consulting contract.

9 Entertain a motion to approve.

10 MR. BAKOTA: Motion to approve.

11 MR. FEKETE: Do I have a second?

12 MR. HENRY RODRIGUESS: Second.

13 MR. FEKETE: We have a second. Any  
14 discussion? Hearing none, we'll have a roll call  
15 vote. John Bakota?

16 MR. BAKOTA: Yes.

17 MR. FEKETE: Henry Rodriguez?

18 MR. HENRY RODRIGUEZ: Yes.

19 MR. FEKETE: Kevin Doyle?

20 MR. DOYLE: Yes.

21 MR. FEKETE: Ray Lopez?

22 MR. LOPEZ: Yes.

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

24 That motion is approved.

25 Next we have the BMO Harris Trust

1 report.

2 MR. TREVINO: Yes, Mr. Alonzo wasn't able  
3 to make today's meeting, so I will be pinch hitting  
4 for Mr. Alonzo as well.

5 So, page 1 highlights the  
6 historical value of the Trust since 1997, and all  
7 the distributions each year since '97. The current  
8 value of the Trust is \$4,742,654 and that's as the  
9 end of September 2019. This is an increase of \$41  
10 from the last meeting. Interest earned was from the  
11 Money Market only.

12 Page 3 shows the values of the  
13 Money Market, essentially business checking account  
14 and CDs. Currently we have three CDs, two CDs with  
15 maturity date of January 31, 2020. The other CD  
16 will mature on July 28, 2020. Next interest payment  
17 on CDs will happen at the end of October and will be  
18 reported during the November Board meeting. That  
19 concludes the BMO report.

20 MR. FEKETE: Any questions? Hearing none,  
21 I'd like to make an observation. When you look at  
22 the table that shows the Market value of the  
23 account, starting in December of 1997, and then  
24 compare to the distributions throughout that same  
25 time period, I just think it's remarkable that we

1 started out with 15 and half million; we have  
2 disbursed 20.3 million; and we still have  
3 \$4.7 million. And I think that's just due to the  
4 good money management that this Board does.

5 MR. TREVINO: That is pretty interesting.

6 MR. FEKETE: We are collectively patting  
7 ourselves on the back.

8 Next order of business is the  
9 U.S. Army Corps report to the Board. Mr. Nguyen.

10 MR. NGUYEN: Mike Nguyen, with the Army  
11 Corps of Engineers. For the dredging operation,  
12 contractor completed the TSCA dredging on 23rd  
13 August and moved to the LTV material to put cover on  
14 top. Due to equipment breakdown, delay the LTV  
15 dredging, to be completed 26 October, basically  
16 around next week. So I think they dredged majority  
17 of the material, but came into some hard clay and  
18 the equipment failure, so they are searching for  
19 softer material to put as cover material over the  
20 TSCA.

21 For the oil boom, nothing  
22 significant to report.

23 The PCA Revision, I wanted to  
24 add, besides the Tolling Agreement, I got a notice  
25 from our Division office that they endorsed the

1 request to negotiate the PCA Amendment and they  
2 forwarded it on to Division and Division forwarded  
3 it on to Headquarters and ASA for consideration. So  
4 that's --

5 MR. TREVINO: Good news.

6 MR. NGUYEN: Good news. It took awhile  
7 before our Division office actually understands what  
8 we were trying to request. And so they finally got  
9 it and they are moving it forward. Now we have  
10 Headquarters and the Assistant Secretary of Army to  
11 respond.

12 MR. FEKETE: Thank you for your  
13 persistence.

14 MR. NGUYEN: Okay. I mean even though  
15 they recommended, it doesn't mean they endorse it,  
16 doesn't mean Headquarters and ASA; but at least it's  
17 moving.

18 MR. TREVINO: It's a major step.

19 MR. NGUYEN: For the Lake George  
20 Agreement, the MOA, nothing significant to report.  
21 We are still seeing if that agreement is still  
22 needed for next year. I think because of the BP  
23 sheet pile wall, we are still going to need that.

24 MR. TREVINO: Let me give an update on  
25 that, Mike. There was a meeting this morning

1 regarding the Lake George Canal Remediation. And  
2 one of the options that was discussed was doing some  
3 dredging ahead of the sheet pile wall. So there was  
4 an option that was -- that may put dredging of that  
5 area in 2020, which means if that does happen, we  
6 need to kind of expedite what the MOU is going to  
7 look at there, whether Waterway Management District  
8 will be a party to that, or if it's going to be a  
9 two-way agreement between EPA and the Corps.

10 MR. NGUYEN: I think right now we sent  
11 forward the MOA to Division with two signators to  
12 the Agreement, both EPA and ECWMD. They are still  
13 reviewing it and trying to figure out if a different  
14 -- I guess -- if the whole agreement has to be sent  
15 back for approval for adding another signature.  
16 That's over at our counsel's office. Division has  
17 it. They are still trying to figure it out.

18 But, yeah, I agree that if there  
19 is some dredging that could be done in '20, we need  
20 to expedite this Agreement.

21 And for the Feddeler parcel,  
22 beginning of the new fiscal year, I bugged the real  
23 estate to get to work on it. They actually did  
24 start working on it. I had a discussion with the  
25 real estate specialist last week. They will be

1 sending Fernando and Ellen other supporting  
2 documents. I guess they want to get some sort of  
3 clarification on like what was done with the hours.  
4 I guess documentation will be coming.

5 For the Parkway Improvement,  
6 work is ongoing. It's scheduled to be completed by  
7 the end of November. I think Fernando saw the wall  
8 that was out there at the Major General's visit.  
9 And then for the entrance road we completed that on  
10 September 4th. And that's all I have.

11 MR. FEKETE: Very good. Any questions for  
12 Mr. Nguyen?

13 MR. HENRY RODRIGUEZ: Mike, TSCA, that  
14 says it's going to dredge over by LTV to provide  
15 cover. It says because of equipment break down.  
16 Has it been taken care of? Is it covered yet or  
17 going to be?

18 MR. NGUYEN: So, I think we have like  
19 10,000 more cubic yards, 10 or 15,000 more before we  
20 reach that cover material. So that's basically it  
21 and we'll get that by next week. But the equipment,  
22 unfortunately for this year, Kokosing had a lot of  
23 equipment failure. It was unprecedented. And there  
24 was substantial delays waiting for spare parts that  
25 they thought they had available, but it wasn't

1 available. So we have to wait for that part to come  
2 in.

3 MR. HENRY RODRIGUEZ: By next week?

4 MR. NGUYEN: Probably next week.

5 MR. FEKETE: Okay. Thank you very much.

6 Attorney Ellen Gregory's report.

7 MS. GREGORY: Ellen Gregory, Ellen Gregory  
8 Law. Not much new to report on the legal front.  
9 It's been kind of a quiet month. I did work with  
10 Fernando on contracts for Olge Cosme and also FMT  
11 Consulting.

12 Worked a little bit with  
13 Fernando on getting the Great Lakes Legacy Act  
14 documents executed and forwarded to the other  
15 partners.

16 And as Mike mentioned, not much  
17 on the Corps dispute. Good news is that it's moving  
18 up the chain. But from our perspective, we are just  
19 kind of still waiting on hearing back from the Corps  
20 on that. That's all I have.

21 MR. FEKETE: Okay. Any questions for Miss  
22 Gregory? (None) Any new business to come before the  
23 Board? (None) Any outstanding business? (None)  
24 Any public comments? (None).

25 Okay. Now the next order of

1 business is the December 2019 Board meeting. We  
2 have decided that due to holidays and everything,  
3 that we are going to move the meeting up one week.  
4 So it will be December 11th, at the usual time and  
5 it's also a Wednesday. It will be at this location.  
6 So let's make sure you get your calendars marked and  
7 move it up one week.

8 MR. LOPEZ: You have it on the website?

9 MR. TREVINO: It will be.

10 MR. FEKETE:: Entertain a motion to a make  
11 that change for the December Board meeting.

12 MR. LOPEZ: I'll make the motion.

13 MR. HENRY RODRIGUEZ: Second.

14 MR. FEKETE: All in favor signify by  
15 saying aye?

16 (All signify aye.)

17 MR. FEKETE: Motion is approved.

18 Our next scheduled Board meeting  
19 for November is November 20th, at 5:00 p.m., at this  
20 facility. I'll entertain a motion to adjourn.

21 MR. BAKOTA: Motion to adjourn.

22 MR. HENRY RODRIGUEZ: Second.

23 MR. FEKETE: All in favor signify by  
24 saying aye?

25 (All signify aye.)

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**MR. FEKETE: Motion is approved. Meeting  
is adjourned.**

**\*\*\*\*\* Meeting is adjourned \*\*\*\*\***

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 October, 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 12th day of November, 2019.





Peggy S. LaLonde, CSR

My Commission expires: 2/06/2026

District Board of Directors' Meeting

10/16/2019

Index: \$22,..chan

<hr/>	<b>23rd</b> 17:12	<b>Act</b> 6:2 7:5 8:22	<hr/>
<b>\$</b>	<b>24-month</b> 5:13	<b>add</b> 17:24	<b>B</b>
<hr/>	<b>25th</b> 9:1	<b>additional</b> 8:12	<hr/>
<b>\$22,500</b> 8:14	<b>26</b> 17:15	<b>affiliated</b> 7:10 8:7	<b>back</b> 8:24 17:7
<b>\$3.6</b> 10:12	<b>28</b> 16:16	<b>agenda</b> 3:24 4:24 6:23 8:18 10:23	<b>backup</b> 4:15
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<b>\$340,762</b> 8:15	<b>3</b>	<b>agreement</b> 4:23 7:7, 10,13,14,18 8:5,17 17:24	<b>Bakota</b> 3:5,6 9:19 12:2, 3,22,23 13:10,14,15 14:6,7,20,22,23 15:10, 15,16
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<b>\$4.7</b> 17:3	<b>3</b> 11:2,4 16:12	<b>Amendment</b> 12:14	<b>bank</b> 5:11,15 11:14
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<b>\$500,000</b> 8:16	<b>30th</b> 10:8 11:11	<b>annual</b> 10:15 13:25	<b>BMO</b> 5:1 15:25 16:19
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