

Board of Directors' Meeting
06/17/2020

**EAST CHICAGO WATERWAY MANAGEMENT DISTRICT
BOARD OF DIRECTORS' MEETING
City of East Chicago, MECHA Building
4444 Railroad Avenue
East Chicago, Indiana
June 17, 2020
Wednesday, 5:00 p.m.**

**Transcript of the proceedings had in the
above-entitled matter, on the 17th day of
June, 2020, at 5:00 p.m., at the City of East
Chicago, MECHA Building, 4444 Railroad
Avenue, East Chicago, Indiana, before Peggy S.
LaLonde, Certified Shorthand Report and Notary
Public for the County of Porter, State of
Indiana.**

**ISEMINGER & ASSOCIATES, INC.
2 Indiana Avenue
Valparaiso, Indiana 46383
(219) 464-2178**

APPEARANCE VIA ZOOM:

MR. JOHN FEKETE, President

MR. HENRY RODRIGUEZ, Board Member

MR. PATRICK 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 VIA ZOOM:

MR. DAVID ALONZO, BMO Bank

MR. MICHAEL NGUYEN, Army Corps of Engineers

MR. MICHAEL SPINAR, EPA

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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 June 17th, 2020. The time is 5:15 p.m.. Roll
5 Call. John Bakota? (No Response)

6 MR. FEKETE: Henry Rodriguez?

7 (No Response)

8 MR. FEKETE: Patrick Rodriguez?

9 MR. PATRICK RODRIGUEZ: Yes.

10 MR. FEKETE: Ted Zagar?

11 (No Response)

12 MR. FEKETE: Kevin Doyle?

13 MR. DOYLE: Yes.

14 MR. FEKETE: Ray Lopez?

15 MR. LOPEZ: Yes.

16 MR. FEKETE: John Fekete? Yes. We have a
17 quorum. We also have present via Zoom Mike Nguyen,
18 Michael Spinar, David Alonzo.

19 First, we have the Executive
20 Director's report. Mr. Trevino.

21 MR. TREVINO: Fernando Trevino, FMT
22 Consulting. I'd like to start off by going over the
23 contents of your Board packet. You have today's
24 agenda. You have the public meeting posting that we
25 sent to the Times and was also posted on the

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1 website. You have a copy of the Board minutes for
2 May 20, 2020.

3 You have the Plews, Shadley, Racher
4 & Braun engagement letter amendment.

5 You have a budget amendment
6 spreadsheet.

7 You have the Claim docket for
8 today's Board meeting, along with the check register
9 and copies of the purchase orders.

10 You have the First Merchant Bank
11 statements for account ending in 608, which includes
12 copies of the checks that were cashed for the month
13 of May. You have a copy of the First Merchant Bank
14 statement for account ending in 616. And both of
15 those statements are for the month of May of 2020.
16 And you also have a copy of the User Fee deposits
17 that were made in the month of May. You have a copy
18 of the First Merchant Bank statement 12-month CD and
19 also 24-month CD.

20 You have a copy of the BMO Harris
21 ECI Facility Trust report dated May 31, 2020.

22 You have a copy of Army Corps of
23 Engineers report to the Board today. I also
24 included a copy of the Northwest Indiana Times
25 article that was reported on the Indiana Harbor

1 Canal dredging and the Great Lakes Legacy Act, and
2 the article is dated June 8, 2020. And that was
3 posted by our buddy, Paul. So, thank you, Paul for
4 advertising our work and reporting on our projects.
5 You have a copy of Army Corps news release relating
6 to the public dredging meeting that will be held
7 after our Board meeting today, at six.

8 You have a copy of Attorney Ellen
9 Gregory's report to the Board.

10 I also included a copy of the Great
11 Lakes Legacy Act Master Schedule, with a date of May
12 26th. That's the date of the Master Schedule.

13 You have a copy of the District's
14 comments to the 30 percent Basis of Design Report
15 and summary of the comments. The memo is dated
16 June 4, 2020.

17 You have a copy of the City's
18 Technical Review flow chart for projects within the
19 City, and that was forwarded to AR/BP, which may
20 apply to their sheet pile wall project.

21 You have a copy of AECOM updated
22 memo. Updated date is June 16, 2020, and it's the
23 summary of the Canal Street Bridge Improvement,
24 options and recommendations. And it was updated
25 because there was a couple of things posted that

1 AECOM discovered after the fact.

2 You have a letter from Parsons dated
3 June 9, 2020, related to the 2020 solid waste
4 profile recertification for the ECI site. And you
5 also have a specialized profile recertification form
6 filled out.

7 And then also I sent you an e-mail,
8 a separate e-mail, on the CliftonLarsonAllen
9 financial statement, which I received today and that
10 was forwarded to you. So that together is part of
11 the Board packet as well.

12 To go over a few items, because
13 today's Board meeting was originally advertised to
14 meet in person, but we are now meeting via video
15 telephone, we posted today's meeting in the papers
16 with 48 hours advance notice and it was also posted
17 on our website.

18 Also, as part of our Claim docket is
19 our directors and officers insurance renewal.

20 A couple action items that aren't,
21 you know, the regular action items for the Board,
22 that includes the 2020 budget amendment and the
23 Plews engagement letter amendment that's related to
24 the legal work that's ongoing for the PCA and
25 Tipping Fee Agreement Resolution.

1 Also working with Attorney Wieser
2 and Buckeye on some real estate requests that have
3 been made by Buckeye.

4 Update on the User fees. We have
5 started receiving User Fee checks. And as I
6 mentioned, some of those deposits have been made and
7 you received copies of them. So far we have
8 deposited approximately 185,000, leaving uncollected
9 balance of 175,000. I will be reaching out to the
10 companies that have a balance due and start
11 preparing past due letters, and the extension will
12 be to August 1st.

13 We continue to work through the M &
14 M Management delinquency account. As a reminder, we
15 received awhile back a notice of their property tax
16 sale; so we have been working with Attorney Wieser
17 on trying to resolve that account.

18 The PCA and Tipping Fee Agreement
19 Resolution, we continue to work towards the
20 resolution on both of those documents.

21 We met with Arcler Mittal, BP, EPA
22 and the Corps last week to try and tie in the
23 Tipping Fee Agreement modifications to the proposed
24 PCA modifications, and we continue to work towards
25 an amicable solution. And we are hopeful that we'll

1 be able to resolve this and allow the Arcler Mittal
2 dredging to occur this year.

3 An update on the Great Lakes Legacy
4 Act Project. Reminder that we submitted the
5 2019-year end cost share report to EPA. We have --
6 we haven't heard any feedback or comments from EPA
7 on that. The frequency of the cost share reports
8 has been changed from quarterly to semi annual.

9 As I mentioned earlier, the District
10 submitted comments to the latest 30 percent Basis of
11 Design Report for the sheet pile wall on the west
12 tank farm stabilization. Copy of that is in your
13 packet.

14 As part of our public outreach
15 efforts, we had copies of the 30 percent Design
16 Report at our East Chicago Library. And we got word
17 back from them, from the libraries, that there were
18 no public comments submitted through the libraries.

19 I mentioned that a copy of the
20 Master Schedule is in your packet. Phase 1 dredging
21 is still scheduled to occur this year. I also
22 included a copy of the Northwest Indiana Times
23 article that reported on the dredging and the Great
24 Lakes Legacy Act Project. So, again, thanks to Paul
25 for his attention on our projects.

1 Canal Street Bridge Project. As I
2 mentioned, there is an updated copy of AECOM's memo
3 that summarizes the renovation on the Canal Street
4 Bridge Project, and that's included in your packet.

5 As I mentioned, a meeting was held
6 with Mayor Copeland and his staff last week to
7 review the AECOM memo, with Mayor Copeland's team.
8 The Mayor agreed with the recommendation and asked
9 me to meet with their finance consultant, Jim
10 Bennett, to review the project and establish a
11 budget for the project in 2021. The next step after
12 budgeting the project will be reach out to
13 stakeholders to present the recommendation, get
14 their feedback, and hopefully their concurrence.
15 And the project is forecasted to be in 2021.

16 The Army Corps of Engineers report
17 is in your packet. Mike Nguyen is in attendance and
18 will be providing an update.

19 Section 10 permit, there is a letter
20 and application related to recertification of the
21 ECI special waste. I wanted to present the
22 information to the Board, just to see if there were
23 any questions or concerns before I sign it and
24 submit the application. So that's in your packet as
25 well.

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1 And also, Mr. David Alonzo is in
2 attendance. I didn't include his report on the
3 agenda, but when we get to new Business, if Board
4 President Fekete could give Mr. Alonzo an
5 opportunity to give a report on the BMO Trust
6 report. And that concludes my report.

7 MR. FEKETE: Any questions for Mr.
8 Trevino? (None) Before we get along any further, I
9 know that there are people in attendance and I have
10 Mike Nguyen, David Alonzo, and Michael Spinar. Is
11 there anyone else? (No Response) Okay, very good.

12 The next order of business is
13 approval consideration of the Board meeting notes
14 for the May 20, 2020 meeting. I will entertain a
15 motion to approve.

16 MR. PATRICK RODRIGUEZ: So moved.

17 MR. LOPEZ: Second.

18 MR. FEKETE: Roll Call.

19 Patrick Rodriguez.

20 MR. PATRICK RODRIGUEZ: Yes.

21 MR. FEKETE: Kevin Doyle.

22 MR. DOYLE: Yes.

23 MR. FEKETE: Ray Lopez.

24 MR. LOPEZ: Yes.

25 MR. FEKETE: John Fekete. I vote yes.

1 That motion is approved.

2 Next order of business is the
3 approval consideration for budget amendment for
4 additional Plews legal services. You have it in
5 your packet and it has been discussed. Are there
6 any questions? (None) I'll entertain a motion.

7 MR. LOPEZ: Motion to approve.

8 MR. FEKETE: Do we have a second?

9 MR. DOYLE: Second.

10 MR. FEKETE: Roll call vote.

11 Patrick Rodriguez.

12 MR. PATRICK RODRIGUEZ: Yes.

13 MR. FEKETE: Kevin Doyle.

14 MR. DOYLE: Yes.

15 MR. FEKETE: Ray Lopez.

16 MR. LOPEZ: Yes.

17 MR. FEKETE: John Fekete. I vote yes.

18 That motion is approved.

19 Next order of business logically
20 would be approval consideration for the Plews
21 engagement letter amendment. Entertain a motion to
22 approve.

23 MR. LOPEZ: So moved.

24 MR. FEKETE: Do I have a second?

25 MR. DOYLE: Second.

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1 MR. FEKETE: Roll call vote.

2 Patrick Rodriguez.

3 MR. PATRICK RODRIGUEZ: Yes.

4 MR. FEKETE: Kevin Doyle.

5 MR. DOYLE: Yes.

6 MR. FEKETE: Ray Lopez.

7 MR. LOPEZ: Yes.

8 MR. FEKETE: John Fekete. I vote yes.

9 That motion is approved.

10 Next order of business is accounting
11 consultant report. I notice that we just recently
12 got an e-mail with the financial statistics.

13 MR. TREVINO: Yeah, if you want, I can --
14 Tim wasn't able to make today's meeting -- if you
15 want, I can do the honors to review the report.

16 MR. FEKETE: Okay.

17 MR. TREVINO: So page 1 is a statement of
18 cash receipts and cash disbursements. At the bottom
19 of the report it shows a cash balance, as of May 31,
20 2020, of approximately 3.9 million. And there is --
21 it is further broke down below that, breaks it down
22 between the Operating account and User Fee account,
23 the CD accounts. And again the total of 3.9
24 million.

25 The next page is a schedule of cash

1 account activity. And again, it shows a breakdown
2 of the Operating account and the cash disbursements
3 for every month since January for 2020, including
4 the interest earned this year. It also includes the
5 transfers that were made affiliated with our 2020
6 budget. It's got -- again -- operating cash balance
7 of approximately 933,000.

8 And then there is also a User Fee
9 account that is also broken down by the interest
10 earned, the User fees that have been deposited in
11 May, and the budget transfer that's affiliated with
12 the 2020 Operating budget. And the User Fee account
13 balance, as of May 31, is approximately 881,000.

14 It also breaks down the Certificates
15 of Deposit as of May 31, 2020, and that balance is
16 included, the two CDs, the 12-month and the
17 24-month, included in that. And that total is
18 approximately 2.086 million.

19 And then the last sheet is our
20 schedule of available budget for 2020. And it
21 breaks down all the budget line items through the
22 2020 budget appropriations and the cash
23 disbursements through the month of May.

24 And then the second to the last
25 column is the Claim docket total for today's

1 meeting, which is \$56,535.33.

2 And then the last column is the line
3 item, or the budget -- unused budget -- for each
4 line item. And if you see all -- none of our line
5 items are in the negative, which is always a good
6 thing. So we are above all of our budget line
7 items.

8 And if there aren't any questions,
9 that concludes the summary of the financial
10 statement.

11 MR. FEKETE: Any questions for Mr.
12 Trevino? (None) Thank you very much.

13 Next order of business is the
14 approval of the account payable voucher register
15 dated June 17, 2020. Entertain a motion to approve.

16 MR. PATRICK RODRIGUEZ: So moved.

17 MR. FEKETE: Do I have a second?

18 MR. DOYLE: Second.

19 MR. FEKETE: Roll call vote.

20 Patrick Rodriguez.

21 MR. PATRICK RODRIGUEZ: Yes.

22 MR. FEKETE: Kevin Doyle.

23 MR. DOYLE: Yes.

24 MR. FEKETE: Ray Lopez.

25 MR. LOPEZ: Yes.

1 MR. FEKETE: John Fekete. I vote yes.
2 That motion is approved.

3 The next order of business is the
4 U.S. Army Corps of Engineers report. Mr. Nguyen.

5 MR. NGUYEN: Mike Nguyen, with Army Corps
6 of Engineers. For my report, we started water
7 treatment and dredging schedule to resume in late
8 July.

9 We have a pre-dredge public meeting
10 scheduled right after this Board meeting, at
11 6:00 p.m. tonight.

12 The oil boom coordination, nothing
13 to report.

14 The PCA Amendment. We have actually
15 reached an agreement in principal on the PCA
16 Amendment, with ECWMD, and we are negotiating with
17 EPA and Arcler Mittal.

18 And the Tipping Fee Amendment, the
19 negotiations for the Tipping Fee has been ongoing.
20 For the agreement, the Corps is still working with
21 EPA to enter into an agreement with the Lake George
22 dredging. I think that was moving forward. We
23 should be getting the agreement pretty soon.

24 Nothing to report on the real
25 estate.

1 And the parkway improvement we
2 completed back in April, and we are working to
3 closeout the contract right now. That's all I have
4 for the Corps report.

5 MR. FEKETE: Thank you, Mr. Nguyen. That
6 was a good job on that parkway improvement project.

7 (Henry Rodriguez has joined the
8 meeting.)

9 MR. HENRY RODRIGUEZ: I was at a special
10 board meeting for a different board. Sorry, I'm
11 late.

12 MR. FEKETE: Let the record show that
13 Henry Rodriguez has joined the meeting.

14 The next order of business is the
15 BMO Harris report. Mr. Alonzo.

16 MR. ALONZO: David Alonzo, BMO Harris
17 Bank. So I'm going to run through some numbers.
18 Nothing has changed, but we'll talk about a couple
19 things coming up here.

20 But with the report, the total value
21 as of May 31st, is 4,485,857. That is a positive
22 difference of approximately \$45.00 from last month.

23 You know, over the last couple of
24 months we have been reporting just minor increases
25 in the value, and the only reason that is, is

1 because the 11-month CD only pays interest at
2 maturity. So with that being said, we do have a
3 Certificate of Deposit maturing at the end of July,
4 so next month. The CD right now is valued at
5 approximately 2,479,150. It's currently earning
6 2 point 1 percent. And unfortunately, that rate
7 will go away.

8 To give you some general context of
9 where things are right now -- and I don't have the
10 rate sheet for longer term CD -- I know our current
11 11-month CD is at point eight percent. So pretty
12 big difference from where we are right now, but
13 unfortunately it's sort of where the rates are right
14 now.

15 The Money Market balance is at
16 526,717. So we are right in line with where we
17 typically hold our balance at. So we have the Money
18 Market and we also have the two CDs. But beyond
19 that, that's really all I had to report.

20 And just again, a heads up, we do
21 have a certificate coming due next month that we'll
22 need to discuss.

23 MR. FEKETE: Any questions for Mr. Alonzo?

24 MR. LOPEZ: Thank you, Dave.

25 MR. ALONZO: No problem.

1 MR. FEKETE: The next order of business
2 would be Attorney Ellen Gregory's report.

3 MS. GREGORY: Ellen Gregory, with Ellen
4 Gregory Law. Some of the items that -- the legal
5 items -- that I have been working on have been
6 mentioned already, but include the negotiations of
7 the PCA and the Tipping Fee Agreement Amendment.
8 Plews Shadley primarily has taken the lead on that.

9 I've been helping Fernando kind of
10 try and keep up on the Governor's Executive Orders
11 for COVID-19 reopening and making sure that we are
12 in compliance with each of those Executive Orders as
13 they get passed. Seems like there is about one
14 every two weeks at this point, both in terms of
15 doing the remote meetings and when it is going to be
16 okay for us to meet in person. And then also to
17 make sure that we are doing everything that we need
18 to do in terms of keeping Fernando safe when he is
19 at the City building.

20 On the Canal Street Bridge and the
21 Buckeye Project, again I've taken a back seat to Jim
22 Wieser, who's the real estate attorney, taking the
23 lead on those matters.

24 And then Fernando had mentioned the
25 special waste recertification issue. I've helped

1 him with that, to make sure that everything on the
2 signing of the waste profile recertification is in
3 compliance and with the Section 10 permit agreement.
4 And that's all I have.

5 MR. FEKETE: Any questions for Attorney
6 Gregory? (None).

7 Is there any other new business to
8 come before the Board? (None).

9 Any other business to come before
10 the Board? (None)

11 MR. TREVINO: Just a reminder that the
12 Army Corps of Engineers Dredging Project meeting is
13 at 6:00 o'clock and it will be the same access
14 information as this meeting. So if you are planning
15 on attending, either stay on the line or sign off
16 and sign back on to the same access information.
17 I'm going to leave it open for everybody, if people
18 want to stay on.

19 MR. FEKETE: Okay. Well, very good.
20 Hearing no other business to come before the Board,
21 I will entertain a motion for adjournment.

22 MR. PATRICK RODRIGUEZ: So moved.

23 MR. FEKETE: Do I have a second?

24 MR. HENRY RODRIGUEZ: Second.

25 MR. FEKETE: All in favor signify by

1 saying aye.

2 (All signify aye.)

3 MR. FEKETE: Motion carries. Our next
4 Board meeting -- by the way -- will be July 15th, at
5 5:00 p.m.. Meeting adjourned.

6 MR. PATRICK RODRIGUEZ: By the way, Happy
7 Father's Day to everybody.

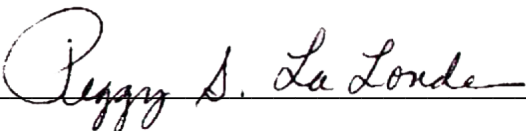
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10 ***** Meeting adjourned at 5:40 p.m.*****.

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, MECHA Building, 4444 Railroad Avenue, East Chicago, Indiana, on the 17th day of June, 2020, 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 30th day of June, 2020.



Peggy S. LaLonde, CSR

My Commission expires: 2/06/2026



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