

EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' MEETING
City of East Chicago, Engineering/Annex Building
4444 Railroad Avenue
East Chicago, Indiana
March 18, 2015
Wednesday, 5:00 p.m.

Transcript of the proceedings had in the
above-entitled matter, on the 18th day of
March, 2015, at 5:00 p.m., at the City of East
Chicago, Engineering/Annex Building, 4444 Railroad
Avenue, East Chicago, Indiana, before Peggy S.
LaLonde, Certified Shorthand Report and Notary
Public for the County of LaPorte, State of
Indiana.

ISEMINGER & ASSOCIATES, INC.
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1st Source Bank Building
Valparaiso, Indiana 46383
(219) 464-2178

East Chicago Waterway Board
March 18, 2015

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

MR. JOHN FEKETE, President

MR. HENRY RODRIGUEZ, Secretary

MR. RAY LOPEZ, Treasurer/Financial Officer

MR. JOHN BAKOTA, Board Member

MR. TED ZAGAR, Board Member

MR. FERNANDO TREVINO, FMT Consulting

MS. ELLEN GREGORY, East Chicago Waterway Board
of Directors' Attorney

ALSO PRESENT:

NATALIE MILLS, U.S. Army Corps of Engineers

DAVID ALONZO, BMO Harris

JIM WESCOTT, Tetra Tech

East Chicago Waterway Board
March 18, 2015

1 MR. FEKETE: East Chicago Waterway
2 Management Board of Directors meeting of March 18th.
3 The time is 5:05. We'll have a call to order. We
4 have John Bakota.

5 MR. BAKOTA: Here.

6 MR. FEKETE: Henry Rodriguez?

7 MR. HENRY RODRIGUEZ: Here.

8 MR. FEKETE: Ray Lopez?

9 MR. LOPEZ: Here.

10 MR. FEKETE: John Fekete? Here. Patrick
11 Rodriguez?

12 (No Response)

13 Kevin Doyle?

14 (No Response)

15 Ted Zagar?

16 (No Response)

17 We do have a quorum.

18 First order of business the
19 consulting engineering report, Mr. Trevino.

20 MR. TREVINO: Yes. Fernando Trevino with
21 FMT Consulting. First I'd like to start off with
22 just reviewing the contents of your Board packet.
23 You have the Board minutes of February 18, 2015.
24 You have the financial statement report from
25 CliftonLarsonAllen dated February 28, 2015. You

East Chicago Waterway Board
March 18, 2015

1 have the claim docket for Board consideration dated
2 March 18th, 2015. You have the User Fee cover page
3 dated February 26, 2015, that was sent to the users,
4 along with the 2015 Communicator, and both are dated
5 February 26th, 2015.

6 You have the First Merchants
7 financial statement for the month of February for
8 accounts ending in 608 and 616, and both are for
9 February of 2015. You have the BMO ECI Facility
10 Trust report dated March 17th, 2015. BMO Harris
11 Bank statement for account ending in 761 for the
12 month of February 2015. You have the BMO Harris
13 brokerage account statement for the month of
14 February 2015 for account ending in 534. You have a
15 form 1099-INT from BMO Harris Bank and highlighted
16 corrected. It's dated February 26, 2015, that's for
17 2014 tax that was sent to our accountant.

18 You have Tetra Tech monthly progress
19 report dated March 13th, 2015. And along with three
20 figures that will be part of Mr. Tim Wescott's
21 presentation on remediation options.

22 You have an e-mail from myself to
23 Diana Malle, of EPA regarding the 2014 Great Lakes
24 Legacy Act year end work-in-kind report. You have a
25 form titled, Notice of Federal Interest in Oil

East Chicago Waterway Board
March 18, 2015

1 Pollution Incident, dated March 12th, 2015, in the
2 report packet.

3 You have an e-mail from the Lake
4 Shore Chamber of Commerce regarding Mayor Copeland
5 as a guest speaker for March 26, 2015, at Ameristar.

6 You have the Army Corps of Engineers
7 monthly progress report to the Board dated March 18,
8 2015. You have the U.S. Army Corps of Engineers
9 Media Advisory dated March 11, 2015, regarding their
10 public meeting on the dredging project, which will
11 happen immediately following the Board meeting.

12 You have an e-mail from myself to
13 the Board forwarding the TSCA permit application for
14 your review. That e-mail is dated March 2nd, 2015.
15 And last but not least, you have Attorney Ellen
16 Gregory's report dated March 18, 2015, to the Board.

17 Just to go over a couple of items.
18 I've met with First Merchants and BMO Harris to
19 initiate the review and discussion on investment
20 options on our First Merchants accounts. So I'll be
21 following up on those two meetings.

22 As I mentioned, there is a notice
23 from EPA in your packet that required Board
24 signature regarding an oil sheen that's been
25 observed on the canal. We currently plan to draft a

East Chicago Waterway Board
March 18, 2015

1 response on the District's behalf. Attorney Gregory
2 will provide additional explanation during her
3 report. But again, the notice does require
4 acknowledgement of receipt.

5 User fee packages were sent out last
6 week. A copy of the cover letter and the
7 Communicator that was attached with the invoices are
8 in your packet.

9 Also in the packet was the Community
10 Engagement Plan for the Great Lakes Legacy Act
11 project, which was sent to all the users. We
12 started receiving payments today and I'll provide an
13 update report on the collections at our next Board
14 meeting.

15 Great Lakes Legacy Act project, the
16 Community Engagement Plan was finalized and had a
17 wide distribution. And I mention it was sent to the
18 users as well and I e-mailed it to a wide e-mail
19 distribution. I think everyone who gets a copy of
20 the meeting notice for the Board was sent a copy of
21 that Community Engagement Plan. The meeting with
22 adjacent landowners is scheduled for April 23rd, at
23 1:00 p.m., at City Hall Council Chambers.

24 We continue to work cooperatively
25 with the wildlife management coordination going on

East Chicago Waterway Board
March 18, 2015

1 along the Lake George Canal.

2 Yesterday I forwarded the
3 work-in-kind 2014 summary report for EPA review.
4 And a copy of the cover letter without attachments
5 was in the packet. A meeting was held March 16th
6 with EPA and BP to pursue funding options for the
7 remediation phase of the project. We'll be
8 following up on action items that came out of that
9 meeting.

10 Tetra Tech's project report as I
11 mentioned is in your Board packet. Jim Wescott of
12 Tetra Tech will provide a more detailed update on
13 the project and sediment sampling schedule and
14 current thoughts on cleanup options. I mentioned
15 there were three figures in your packet that he'll
16 reference during his report.

17 Regarding the dredging and the CDF,
18 we met on March 6th with the Corps and the appraiser
19 and real estate counsel to kickoff the appraisal of
20 one of the parcels within the CDF that we were
21 trying to resolve.

22 The TSCA permit, for a few weeks
23 we've been having weekly conference calls to work
24 through the TSCA permit process. However the new
25 direction is to dredge the TSCA materials in

East Chicago Waterway Board
March 18, 2015

1 subsequent years, so we will be working with the
2 Corps, EPA and IDEM on the new schedule so we can
3 have a TSCA permit ready prior to the commencement
4 of any TSCA dredging. And I mention also that TSCA
5 permit application was sent to the Board via an
6 e-mail on March 2nd.

7 Natalie Mills of the Corps will give
8 an update from the Corps on the dredging. And the
9 Corps and the dredging contractor, as I mentioned,
10 will be presenting their annual dredging project
11 immediately following tonight's Board meeting.

12 Attorney Ellen Gregory will give an
13 update on legal matters.

14 Regular meetings that I've been
15 participating on behalf of the District include the
16 BP bi-weekly meetings, the Great Lakes Legacy Act
17 Team Project meeting, the Grand Cal River/Roxanna
18 Marsh Area Development meetings, they include the
19 EPA and City and other state holders, the dredging
20 project meetings, canal response meeting and the
21 TSCA permit project meetings. That concludes my
22 report.

23 I know at some point in time if the
24 Board would like to give direction on Mayor
25 Copeland's luncheon during the chamber meeting, if

East Chicago Waterway Board
March 18, 2015

1 you want to send a representative from District.
2 That concludes my report.

3 MR. FEKETE: Thank you very much. Any
4 questions for Mr. Trevino?

5 (No response)

6 With regard to his request for
7 representation at Mayor Copeland's presentation to
8 the Lake Shore Chamber of Commerce, I would
9 recommend that Mr. Trevino be a representative, but
10 are there any other Board members that would care to
11 join him?

12 MR. LOPEZ: I would.

13 MR. FEKETE: Mr. Lopez, okay. So be it.
14 Next order of business, County Consultant Report.

15 MR. TREVINO: Yes. Mr. Tim Anderson
16 wasn't able to make it today so he asked if I would
17 give a brief overview of the report.

18 If you look at page 4, it summarizes
19 our budgets. The 2015 budget appropriations on the
20 far left totals \$891,886.00 and the far right unused
21 budget is as of today. The cash disbursements
22 column that says March are the items that are for
23 the distribution on the claim docket today. And as
24 a reminder the IDEM and EPA have both approved our
25 budget. So we are off and running. I don't know if

East Chicago Waterway Board
March 18, 2015

1 there's any questions. The claim docket is in your
2 packet and required Board approval.

3 MR. FEKETE: Okay, any questions regarding
4 the accounting report?

5 MR. LOPEZ: Page 3 was disbursements,
6 right? Yeah, page 3, okay.

7 MR. TREVINO: Page 3 is just a summary of
8 the operating account and the user fee account.

9 MR. LOPEZ: Statement of receipts and cash
10 disbursements.

11 MR. TREVINO: Page 4 is kind of a complete
12 picture of our entire annual budget and
13 distribution.

14 MR. LOPEZ: Okay, I've got it now.

15 MR. FEKETE: Okay. We need consideration
16 for the accounts payable voucher dated March 18,
17 2014. I'll entertain a motion to approve this
18 consideration.

19 MR. BAKOTA: Motion to approve.

20 MR. FEKETE: We have a motion. Do I hear
21 a second?

22 MR. HENRY RODRIGUEZ: Second.

23 MR. FEKETE: I have a second. Any
24 discussion?

25 (No Response)

East Chicago Waterway Board
March 18, 2015

1 We'll have a roll call vote. John Bakota?

2 MR. BAKOTA: Yes.

3 MR. FEKETE: Henry Rodriguez?

4 MR. HENRY RODRIGUEZ: Yes.

5 MR. FEKETE: Ray Lopez?

6 MR. LOPEZ: Yes.

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

8 Ted Zagar?

9 (No Response)

10 Patrick Rodriguez?

11 (No Response)

12 Kevin Doyle?

13 (No Response)

14 Motion is approved.

15 The BMO Harris Trust report. Mr.

16 Alonzo.

17 MR. ALONZO: David Alonzo with BMO Harris.

18 All right. So I'm going to just run through the

19 report as usual here. You know the first page shows

20 our distributions. I forgot to add a little thing

21 on the bottom there for March disbursements for this

22 year. We did send out that distribution over to

23 First Merchants.

24 So page 2, the Trust value on

25 March 17th, of 2015 was \$5,732,058. From our last

East Chicago Waterway Board
March 18, 2015

1 meeting it was a difference of a negative \$264,462.
2 And of course we go over the next column and we show
3 the distribution. We did take out the distribution
4 for this year of \$268,519.

5 So going into the third page, we
6 really had just one, besides the prime money market
7 account making a little interest from the last
8 meeting, that account is below the 500,000
9 threshold, but we do have a couple CDs coming due in
10 June for two and a half million dollars that we can
11 always build that fund back up to the \$500,000 mark.
12 We did have once certificate that did pay interest,
13 which was the 60-month CD, that was \$4,057 that was
14 paid in interest on that CD from our last meeting.
15 The ones I have highlighted in yellow at the end of
16 the last column are going to be the CDs that will
17 pay interest at the end of next month. That
18 actually won't be reflected until our May meeting.

19 We do, as I mentioned, have two CDs
20 coming due in June that will total two and a half
21 million dollars, so the Finance Committee meeting
22 will meet some time in May to discuss where rates
23 are at at that time.

24 Any questions at all?

25 MR. FEKETE: Thank you very much. Great

East Chicago Waterway Board
March 18, 2015

1 Lakes Legacy Act Project update. Mr. Wescott?

2 MR. WESCOTT: I'll just give a quick
3 update. I gave Fernando the draft remedial
4 investigation report environmental base-line study a
5 couple weeks ago and we have been looking at the
6 remedial options. It's kind of been concurrent with
7 trying to work some of the other potential Federal
8 partners in trying to work out remedial options that
9 dovetail with their interests as well because of the
10 interest.

11 I've got some field work scheduled
12 next week that the Corps and EPA is funding out at
13 Lake George Canal and there will be some additional
14 field work as I mentioned a couple months ago in the
15 Indiana Harbor because there's a TSCA hotspot, PCB
16 hotspot, that we're going to try to further
17 delineate and define because that's going to be
18 more expensive to dispose of.

19 Any questions before I just kind of
20 quickly summarize the remedial options that we are
21 looking at?

22 (No Response)

23 So the three figures are just, if
24 you have them in front of you, I kind of broke up
25 the project and this is how the feasibility study

East Chicago Waterway Board
March 18, 2015

1 will probably be broken out into looking at the
2 Grand Calumet River as one sediment management unit,
3 the Indiana Harbor Canal one sediment management
4 unit, the Lake George is third sediment management
5 unit.

6 So the Grand Calumet we'll probably
7 look at -- all of them will include no action,
8 that's pretty standard. What do we do if we don't
9 do anything? That's not what anybody wants, but
10 that's pretty standard.

11 The Grand Calumet River, we would
12 look at dredging the whole thing, capping the whole
13 section of the river, which is a separate action, or
14 doing some combination of dredging and capping. And
15 the combination of dredging and capping is what
16 we've typically done, and that's probably what the
17 Grand Cal will be. We'll probably dredge the west
18 bank because it's shallow and cap the river.

19 And then for the Indiana Harbor
20 Canal will be kind of the same thing, either dredge
21 it, cap it, or some combination. As I mentioned
22 before, it will probably be a combination where we
23 dredge the TSCA hotspot. In doing so we'll create a
24 sedimentation base and cap the entire canal. We may
25 also do a little bit of dredging at the far north

East Chicago Waterway Board
March 18, 2015

1 end at Columbus Drive or Columbia Drive. That's
2 where those abandoned pipelines are at. We want to
3 take those out too. So we may want to dredge a
4 little bit in that area too because there's a PCB
5 area that's a bit elevated. If I'm dredging I may
6 as well get that one too.

7 MR. LOPEZ: Those are all empty, those
8 pipes are all empty?

9 MR. WESCOTT: I'm still trying to get
10 somebody from Nipsco to take ownership. I would
11 assume that they have been drained. They are
12 abandoned.

13 MR. LOPEZ: They're sticking up in the
14 air.

15 MR. WESCOTT: Yeah, they are sticking up
16 in the air on one end and then they run it on the
17 bank on the other side. It should be relatively
18 easy to remove. It's just getting Nipsco to say
19 it's okay.

20 MR. LOPEZ: Because I see all the signs
21 there, no dredging.

22 MR. FEKETE: That's on the north side.
23 Same thing on the south side?

24 MR. WESCOTT: That's another reason why
25 we'll probably have a combination of dredging and

East Chicago Waterway Board
March 18, 2015

1 capping because you've got so many underground
2 utilities, primarily pipelines, that we couldn't
3 dredge the whole thing. You're always going to be
4 jumping over utility buffers where there's
5 pipelines.

6 And the last area is the Lake George
7 Canal, that one will be no action sediment removal
8 or partial removal or partial containment. We won't
9 really be looking at capping the Lake George Canal
10 because it's constantly in use and being
11 navigationally dredged, so the capping would be a
12 waste. And the area where we would be -- we would
13 look at partial sediment containment is the area
14 from the railroad bridge, which this is really
15 Hammond, you know, from the railroad bridge over to
16 the land bridge. We would just sort of bury that
17 area basically in sand and cover it up. But those
18 are discussions other -- both federal partners and
19 other non-federal partners up there and we'll try to
20 get other people at that point because there's a lot
21 of activity.

22 MR. BAKOTA: Isn't that considered
23 wetlands before that?

24 MR. WESCOTT: No, it's pretty deep. It
25 gets, up to the land bridge it's still ten to

East Chicago Waterway Board
March 18, 2015

1 70 feet deep. But the expectation would be if we
2 filled it with sand and try to get it more like a
3 shallow, like a submerged wetland, like with lily
4 pads. It would still be water, but shallow enough
5 that you could have waterborne plants. That's just
6 one option. When I talk to the User Group, I'll
7 have more information next month then when the User
8 Group meets. That's on the 23rd, at 1:00 o'clock.
9 I'll go into all these options in more detail,
10 provide some cost. Potentially I'll run this all by
11 Fernando and I'll have more detail.

12 MR. LOPEZ: Thank you. I love your
13 report, you always give us good pictures.

14 MR. WESCOTT: Any questions?

15 (No Response)

16 MR. FEKETE: Very good.

17 MR. TREVINO: Thanks, Jim.

18 MR. FEKETE: U.S. Army Corps report.

19 MS. MILLS: Good evening. Natalie Mills
20 with the U. S. Army Corps of Engineers. CDF
21 Construction, I'll allow them to give their
22 schedule. They plan to give their schedule when
23 they are going to be back on-site and when they
24 intend to start dredging.

25 As far as the water, I have reported

East Chicago Waterway Board
March 18, 2015

1 to you all that we intended to discharge some of the
2 pond water to East Chicago Sanitary District. We
3 recently received a letter indicating that they
4 would not receive -- they won't take our water. So
5 now we are going to go with a waste water treatment
6 plant. So we are working with them to figure out
7 how the plant should be and once I know more
8 information I'll of course share with you.

9 MR. FEKETE: Would this be a direct
10 discharge?

11 MS. MILLS: Yes.

12 MR. FEKETE: So this would be a permit --

13 MS. MILLS: Yeah.

14 MR. FEKETE: You already have one for the
15 pond water or for the grading?

16 MS. MILLS: It's for the water on the
17 site. It's for the pond water and the grading.

18 MR. FEKETE: Okay.

19 MS. MILLS: All right. The permanent well
20 installation by Plexis, they are planning to start
21 their mobilization on Monday and planning to start
22 their drilling sometime next week. So again, they
23 intend to install eight wells to pump supplement the
24 80 existing wells we have on-site. So their
25 contract, they're scheduled to be done by summertime

East Chicago Waterway Board
March 18, 2015

1 sometime.

2 CDF documentation, as Fernando
3 indicated TSCA dredging is not going to be planned
4 for this dredge season. I think we are going to be
5 meeting with IDEM, USEPA, and East Chicago Waterway
6 Management District some time in May to discuss the
7 draft conditions and the schedule for when we might
8 actually receive the permit. And I'll let you guys
9 know in the future when we may be able to include
10 the TSCA dredging in the task orders in the future.

11 MR. FEKETE: But it won't be in this
12 dredging season?

13 MS. MILLS: It will not be in this current
14 dredging season, no. The timing just didn't work.
15 The contractor is going to be mobilizing. They are
16 going to be on-site in a couple weeks. We still
17 have to do several things before we got the permit.
18 We have to do the modification to their contract.
19 So it's just the timing didn't work out for this
20 dredge season.

21 As far as oil boom coordination,
22 there's been some communication from USEPA and/or
23 ARCO regarding boom placement west of the railroad
24 bridge. And I guess I saw an e-mail before I came
25 and before I could put that in here, another ARCO --

East Chicago Waterway Board
March 18, 2015

1 not ARCO, EPA asks for a boom along the south tank
2 farm. So on the south side, they have asked them to
3 place a boom in that area. So I think they are
4 going to be -- BP will be doing that placement. I
5 think, Fernando, you got some of the e-mail I saw,
6 so he'll be able to show you all the boom
7 configuration.

8 The PCA revision, here I have a note
9 that we were going to meet tomorrow, but that's
10 going to be changed. I think the new proposed date
11 is Monday is what Jim proposed.

12 MS. GREGORY: I haven't seen that.

13 MS. MILLS: I think he sent an e-mail this
14 afternoon. He's free all day Monday, so if you guys
15 can send back a time you might be available. Maybe
16 we can ask him again if he's like a red line or
17 anything to see before.

18 As far as the Fetteler, where we
19 are, I'll let Attorney Ellen Gregory give the update
20 on that.

21 Parkway Improvement, once I find out
22 -- I know they are working the schedule for our
23 operation group, so when they will be back I'll let
24 you guys know when I have a firm date when they will
25 be back to finish up that work.

East Chicago Waterway Board
March 18, 2015

1 The public meeting for dredging is
2 scheduled after this meeting.

3 Lastly I wanted to talk about the
4 website. I had asked Fernando about the ECWMD
5 hosting the website for the next dredging contract.
6 So this would be the one we intend to award in
7 FY-16, so I know you were going to --

8 MR. TREVINO: Yeah, that's being explored.

9 MS. MILLS: Okay.

10 MR. TREVINO: So the question was whether
11 our website could have a link to the dredging
12 project where they would then get all the
13 information related to the dredging project, their
14 monitoring data, so on and so forth.

15 MS. MILLS: Essentially like the website
16 is now. We're going to be having another contractor
17 so we have to do this all over again. And we are
18 looking to see if you all would actually be the host
19 of the website.

20 MR. TREVINO: And we are exploring that.
21 It's a state in.gov.

22 MS. MILLS: Because you have a dot gov
23 website.

24 MR. TREVINO: So we are following up with
25 their protocol and whether it's possible or not.

East Chicago Waterway Board
March 18, 2015

1 MS. MILLS: Okay. And that's all that I
2 have. I'm looking for response back on that website
3 question. That's all I have.

4 MR. FEKETE: Okay. Any questions for
5 Natalie?

6 MR. LOPEZ: Parkway Improvement is almost
7 done?

8 MS. MILLS: Yeah, they're almost done.
9 They just have to go from the main gate north to
10 finish up that.

11 MR. LOPEZ: I go by there, it looks nice
12 in summertime. Right, John?

13 MR. BAKOTA: Looks good. You did a good
14 job.

15 MS. MILLS: It took some time. We're
16 going to propose maybe some planting in the future.

17 MR. FEKETE: Okay. Great. Good job.
18 Thank you very much.

19 MR. FEKETE: Attorney Ellen Gregory
20 report.

21 (Ted Zagar joined meeting.)

22 MS. BAMBERGER: Ellen Bamberger, with
23 Bamberger, Foreman, Oswald & Hahn. On the consent
24 degree, our next biweekly call is tomorrow. I found
25 out from the BP attorney yesterday that BP has

East Chicago Waterway Board
March 18, 2015

1 signed the AOOC, administrative order on consent.
2 And he mentioned that the EPA approval is expected
3 to take about five to ten days, and then as soon as
4 that has been approved, it will be distributed to
5 the full group. And that's for work, investigative
6 work on the south parcel.

7 The PCA, sounds like we are going to
8 be meeting on Monday. We are trying to move that
9 forward because there are a lot of aspects of our
10 coordination and cost sharing with the Army Corps
11 that need to be updated from the original PCA, which
12 was from 2000.

13 On the Fetteler issue, we have
14 retained an appraiser. He's come out to the site
15 for site visit, and I believe we expect to have a
16 final appraisal from him within the next four weeks.
17 Is that right?

18 MR. TREVINO: Sounds about right.

19 MS. BAMBERGER: And then the last issue is
20 the notice, the USEPA notice that Fernando mentioned
21 earlier. USEPA issued the Waterway Management
22 District a notice of an oil incident. Apparently
23 there was a call to EPA, and then the incident was
24 reported to the national response center. EPA then
25 issued the Waterway Management District a notice

East Chicago Waterway Board
March 18, 2015

1 identifying them as a potentially financially
2 responsible party. So we will be coordinating, BP
3 was also notified, and we'll be coordinating with BP
4 and most likely EPA, US Fish & Wildlife, and state
5 agencies. Fernando and I will prepare a response to
6 USEPA and move forward on that.

7 That's all I have.

8 MR. FEKETE: Okay. Any questions?

9 (No Response)

10 Let the record show that at 5:35
11 Mr. Zagar joined us.

12 Any new business to come before the
13 Board?

14 (No Response)

15 Any other business?

16 (No Response)

17 Any public comments?

18 (No Response)

19 I would just like to add one thing,
20 that last week I attended an AOC conference in
21 Toledo, and again the Roxanna Marsh was pretty
22 prominent in the presentations along with a
23 photograph of two bald eagles that are on the Grand
24 Calumet River.

25 MR. BAKOTA: Wow, that's great.

East Chicago Waterway Board
March 18, 2015

1 MR. FEKETE: Our next Board meeting will
2 April 15th at 5:00 p.m. at this facility. I will
3 entertain a motion for adjournment.

4 MR. BAKOTA: Motion to adjourn.

5 MR. FEKETE: Do we have a second?

6 MR. HENRY RODRIGUEZ: Second.

7 MR. FEKETE: All in favor signify by
8 saying aye.

9 (All signify aye.)

10 MR. FEKETE: This meeting is adjourned.

11
12
13 (MEETING ADJOURNED)

East Chicago Waterway Board
March 18, 2015

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 LaPorte, 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 18th day of March, 2015, 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 20th day of March, 2015.



Peggy S. LaLonde, CSR

My Commission expires: 3/14/2018

