

In The Matter Of:
East Chicago Waterway Management District vs.

Board of Directors' Meeting
May 21, 2014

Iseminger & Associates, Inc.
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1 EAST CHICAGO WATERWAY MANAGEMENT
2 DISTRICT BOARD OF DIRECTORS' MEETING
3 City of East Chicago, Engineering/Annex Building
4 4444 Railroad Ave.
5 East Chicago, Indiana
6 May 21, 2014
7 Wednesday, 5:00 P.M.

8 Transcript of the proceedings had in the
9 above-entitled matter, on the 21st day of May,
10 2014, at 5:00 p.m., at the City of East Chicago,
11 Engineering/Annex Building, 4444 Railroad Avenue,
12 East Chicago, Indiana, before Dawn M. Iseminger,
13 Registered Professional Reporter and Notary Public
14 for the County of Porter, State of Indiana.

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

MR. JOHN FEKETE, President

MR. RAY LOPEZ, Secretary

MR. HENRY RODRIGUEZ, Board Member

MR. JOHN BAKOTA, Board Member

MR. MIKE EBERT, Board Member

MR. EARNEST JONES, Board Member

MR. RICH GOMEZ, Board Member

MR. FERNANDO TREVINO, FMT Consulting

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

Also Present:

TIM ANDERSON, CliftonLarsonAllen

JIM WESCOTT, Tetra Tech

DAVID ALONZO, B.M.O. Harris

NATALIE MILLS, USACE

SCOTT STEIN and DEBORAH MILNE, First Merchants
Bank

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1 MR. FEKETE: I'd like to call to order the
2 East Chicago Waterway Management board of
3 directors' meeting. The date is May 21, 2014, and
4 the time is exactly 5:00 p.m. The first order of
5 business is the call to order and the roll call.
6 Mike Ebert?

7 MR. EBERT: Here.

8 MR. FEKETE: John Bakota?

9 MR. BAKOTA: Here.

10 MR. FEKETE: Henry Rodriguez?

11 MR. RODRIGUEZ: Here.

12 MR. FEKETE: Ray Lopez?

13 MR. LOPEZ: Here.

14 MR. FEKETE: Earnest Jones?

15 MR. JONES: Here.

16 MR. FEKETE: John Fekete, here. We have a
17 full compliment of six and a quorum. Consulting
18 Engineering report.

19 MR. TREVINO: Yes. Fernando Trevino with FMT
20 Consulting, executive director. I'd like to start
21 off by going through the contents of your board
22 packet. You have the April 26, 2014, board
23 meeting notes for your approval consideration.
24 You have CliftonLarsonen Allen financial
25 statements dated April 30, 2014. Today's claim

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1 docket dated May 21, 2014, is on the agenda for
2 approval consideration. You have a document
3 entitled, Consent for access to property, and that
4 is for the non CDF parcels. That is on your
5 agenda also for approval consideration. You have
6 in your packet amendments to the bylaws, and the
7 resolution that kick starts the process, and then
8 attached to the resolution to amend the bylaws is
9 a red line of what the proposed amendment is. You
10 have in your packet a memorandum of understanding
11 between Michigan State University and East Chicago
12 Waterway Management District regarding the Jeorse
13 Park study. You have in your packet an e-mail
14 dated May 20th, 2014, regarding the Jeorse Park
15 modeling study. You have it your board packet
16 deposit memos, user fee deposit memos, to
17 Citizen's Bank, which should be First National
18 Bank. Is that right? Is that right?

19 MS. MILNE: First Merchants.

20 MR. TREVINO: First Merchants Bank. Thank
21 you. Those deposit memos are April 1st, April
22 4th, 14th, 21st, and 25th. You have in your
23 packet an e-mail to Matt Light of the Indiana
24 Attorney General's office forwarding copies of
25 letters to individuals who have not paid their

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1 user fees as of May 15, 2014. You have the B.M.O.
2 Harris Trust report dated May 19th, 2014. You
3 have in your packet the B.M.O. Harris brokerage
4 account statement for the month of April, 2014,
5 account ending in 534. You have a B.M.O. notice
6 dated April 18, 2014, regarding a certificate of
7 deposit maturing. You have First Merchants Bank
8 financial -- the bank statements for the month of
9 April, 2014, for account ending in 608 and account
10 ending in 616. You have Peoples Bank statement
11 for the first quarter 2014 for account ending in
12 46 and account ending in 47. You have a
13 "Northwest Indiana Times" article titled, "Feds
14 tout Grand Calumet's environmental progress,
15 economic potential," dated May 9, 2014. ARCADIS
16 progress report for the month of February, 2014,
17 and that report is dated April 20th, 2014. You
18 have a Northwest Indiana article titled, Great
19 Lakes recreation route aims to boost terrorism --
20 tourisms. Going too fast here. "Tourism," and
21 that article is dated May 13th. Tetra Tech report
22 dated May 12, 2014, with the accompanying invoice
23 and progress report. You have an invitation from
24 the U.S. Army Corps of Engineers for Colonel
25 Christopher Drew. You have an Army Corps of

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1 Engineer memo dated May 12, 2014. You have the
2 Army Corps of Engineer report to the board today
3 dated May 21, 2014. And last but not least, you
4 have Attorney Ellen Gregory's report to the board
5 dated May 21, 2014.

6 I'd like to report on a couple items. I
7 mentioned that the MOU at Michigan State
8 University is in your packet for approval
9 consideration. I've been working with Michigan
10 State reps and Attorney Ellen Gregory to draft
11 the MOU that's currently in your packet for
12 approval consideration. The MOU does reference
13 key provisions that are in the resolutions that
14 have been approved by the board.

15 I mentioned there's a bylaw amendment on
16 the approval consideration. We have had
17 discussion on that in the past, and the spirit
18 of the amendment is giving the board some
19 leeway on absentee board members who don't
20 participate.

21 There's also an AOC consent for access in
22 your packet regarding the Great Lakes Legacy
23 Act Project. The RIFS statement of work has
24 been finalized. Tetra Tech has been working on
25 access clearances, bathymetry scope of work,

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1 and also I've been attending Roxanna Marsh area
2 development project team meetings. Jim Wescott
3 of Tetra Tech is here today to present more
4 details on the project.

5 I mentioned, I think at the last meeting,
6 that I was looking into iPad purchases for the
7 board, and I've been in contact with Verizon
8 regarding a proposal. My plan is to have a
9 proposal by the next meeting, which will
10 include a presentation to the board from a
11 Verizon rep.

12 Regarding the 2014 user fees. Past due
13 notices were sent to eight companies that have
14 an outstanding balance. Per the letter, any
15 unpaid balance as of mid June will be referred
16 to the Indiana Attorney General's office to
17 pursue payment. Matt Light from the Attorney
18 General's office has been sent a copy of the
19 letter; and I mentioned that e-mail forwarding
20 those letters is in your packet.

21 There's also been progress on the consent
22 decree PCA with the Army Corps and real estate
23 efforts, which I'll let Attorney Ellen
24 elaborate on in her report.

25 Also on the agenda is a change in

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1 officers, and we'll -- we can cover that in
2 more detail during that time.

3 And some of the regular meetings that I've
4 been attending on behalf of the district
5 include a BP biweekly meetings, the Great Lakes
6 Legacy Act project meetings, the Roxanna Marsh
7 area development meetings with EPA and City and
8 other stakeholders, the dredging project
9 meetings, and the canal technical review
10 committee.

11 And last but not least there was a -- as
12 some of you may be aware, there was a crane
13 accident a couple weeks ago that hit overhead
14 NIPSCO power lines. I have asked Natalie Mills
15 of the Corps to include in her written and
16 verbal report to the board today future
17 preventative measures that are being taken to
18 avoid future occurrences, and she has provided
19 the write up in her report. So that concludes
20 my report.

21 MR. FEKETE: Any questions for Mr. Trevino?

22 (No response.)

23 MR. FEKETE: Hearing none. Thank you very
24 much. The accounting consulting report,
25 Mr. Anderson.

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1 MR. ANDERSON: Tim Anderson from
2 CliftonLarsonAllen. Everybody should have a copy
3 of the financial in their packet, and hopefully
4 that last page is readable this time. It will be
5 a lot easier. Page 2 of that report shows the
6 receipts and disbursements for the Waterway
7 District for the four months ending April 30th;
8 cash receipts for 535,000; disbursements of
9 137,000. So our cash has increased in those two
10 operating accounts 397,000. So our cash balance
11 at the end of April is \$2,083,967.

12 Page 3 shows each month and the interest
13 that's earned, the checks that are written, and
14 the ending balances. So our operating cash
15 balance -- that's the account we write all of
16 our checks out of -- is 1,047,000. And then
17 the user fee accounts, the account which just
18 accumulates the user fees as they come in, is
19 1,035,000.

20 This last page, which is landscaped, just
21 shows you guys how much available budget you
22 have for each line item. The budget
23 appropriation is over on the left, and then you
24 can see each month the checks that are written.
25 And as of today, with the checks you're writing

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1 today or the checks you're signing for today,
2 after that cycle, the available budget is all
3 the way to the right. So at the end of today,
4 we still have a million dollars in our budget,
5 and it is broken down by those long items. Any
6 questions?

7 (No response.)

8 MR. ANDERSON: Thank you. Thank you.

9 MR. EBERT: Mr. Chairman, you want to skip
10 back to item three, the meeting notes?

11 MR. FEKETE: I was going to backup to that.
12 I realized that. I'd like to entertain a motion
13 to approve the minutes for the April 16, 2014,
14 board meeting.

15 MR. BAKOTA: Motion to accept.

16 MR. FEKETE: Do we have a second?

17 MR. RODRIGUEZ: Second.

18 MR. FEKETE: All in favor signify by saying
19 aye.

20 (All signify aye.)

21 MR. FEKETE: Any opposition?

22 (No response.)

23 MR. FEKETE: Hearing none; approved.
24 Next order of business is the approval of the
25 accounts payable voucher.

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1 MR. LOPEZ: Motion to approve.

2 MR. EBERT: Second.

3 MR. FEKETE: We have a motion and a second to
4 approve the accounts payable voucher dated May
5 21st, 2014. We'll have a roll call vote.

6 Mr. Ebert?

7 MR. EBERT: Yes.

8 MR. FEKETE: Mr. Bakota?

9 MR. BAKOTA: Yes.

10 MR. FEKETE: Mr. Rodriguez?

11 MR. RODRIGUEZ: Yes.

12 MR. FEKETE: Mr. Lopez?

13 MR. LOPEZ: Yes.

14 MR. FEKETE: Mr. Jones?

15 MR. JONES: Yes.

16 MR. FEKETE: And I vote yes. Approval to pay
17 the voucher has been made.

18 The next order of business is the approval
19 consideration consent for access to property
20 with EPA, non CDF parcels. We'll have a roll
21 call vote on this as well since it's a signed
22 document. I'll entertain a motion.

23 MR. LOPEZ: Motion to accept.

24 MR. BAKOTA: Second.

25 MR. FEKETE: We have a motion to accept and a

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1 second. We'll have a roll call on this.

2 Mr. Ebert?

3 MR. EBERT: Yes.

4 MR. FEKETE: Mr. Bakota?

5 MR. BAKOTA: Yes.

6 MR. FEKETE: Mr. Rodriguez?

7 MR. RODRIGUEZ: Yes.

8 MR. FEKETE: Mr. Lopez?

9 MR. LOPEZ: Yes.

10 MR. FEKETE: Mr. Jones?

11 MR. JONES: Yes.

12 MR. FEKETE: Mr. Fekete, yes. Okay. We have
13 approved the access to property with U.S. EPA, and
14 I will sign the document when I get a chance to.

15 The next order is the approval
16 consideration to amend the East Chicago
17 Waterway Management bylaws, and basically this
18 will be a two-step process. We brought it up
19 in discussion briefly at our last meeting but
20 did not take any action on it. I think it is
21 pretty self-explanatory and we've discussed it.
22 Do I hear a motion to approve the first
23 reading?

24 MR. EBERT: So moved.

25 MR. FEKETE: I have a motion to approve the

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1 first reading. Do I have a second?

2 MR. RODRIGUEZ: Second.

3 MR. FEKETE: Roll call vote. Mr. Ebert?

4 MR. EBERT: Yes.

5 MR. FEKETE: Mr. Bakota?

6 MR. BAKOTA: Yes.

7 MR. FEKETE: Mr. Rodriguez?

8 MR. RODRIGUEZ: Yes.

9 MR. FEKETE: Mr. Lopez?

10 MR. LOPEZ: Yes.

11 MR. FEKETE: Mr. Jones?

12 MR. JONES: Yes.

13 MR. FEKETE: Mr. Fekete. Any oppositions?

14 Obviously, none.

15 We have an approval consideration for the
16 MOU with Michigan State University, and before
17 I entertain a motion on this, I think this will
18 be a good time to interject the fact that
19 Mr. Lopez and I attended a meeting on the
20 Jeorse Park modeling and what's being proposed
21 on April 22nd at the IDEM office in Valparaiso.
22 It was a very good meeting, but we made it very
23 clear -- and Mr. Lopez, to his credit, was
24 probably the most eloquent in his presentation
25 basically saying, Citizens of East Chicago want

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1 to protect as much of Jeorse Park as it can for
2 access by its residents. Because one of the
3 proposals basically showed it as being a
4 habitat area. And he says, "No. That's not
5 what we're after." So thank you, Mr. Lopez,
6 for your attendance and your presentation.

7 So the approval consideration, I would
8 entertain a motion to approve this MOU.

9 MR. RODRIGUEZ: Motion to approve.

10 MR. FEKETE: Do we have a second?

11 MR. EBERT: Second.

12 MR. FEKETE: And we have a motion and a
13 second. Mr. Ebert?

14 MR. EBERT: Yes.

15 MR. FEKETE: Mr. Bakota?

16 MR. BAKOTA: Yes.

17 MR. FEKETE: Mr. Rodriguez?

18 MR. RODRIGUEZ: Yes.

19 MR. FEKETE: Mr. Lopez?

20 MR. LOPEZ: Yes.

21 MR. FEKETE: Mr. Jones?

22 MR. JONES: Yes.

23 MR. FEKETE: And I vote yes. Motion to
24 accept the MOU with the Michigan State has been
25 approved.

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1 We have been informed that Mr. Ebert is
2 going to resign his position as treasurer. Is
3 that effective June 1st?

4 MR. EBERT: Correct. Brief statement: I
5 think all of you are aware that my professional
6 responsibilities have changed, and it is going to
7 limit the time I have available and would
8 interfere with the efficient financial obligations
9 of the Waterway Management District. So at this
10 time, I'm resigning my position as treasurer
11 effective June 1st. I do plan to stay on as a
12 board member and participate as available.

13 MR. FEKETE: Thank you very much for your
14 contributions as treasurer and I look forward to
15 your continued contribution as it sees fit.

16 At the same time, Mr. Lopez had indicated
17 that he was going to resign as secretary
18 effective June 1st, and the reason for this,
19 quite frankly, is that Mr. Lopez has agreed to
20 accept the position of treasurer and financial
21 officer. So we are accepting his resignation
22 as secretary, and we basically need to elect
23 him in position of treasurer and financial
24 officer.

25 So we will have a roll call vote for that

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1 election. Mr. Ebert?

2 MR. EBERT: Yes.

3 MR. FEKETE: Mr. Bakota?

4 MR. BAKOTA: Yes.

5 MR. FEKETE: Mr. Rodriguez?

6 MR. RODRIGUEZ: Yes.

7 MR. FEKETE: Mr. Lopez?

8 MR. LOPEZ: Yes.

9 MR. FEKETE: Mr. Jones?

10 MR. JONES: Yes.

11 MR. FEKETE: And I vote yes.

12 Congratulations.

13 MR. LOPEZ: Thank you.

14 MR. FEKETE: Now that we have a vacancy for
15 secretary, Mr. Rodriguez has agreed to stand for
16 election in that position, and since there is no
17 opposition, we will again have a roll call vote
18 accepting Mr. Rodriguez for secretary. Mr. Ebert?

19 MR. EBERT: Yes.

20 MR. FEKETE: Mr. Bakota?

21 MR. BAKOTA: Yes.

22 MR. FEKETE: Mr. Rodriguez?

23 MR. RODRIGUEZ: Yes.

24 MR. FEKETE: Mr. Lopez?

25 MR. LOPEZ: Yes.

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1 MR. FEKETE: Mr. Jones?

2 MR. JONES: Yes.

3 MR. FEKETE: And I vote yes. Congratulations
4 to our new secretary. That completes our
5 reorganization of officers.

6 The next order of business is the B.M.O.
7 Harris Trust report. Mr. Alonzo.

8 MR. ALONZO: Good afternoon. David Alonzo
9 with B.M.O. Harris. I'll go through our normal
10 trust report here. So really taking a look at the
11 Page 1, that's just our chart showing the
12 historical value since 1997, and then, of course,
13 distributions from that time up until now.

14 Page 2 shows the value as of May 19,
15 \$5,958,227. From our last meeting, that's a
16 positive gain of 8,373 from our last meeting.
17 The distributions year to date were 234,110,
18 which were for the budget. And then since '97,
19 we've taken distributions of 18,492,000.

20 Going into the third page, really the only
21 major difference here I highlighted in yellow.
22 We had the one certificate come up. We ended
23 up reinvesting that, as you can see with the
24 interest rate. And then based on the
25 investment policies, we're restricted on doing

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1 a few things, but we did bring the prime money
2 market balance back up to where we typically
3 like to see it at, and we always try to
4 maintain that balance. So really, at this
5 time, we had some interest credit in, and
6 really nothing this year that's coming up, but
7 we do have that flex account that is available
8 if funds ever need to be transitioned into that
9 money market.

10 Any questions at this time? As things
11 come up, we can continue to take a look at the
12 alternatives that are available to us to
13 invest. But right now we're good with the CD's
14 and increasing some of those rates, too. Any
15 questions?

16 MR. EBERT: Just a comment. The reinvestment
17 of the maturing CD and the transfer of some of the
18 proceeds into the prime money market account was
19 approved at a finance committee meeting.

20 MR. ALONZO: Okay. Any questions?

21 (No response).

22 MR. FEKETE: The next order of business is
23 First Merchants Bank report.

24 MR. STEIN: Good afternoon. Thank you for
25 inviting us. This is Deb Milne.

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1 MR. FEKETE: Do you have cards?

2 MR. STEIN: We have a longstanding
3 relationship with East Chicago. You know us as
4 Citizen's Financial Bank. In November of 2013 we
5 merged with First Merchants Bank, and we changed
6 our name to First Merchants. We were about
7 1.1 billion dollars in Citizen's, and now we're
8 about 5 and a half billion dollars. Our
9 headquarters are in Muncie, Indiana, but we have a
10 lot of local autonomy. Our region is now called
11 "The Lake Shore region." We have the same
12 leadership in our region; the same faces that
13 you'll deal with. Our sales team has not changed
14 at all, so we're just a stronger bank. Our
15 balance sheet is much stronger now that we are
16 First Merchants, and our local representation is
17 the same. But we would entertain -- it is my
18 understanding that maybe there were some questions
19 in previous meetings that we would be very happy
20 to answer. I run our commercial team, and Deborah
21 is our cash management specialist.

22 MR. TREVINO: I think one quick question is
23 just, is there any difference in the operations as
24 far as we're concerned? Are the account numbers
25 the same? Contact folks, are they the same?

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1 MR. STEIN: Uh-huh.

2 MR. TREVINO: Are they the same; has there
3 been any operational changes that we should know
4 of?

5 MS. MILNE: No, there's not. The two
6 municipal checking accounts that you have with us
7 were grandfathered over, so as far as how they're
8 structured, that carried. So there are no
9 changes.

10 The contact people are still the same.
11 Primarily myself, John Frak. The relationship
12 manager was unable to be here today, so Scott
13 gladly stepped in to come with me this evening.
14 So there's no change that way.

15 MR. TREVINO: Okay. And then I guess the
16 other thing is, you know, I would recommend, you
17 know, that maybe if you could at least quarterly
18 come to our meetings and just give any updates to
19 accounts, or, you know, just to kind of --

20 MS. MILNE: Sure.

21 MR. TREVINO: -- be available for questions.

22 MR. STEIN: We appreciate the relationship.

23 MR. FEKETE: Thank you very much for showing
24 up.

25 MR. STEIN: You bet.

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1 MS. MILNE: You bet.

2 MR. FEKETE: The question, as Fernando
3 explained to you, with the change of name, we
4 wanted to make sure we at least had a little face
5 time.

6 MR. STEIN: That's always a concern that we
7 want to squelch.

8 MR. FEKETE: Okay. Very good.

9 MR. LOPEZ: Our main concern that we pushed
10 to him is that as long as we've had this account
11 for all these years, we've never heard anything.
12 All we get is the paper reports. And you see
13 here, we have everybody here. They're present and
14 they let us know --

15 MR. STEIN: Yes.

16 MR. LOPEZ: -- even if it's once in a year.

17 MR. STEIN: Absolutely, so according to
18 Fernando, we will -- we would like to say we will
19 come out at least quarterly to give you an update.

20 MR. LOPEZ: All right. Thank you.

21 MR. STEIN: Thank you.

22 MS. MILNE: Very good. Thank you.

23 MR. TREVINO: Nice to meet you.

24 MR. STEIN: Nice to meet you, too.

25 MR. FEKETE: The next order of business is

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1 the Great Lakes Legacy Act update.

2 MR. WESCOTT: Jim Wescott with Tetra Tech.
3 As Fernando mentioned, we submitted the final work
4 plan at the end of April, so now there is a clear
5 understanding for all the stakeholders about what
6 samples we need to collect. I've been working
7 with Fernando. As we talked about in the last
8 meeting, EPA was going to do all the fieldwork,
9 and they still are going to do probably most of
10 the fieldwork, but there's a potential that we'll
11 take on some of the early fieldwork just to keep
12 us going without -- with keeping the same overall
13 budget the same. I need to confirm this with
14 Fernando tomorrow, but the expectation would be
15 that we'll have somebody in the field probably by
16 the end of June, probably not before the next
17 meeting but shortly thereafter. Then all the
18 fieldwork, at least the in-water fieldwork, I
19 would think will be completed by the end of
20 September. Then we'll do the upland -- do some
21 sampling in the upland areas, like the marsh and
22 some of the other areas that we would use for
23 support facilities if we ever went to construction
24 that will do -- we would want to wait until
25 October because we want sort of the vegetation to

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1 die and some of the ground to sort of freeze up
2 and the water levels to drop before we do that.
3 So everything is still moving ahead.

4 MR. BAKOTA: Just a question, is there any
5 way to tell how much sediment is delivered through
6 that area beyond the river itself?

7 MR. WESCOTT: One of the things that we will
8 actually do is to try to model the sediment level
9 that's coming in from the east and west branch,
10 and then also possibly look at if there's any --
11 because the lake level bounces up and down, you
12 potentially get flow backwards from the lake, and
13 there's an interest in potentially building sort
14 of a deeper hole in the Indiana Harbor Canal to
15 kind of catch sediment coming one way or the
16 other. But we will -- the expectation is that
17 we'll model the sediment loading in the river.
18 And then one of the other things we're going to do
19 is look at all the storm sewers and all the other
20 potential sources of contamination coming into the
21 area. Sort of investigate those as part of this
22 whole effort.

23 MR. BAKOTA: Good.

24 MR. WESCOTT: Any other questions for me?

25 MR. FEKETE: Any other questions?

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1 (No response.)

2 MR. WESCOTT: You should start seeing people
3 out on the water probably in June. We'll talk
4 more about that next month.

5 MR. FEKETE: Thank you, Jim. U.S. Army
6 Corps' report. Miss Mills.

7 MS. MILLS: Good evening. Natalie Mills with
8 the U.S. Army Corps of Engineers. The CDF
9 construction, facility and dredging operations
10 plan: The contractor is dredging. It did have
11 some equipment failure last week which precluded
12 them from dredging, but they resumed dredging as
13 of yesterday. The main entrance ramp, that work
14 hasn't been completed yet. They still have to do
15 some concrete work which is supposed to be done
16 sometime this spring.

17 As Fernando indicated, there was an
18 incident with the crane on the 22nd of April,
19 2014; whereas, the contractor's boom came into
20 contact with NIPSCO's power line. There was a
21 loss of power to approximately 594 residents,
22 as reported by NIPSCO, but the power was
23 restored within 24 hours, all the power, except
24 to the CDF, which was restored later that same
25 day later in the evening. According to the

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1 contractor, there was just a breakdown in
2 communication with activities for that day.
3 The contractor was headed out to the dredge
4 location. They hadn't even started dredging
5 yet, so they were heading out for the day to go
6 to their first dredge location, which is when
7 the incident occurred. So obviously they
8 didn't do any dredging for -- until the 5th of
9 May is when they actually did start the actual
10 dredging. There was some work that had to be
11 done on the crane, as well as some reviews of
12 their activity hazard analyses, and just, like,
13 some policy changes. So I've made a note of
14 some things that came from the contractor. So
15 they looked at a two-pronged approach, which
16 was some external policy changes. So they're
17 in conversation with NIPSCO. They would like
18 to put some visual markers on the overhead
19 power lines for identification. And they were
20 in contact with INDOT which has approved the
21 request to place the signage of overhead wires
22 along the bridge pier. So they did approve
23 that, so Kokosing is in the process of having
24 those signs manufactured.

25 As far as internal policies: The

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1 contractors had to go over their activity
2 hazard analysis again, which is required from
3 the contract. So what it is, is you identify
4 what the hazard is and say -- or the activity
5 is, rather -- say, "crossing power line," then
6 you would identify what are the potential
7 hazards, and then what kind of activities do
8 you do to prevent that activity from having an
9 incident. So they did revisit those hazard
10 analyses, and some of the new items -- so they
11 provided the crew with, like, cards to identify
12 what the clearances are under the power lines.
13 The captain of the tug is required to confirm
14 the heights of equipment in the area, and the
15 captain, as well as the barge foreman, they
16 also communicate those heights to one another
17 before the barges are being moved from the
18 site. They're going to lower the booms around
19 five degrees, so another preventative measure.
20 They're going to mark the spuds to make
21 identification easier. Signs, which I
22 mentioned again about overhead obstructions,
23 and then re-training. So all of these things,
24 the training and the activities, they occur
25 prior to the re-initiation of dredging that

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1 occurred on the 16th of May.

2 Are there any questions directly related
3 to that incident?

4 MR. JONES: Did the contractor get penalized
5 by NIPSCO for the accident?

6 MS. MILLS: Not that I'm aware of, but there
7 was a big crew that was out there that day.

8 MR. JONES: That's what I was wondering.

9 MS. MILLS: Not yet.

10 MR. JONES: Okay.

11 MS. MILLS: Okay. So moving on to CDF
12 documentation. The TSCA permit was submitted on
13 the 22nd of March. I haven't heard any questions
14 yet.

15 Oil boom coordination: There was a
16 technical meeting held on the 9th of May with
17 the Corps, EPA, ECWMD, BP, and ARCADIS to
18 discuss possible options for the oil boom.
19 Right now the Indianapolis Boulevard is not
20 protected by any kind of oil boom system right
21 now, and so we were trying to come up with some
22 ideas to look at another system could we
23 install that would include Indianapolis
24 Boulevard from being open. So there was some
25 ideas from all the agencies involved, and we're

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1 evaluating the consents, and I presume a
2 follow-up meeting will be held sometime in the
3 near future.

4 The PCA: We met on -- I'll allow Ellen to discuss
5 PCA.

6 MS. GREGORY: Okay.

7 MS. MILLS: Moving on to a meeting that we
8 had on the 29th of April with the Corps, and
9 ECWMD, as well as your appraiser, to discuss the
10 site appraisal. Fernando had mentioned during
11 that meeting that you guys were going to talk
12 further with your appraiser and you guys would get
13 back with us, so we're waiting to hear back from
14 you all.

15 Additionally, we had a meeting on the 7th of
16 May to discuss the cost share, and the Corps was
17 going to go back and look at some of the allowable
18 costs that you had inquired with us, as well as
19 the update to the cost share summary, as well as
20 Katie mentioned that there was, like, a manual
21 that she was going to provide. So I reminded her
22 again that she hadn't provided that so I can share
23 that with you all to identify what kind of costs
24 are included in their project cooperation.

25 Lastly, I have Indianapolis Boulevard

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1 Parkway Improvements. We are still awaiting
2 our stone. We have a lot of contracting
3 actions right now, and that just hasn't made it
4 through contracting division yet, so they
5 haven't been able to place the order, so we
6 haven't received that stone. They have not
7 been able to give me a time table on when that
8 will be able to go through. As soon as I hear,
9 I'll let you guys know. That's all that I
10 have.

11 MR. FEKETE: Any questions?

12 (No response.)

13 MR. FEKETE: Thank you very much. We're
14 looking forward to seeing that rock in place.

15 MS. MILLS: Yes, I as well. I've been
16 reporting on it every week -- every month.

17 MR. FEKETE: I know.

18 MR. BAKOTA: If it ever happens --

19 MS. MILLS: It will happen.

20 MR. FEKETE: Attorney Ellen Gregory report.

21 MS. GREGORY: Ellen Gregory with Ellen
22 Gregory Law. Just a few items that haven't been
23 fully covered by either Mr. Trevino or Natalie.
24 The consent decree: Mr. Trevino and I have been
25 reviewing the draft that the Department of Justice

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1 distributed earlier this year. We are also
2 getting input from Jim Wieser, our local real
3 estate attorney, on the real estate provisions.
4 In the consent decree there are a number of new
5 real estate provisions that weren't in the last
6 draft, so we're getting Jim Wieser's input, and I
7 will be coordinating, putting all the comments for
8 ECWMD together, and we're hoping to get that to
9 the Department of Justice attorney the end of this
10 week or early next week. We also have submitted
11 to BP information on easements and rights-of-way
12 for parcels owned by the Waterway Management
13 District. We're awaiting response from BP. We'll
14 probably set up a meeting with their real estate
15 people and our real estate people to go over the
16 information that's been provided to them.

17 And then on the PCA revisions, we had
18 submitted a draft to the Army Corps last
19 time -- actually, a couple of -- the last
20 couple of times we've spoken with the Army
21 Corps we've discussed a couple of ideas about
22 PCA revisions. I believe the ball is back in
23 the Army Corps' court to get back to us on some
24 of the thoughts that we'd shared with them at
25 the last meeting. And that's all I have. If

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1 anybody has any questions?

2 (No response.)

3 MR. FEKETE: No questions?

4 (No response.)

5 MR. FEKETE: Thank you very much. Any new
6 business to come before the board?

7 (No response.)

8 MR. FEKETE: Any other business?

9 (No response.)

10 MR. FEKETE: Any public comment?

11 (No response.)

12 MR. FEKETE: Next board meeting is June 18 at
13 5:00 p.m. at this location. I will entertain a
14 motion of adjournment.

15 MR. BAKOTA: Motion to adjourn.

16 MR. EBERT: Second.

17 MR. FEKETE: All in favor signify by saying
18 aye.

19 (All signify aye.)

20 MR. FEKETE: Any opposition?

21 (No response.)

22 MR. FEKETE: Hearing none, we are adjourned.

23 MEETING ADJOURNED.

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C E R T I F I C A T E

I, Dawn M. Iseminger, Registered Professional Reporter (RPR), 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 21st day of May, 2014, 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 consisting of thirty-two (32) pages is a true and accurate record of said proceedings had.

Dated this 17th day of June, 2014.



Dawn M. Iseminger, RPR
My Commission expires: 7/22/2017