

In the Matter Of:  
East Chicago Waterway Management

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**DISTRICT BOARD OF DIRECTOR'S MEETING**

*October 20, 2022*

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Iseminger & Associates, Inc.  
877-337-7379

1 EAST CHICAGO WATERWAY MANAGEMENT

2 DISTRICT BOARD OF DIRECTOR'S MEETING

3 CITY OF EAST CHICAGO, ENGINEERING/ANNEX BUILDING

4 4444 RAILROAD AVENUE

5 EAST CHICAGO, INDIANA

6 OCTOBER 20, 2022

7 THURSDAY 5:00 P.M.

8  
9 TRANSCRIPT OF PROCEEDINGS had in the  
10 above-entitled matter on the 20th day of October, 2022  
11 at 5:00 p.m. held through a multi-platform video  
12 conferencing system.

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A P P E A R A N C E

MR. JOHN FEKETE, PRESIDENT

MR. KEVIN DOYLE, BOARD MEMBER

MR. JOHN BAKOTA, BOARD MEMBER

MR. HENRY RODRIGUEZ, BOARD MEMBER

MR. RAY LOPEZ, BOARD MEMBER

MR. JALON ROBINSON, BOARD MEMBER

MR. FERNANDO TREVINO, FMT CONSULTING

MS. ELLEN GREGORY, ELLEN GREGORY LAW

ALSO PRESENT:

MR. TIM ANDERSON, BMO HARRIS BANK

MR. MICHAEL NGUYEN, ARMY CORPS OF ENGINEERS

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P R O C E E D I N G

1  
2 MR. FEKETE: When you speak, speak through  
3 the computer.

4 MR. FEKETE: I would like to call to order  
5 the Chicago Waterway District Special Board meeting.  
6 The date today is October 20, 2022. The time is 5:08.  
7 The first order of business is the roll call. John  
8 Bakota.

9 MR. BAKOTA: Here.

10 MR. FEKETE: Henry Rodriguez?

11 MR. RODRIGUEZ: Here.

12 MR. FEKETE: Jalan Robinson?

13 MR. ROBINSON: Here.

14 MR. FEKETE: Kevin Doyle?

15 MR. DOYLE: Here.

16 MR. FEKETE: John Fekete, here. We have a  
17 full quorum.

18 Next order of business is the Executive  
19 Director's Report. Fernando?

20 MR. TREVINO: First, I would like to start  
21 with going over the content of the Board packet. You  
22 have a copy of today's agenda. The Public Meeting  
23 posting for today's meeting, the Board minutes for  
24 September 15th Board meeting. You have the financial

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1 report dated September 30th for the month of September.  
2 That was out today and hard copies were distributed to  
3 the Board. You have a copy of today's claim docket  
4 dated October 20th along with purchase orders and check  
5 registers. You have a copy of the FMT Consulting, Inc.  
6 contract, a copy of the Olga Cosme Contract. You have  
7 the BMO Trust Reports through September 30, 2022. You  
8 have a copy of the BMO CD rate sheet. And you have a  
9 copy of a BMO Letter of Authorization dated October 20,  
10 2022.

11 You have the First Merchants Bank  
12 statement for the month of October. No, I'm sorry, for  
13 the month of September for accounts ending in 608 and  
14 616 along with a copy of checks that cleared last month  
15 and copies of User Fee deposits made in the month of  
16 September.

17 You have an e-mail from myself to  
18 Attorney, Jim Weaver, dated October 17th to initiate  
19 the User Fee collection process for one of the  
20 companies that their account is in arrears.

21 You have a copy of the First Merchants  
22 Letter of Authorization dated October 20, 2022. You  
23 have a copy of People's Bank statement for tipping fees  
24 and dredging, an escrow account for the third quarter

1 of 2022. You have a copy of TetraTech's monthly Great  
2 Lakes Legacy Act, and Remedial Design Project report  
3 dated October 17th. You have a copy of AECOM'S monthly  
4 invoice, their budget report and schedule regarding the  
5 Canal Street Bridge Project. You have a copy of the  
6 Army Corps report to the Board dated October 20th.

7 You have Attorney, Ellen Gregory's  
8 report to the Board dated October 17th. And you have a  
9 copy of the Tipping Fee Agreement Amendment fully  
10 executed dated October 11, 2022. You have a copy of  
11 the Parsons Monthly Bird Operation Report for the month  
12 of September 2022 and that report is dated October 4,  
13 2022.

14 And last but not least, you have a  
15 letter dated September 13, 2022 from Item Commissioner  
16 Brian Rockinas (sic) to the Care Committee thanking the  
17 Committee for their good work. And I think it is fair  
18 to note that Chair of Items Care Committee is our Board  
19 president, John Fekete.

20 So a couple of updates to report on.  
21 Regarding the action items on today's meeting agenda,  
22 we have the two traditional action items with the Board  
23 minutes and the monthly claim docket. And there are  
24 two additional action items for the Board's

1 consideration. Actually there is four additional  
2 action items. One is the FMT Consulting Contract. The  
3 Olga Cosme contract and then two Letters of  
4 Authorizations to transfer of funds, one to BMO and one  
5 to First Merchants.

6 Regarding finances, we had a Finance  
7 Committee meeting yesterday where we reviewed the 2022  
8 budget status. The two contracts that I mentioned, and  
9 now we also reviewed the District's cash balances and  
10 the First Merchants account and the BMO Trust accounts  
11 and the different CD rates and options to consider.  
12 The action items on today's agenda are the results from  
13 the Finance Committee meeting recommendation.

14 Regarding User Fees. So to date we have  
15 collected and deposited approximately \$406,000 which is  
16 approximately 88.5 percent of the 2022 User Fees. One  
17 of the unpaid accounts have not made any attempt to  
18 communicate with the District. So we have initiated  
19 the collection process.

20 Regarding the Great Legacy Act Project,  
21 the sheet pile wall, 90 percent design was completed  
22 and has been transmitted to the project team. ARVP  
23 continues to work towards finalizing the specs and  
24 drawings. BP has presented their design to the City's

1 Technical Review Committee and the Planning Committee  
2 and both have given their approval to proceed. The  
3 sheet pile wall is scheduled to be completed in the  
4 first half of 2024.

5           Regarding the late George Canal East  
6 collection, Phase 2 dredging is scheduled to recommence  
7 after the sheet pile wall project is completed, which  
8 as I mentioned is scheduled to be done the first half  
9 of 2024.

10           The Corps will be managing the dredging  
11 project on the EPA path. And the Corps is coordinating  
12 additional canal sediments that were originally  
13 scheduled to be done sometime in early fall which has  
14 now been rescheduled for the spring of 2023.

15           Regarding the late George Canal CAP  
16 Project, the Army Corps of Engineer is managing this  
17 remediation project, construction activities are  
18 ongoing. The late George Canal Webster remediation  
19 work is ongoing. A reminder that this project is  
20 between BP and EPA.

21           Regarding the Grand Cal River Junction  
22 Reaches Remedial Design, TetraTech was working on the  
23 Remedial Design Work. They are continuing that effort.  
24 We are forecasting to complete the design right around



1 Thanksgiving. The Project Team continues to have  
2 periodic meetings to discuss design completion,  
3 property access coordination, permit application,  
4 junctions marsh for wetland coordination, cost share  
5 documentation and community engagement.

6 Grand Cal River Phase 1 remediation  
7 project. Earlier this year the District submitted a  
8 proposal to the EPA for \$27.3 million in Great Lakes  
9 Legacy Act funding. The Phase 1 remediation and  
10 scoping includes complete remediation of the Great Cal  
11 River West Branch and dredging of the Indiana Harbor  
12 Branch, and restoration of the junction marsh?

13 EPA approved to pass on to the next  
14 phase, which is to negotiate a project agreement. So  
15 both the District and the EPA has started working on  
16 drafting of the project agreement. However, a  
17 reminder, a couple of months ago EPA asked the District  
18 and their EPA Project Management Team to explore  
19 managing the Project Delay Cooperation Agreement. And  
20 so after careful review of whether to manage the  
21 Project Agreement or Cooperation Agreement, the Project  
22 Team concluded that the best -- to go the traditional  
23 route of the Project Agreement. So we have been  
24 working with the EPA to finalize the Project Agreement.

1           Before a Project Agreement can be  
2 approved by EPA, their team has to write what is  
3 referred to a Source Control Memo. There are some  
4 issues along the Grand Cal River Junction Marsh that  
5 needs to be worked out. But as soon as those concerns  
6 are resolved, we will be back on track with the Project  
7 Agreement. And they're looking to do some sampling  
8 sometime in November on that issue.

9           As I have mentioned in the past, the  
10 Project Team for some time was working on the -- share  
11 calculations that would be generated by the  
12 Cleveland-Cliff project which is directly impacted by  
13 the PCA and the Tipping Fee Agreement amendments. That  
14 project will be used to leverage Great Lakes Legacy Act  
15 funding for the \$27.3 million for that Grand Cal River  
16 Remediation Project that I mentioned. You might recall  
17 the PCA amendment was finalized earlier this year and  
18 after months of negotiating the Tipping Fee Agreement  
19 amendment, the Board approved and signed the amendment  
20 at the September board meeting and since then the other  
21 two parties to the agreement, Cleveland-Cliff and  
22 Corps, the Army Corps has signed the amendment.

23           You might recall before we started  
24 negotiating these two agreements, there was some debate

1 whether the District might owe several million dollars  
2 because of certain perspectives under these two  
3 original agreements. Now that the PCA and Tipping Fee  
4 amendment has been completed, the result will be a few  
5 million dollars that is now owed to the District.

6 Again, I want to thank Attorney, Ellen  
7 Gregory and top notch attorney Ray Relue (sic) for  
8 representing the District on these efforts. The Army  
9 Corps of Engineers and their staff for their efforts  
10 and their staff being our partner through these  
11 negotiations in seeking a neighborly resolution to the  
12 matter. Thank you to all those who worked on it.

13 Regarding the Great Lakes Legacy Act  
14 Work in Kind report. The District submitted their  
15 report for the six months -- first six months of 2022  
16 to EPA for their review regarding the Canal Street  
17 Bridge project. AECOM continued their effort on the  
18 dolphin design and permit applications. A project  
19 schedule and budget report is in your packet. The  
20 drawings and specs have been sent to the City for their  
21 review. The contractor and the material procurement is  
22 forecasted to be done during the winter months to b  
23 done in the May/June timeframe.

24 Regarding the BP -- street agreement

1 from the parcel that. BP is interested in acquiring  
2 from the District, that contract negotiations with  
3 their parties continue. And so we're making progress  
4 on this agreement.

5 Regarding the Army Corps Project, the  
6 Corps report is in your packet. Project manager, Mike  
7 Nguyen is here. He is here, right?

8 MS. GREGORY: I think so. There was a 312  
9 number.

10 MR. NGUYEN: I'm on.

11 MR. TREVINO: And Mike Nguyen is here to  
12 present an update on their Corps efforts. And Attorney  
13 Ellen Gregory will be giving an update on various legal  
14 matters. And that concludes my report.

15 MR. FEKETE: Are there questions for  
16 Mr. Trevino? Hearing none, I would like for those that  
17 are on the Zoom call to identify themselves for the  
18 Court Reporter.

19 MS. MILNE: I can start. Debra Milne,  
20 M-I-L-N-E, First Merchants Bank?

21 MR. ALONZO: David Alonzo, BMO Harris Bank.  
22 Alonzo.

23 MR. NGUYEN: Mike Nguyen, N-G-U-Y-E-N. Army  
24 Corps of Engineer.

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1 MR. WESCOTT: James Wescott, W-E-S-C-O-T-T,  
2 TetraTech.

3 MS. VARGAS: Vanessa Vargas, CLA.

4 MR. ZALUZEC: Nick Zaluzec, Resource and  
5 Environment Solutions.

6 MS. GREEN: Kate Green, Environment  
7 Solutions.

8 MR. FEKETE: Do we have everyone that is on  
9 the Zoom call.

10 MS. GREGORY: That is it.

11 MS. DEVORE: Molly Devore, D-E-V-O-R-E.

12 MR. FEKETE: In consideration of the Board  
13 meeting notes for September 15, 2022, and since we have  
14 all Board members here, I will entertain a Motion to  
15 Approve.

16 MR. LOPEZ: Ray Lopez, Motion to approve.

17 MR. DOYLE: Kevin Doyle, second.

18 MR. FEKETE: Since we are all here. We can  
19 approve it by voice voting. All in favor signify by  
20 saying "aye".

21 (WHEREUPON there were a chorus of  
22 "ayes" )

23 MR. FEKETE: Any opposition? Abstention?  
24 Hearing none, the motion is approved.

1 The Accounting Consultant Report, Vanessa.

2 MS. VARGAS: Good afternoon, everyone.

3 Vanessa Vargas from CLA. In front of you, you have a  
4 copy of the September 30, 2022 financial statements on  
5 a cash basis. If you turn to Page 2, we will begin  
6 with a Statement of Cash Receipts and Cash  
7 Disbursements for the nine months ended September 30,  
8 2022. Through September 30th, you have received  
9 interest income of \$5,945.70. You have collected User  
10 Fees of \$467,230.69 and had a trust transfer of  
11 \$398,338.19, leaving the total receipts through  
12 September 30th to \$871,514.58.

13 You have had various disbursements  
14 detailed in the line items in the middle of the  
15 statement totaling, \$471,320.47. This brings your cash  
16 to an increase of \$400,194.11. You began the year with  
17 a cash balance of \$3,992,407.94. Through September  
18 30th, you have a cash balance of \$4,392,602.05.

19 If you turn to Page 3, you will see a  
20 Schedule of Cash Account Activity for the nine months  
21 ended September 30, 2022. You began the year with a  
22 cash balance in your Operating Account of  
23 \$1,409,578.39. You have earned interest of \$301.47.  
24 Had cash disbursements of \$472,370.47. And you had a

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1 trust transfer of \$398,338.19 and a budget transfer of  
2 \$212,225.79. Bringing your cash balance in the  
3 Operating Account as of September 30th to  
4 \$1,549,123.37.

5 The Users Fee account began with a cash  
6 balance on January 1st of \$1,076,244.74. You have  
7 earned interest income of \$2,947.20. Collected User  
8 Fees of \$167,230.69. Had a budget transfer of  
9 \$212,225.79. And you also redeemed a Certificate of  
10 Deposit totaling \$1,509,281.84, bringing your User Fee  
11 cash balance as of September 30th to \$2,843,478.68.

12 You began the year with a Certificate of  
13 Deposit totaling \$1,506,584.81. You received interest  
14 of \$2,697.03 and that CD was redeemed bringing the  
15 balance as of September 30th to zero.

16 On Page 4, you will see the Schedule of  
17 2022 available budget as of October 19, 2022. Your  
18 2022 Budget Appropriation Balance was \$1,919,735.  
19 Adding in the Accounts Payable as of 12/31/2021 of  
20 \$50,407.37. You also have a 2022 Budget amendment for  
21 \$50,000, bringing your 2022 total appropriation to  
22 \$2,020,142.37.

23 Through September 30th, you have had  
24 cash disbursements of \$471,320.47. In front of you,

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1 you have a claim docket dated October 19, 2022,  
2 totaling \$45,264.34. And this brings your unused  
3 budget to 2022 to \$1,503,557.56. Any questions?

4 MR. FEKETE: Thank you, Vanessa. The next  
5 order of business is the approval consideration for  
6 the Accounts Payable Voucher Registrar dated  
7 October 20, 2022. Entertain a Motion to Approve?

8 MR. BAKOTA: John Bakota Motion to Approve.

9 MR. RODRIGUEZ: Second.

10 MR. FEKETE: We have a Motion and a Second.  
11 I'll entertain a roll call vote. John Bakota?

12 MR. BAKOTA: Yes.

13 MR. FEKETE: Henry Rodriguez?

14 MR. RODRIGUEZ: Yes.

15 MR. FEKETE: Jalan Robinson?

16 MR. ROBINSON: Yes.

17 MR. FEKETE: Kevin Doyle?

18 MR. DOYLE: Yes.

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

20 MR. FEKETE: Yes. That motion is approved.

21 The next order of business is the  
22 approval consideration for the FMT Consulting  
23 Incorporated Contract.

24 MR. LOPEZ: Motion to Accept.



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1 MR. BAKOTA: Second.

2 MR. FEKETE: Any questions? Hearing none,  
3 I'll entertain a roll call vote. John Bakota?

4 MR. BAKOTA: Yes.

5 MR. FEKETE: Henry Rodriguez?

6 MR. RODRIGUEZ: Yes.

7 MR. FEKETE: Jalan Robinson?

8 MR. ROBINSON: Yes.

9 MR. FEKETE: Kevin Doyle?

10 MR. DOYLE: Yes.

11 MR. FEKETE: John Fekete, I vote yes.

12 The next order of business is the Olga  
13 Cosme contract.

14 MR. LOPEZ: Motion to Accept.

15 MR. FEKETE: I'll entertain a Motion to  
16 second.

17 MR. BAKOTA: Second.

18 MR. FEKETE: Any questions? Comments? We'll  
19 have a roll call vote. John Bakota?

20 MR. BAKOTA: Yes.

21 MR. FEKETE: Henry Rodriguez?

22 MR. RODRIGUEZ: Yes.

23 MR. FEKETE: Jalan Robinson?

24 MR. ROBINSON: Yes.

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1 MR. FEKETE: Kevin Doyle?

2 MR. DOYLE: Yes.

3 MR. FEKETE: John Fekete, I vote yes.

4 Next order of business is the Letter of  
5 Authorization for the BMO Trust Account. Mr. Trevino?

6 MR. TREVINO: Just to summarize again, the  
7 Finance Committee met yesterday to review the funds  
8 that were in the First Merchant Bank Money Market  
9 Account and the BMO Trust Money Market Account. We had  
10 held off putting the money in any CDs for the last few  
11 months with the strategy that the interest rates were  
12 going to go up and it didn't make much sense to lock in  
13 our dollars for an interest rate that was below .5 or  
14 whatever it was. So .05 probably. So the strategy  
15 ended up working out in our favor. So funds that are  
16 being held in the Money Market are being recommended  
17 for the amounts that are in the Letter of Authorization  
18 to be transferred to -- one is a 24-month CD and the  
19 other is a 25-month CD. So Debbie, which one is the  
20 first one up? David, did you want to interject  
21 anything?

22 MR. ALONZO: Yeah, I'll sort of jump ahead of  
23 the proposal and go through the report, if that is  
24 okay. So this is David Alonzo, BMO Harris Bank. So to

17

1 go off of what Fernando had said, we had a conversation  
2 during our Finance Committee meeting yesterday. And we  
3 held off on doing anything. We have kept the money in  
4 the Money Market for a number of months hoping interest  
5 rates would move up. So based on some recommendations  
6 and conversation, we are going to move, look at moving  
7 forward with some recommendations of a 25-month CD for  
8 \$3.5 million. And we will keep the remaining balance  
9 in the Money Market, which is approximately \$637,359.  
10 And that number will be a little bit higher too, but as  
11 an approximation. That money has been remaining in the  
12 Money Market and will be there for next year's budget.  
13 That will come out and also help cover the 2024 budget  
14 at that time. And that 25-month CD will come due  
15 into -- I'm thinking probably November, towards the end  
16 of November 2024. So, yeah, that interest rate has  
17 moved up quite a bit. So this was definitely in our  
18 favor. If you would like, I could go through the Trust  
19 Report as it stands right now?

20           So on the first day of the Trust Report  
21 it just lists the Money Market account where all the  
22 cash is in. The current balance as of the end of  
23 September was \$4,137,359.66. And just as I had  
24 mentioned, we are going to be moving \$3.5 million of

1 that to a CD. Once we get that opened up, I'll see the  
2 business banking partners on that. We'll have that for  
3 John to sign off on it, and we can take care of that.

4 The second page of that Trust Report,  
5 this goes through some of the historical balances that  
6 we've had and also the distributions we've had since  
7 BMO had this account and until back from 1997 up until  
8 now. This year we took out \$398,338.19. I'm happy to  
9 see the rates move up and earn some interest on those  
10 deposits. And as Fernando said that it definitely paid  
11 off to wait some extra months. That is all I got. Any  
12 questions?

13 MR. TREVINO: David, did you get a chance to  
14 see -- I mailed you a draft of the letter.

15 MR. ALONZO: That was good. I did get the  
16 letter. So everything is good on that.

17 MR. FEKETE: Thank you, David. I need a  
18 motion to approve the Letter of Authorization, BMO  
19 Trust.

20 MR. ROBINSON: Move.

21 MR. LOPEZ: Second.

22 MR. FEKETE: Role call vote? John Bakota?

23 MR. BAKOTA: Yes.

24 MR. FEKETE: Henry Rodriguez?

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1 MR. RODRIGUEZ: Yes.

2 MR. FEKETE: Jalan Robinson?

3 MR. ROBINSON: Yes.

4 MR. FEKETE: Kevin Doyle?

5 MR. DOYLE: Yes.

6 MR. FEKETE: I vote yes. That motion is  
7 approved.

8 MR. FEKETE: Next order of business is the  
9 Approval of Consideration of the Letter of  
10 Authorization for First Merchant and their account.

11 MR. TREVINO: So we've had a discussion  
12 yesterday during the Finance Committee with Debbie  
13 Milne from First Merchants and we kind of evaluated the  
14 funds that were in the First Merchants Money Market  
15 account. And what made sense was to lock in for a  
16 two-year CD. The rates that First Merchants will offer  
17 for the 24-month CD matches those that BMO is offering.  
18 And the letter that was in your Board packet has been  
19 revised slightly. The letter was being sent to both  
20 Debbie Milne and John Prayak (sic) and he is no longer  
21 with First Merchants. Everything else is the same,  
22 other than John Prayak's name removed.

23 Debbie, did you want to add anything?

24 MS. MILNE: Sure. Good evening, everybody.

1 The only thing that I just wanted to bring to your  
2 attention for some discussion, we just need to  
3 understand who the signers will be for the Certificate.  
4 And in the past, I think that there has been some  
5 discussions. It has only been Mr. Lopez, I believe.  
6 And maybe there would be consideration to have someone  
7 as a back up signer. So I would just need to know  
8 that. Probably add that to the authorization letter  
9 however you want that handled.

10 MR. TREVINO: For the authorization letter,  
11 we can, you know, leave it as Ray. But within the next  
12 few weeks we can work on adding someone, an authorized  
13 person to be signatory to the consultant. And John, we  
14 talked about that in the past. Have an individual to  
15 be able to sign off of the Trust and the operating  
16 account. We'll follow-up on that Debbie, but I think  
17 for now we'll leave it.

18 MS. MILNE: Perfect.

19 MR. FEKETE: It's a good observation. We  
20 appreciate that. Probably just came to our recognition  
21 and it was highlighted in some discussions earlier on.  
22 And if there is a little more work that we have to do,  
23 more than just picking a name today, so we'll be  
24 working our way through that and probably within the

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1 next several weeks. Certainly before our next meeting  
2 we should have that ready for presentation for the full  
3 Board and then convey that on to you and others who  
4 need it.

5 MS. MILNE: Beautiful. Thank you. Thank  
6 you for your participation today and yesterday and  
7 likewise today with Alonzo.

8 MS. MILNE: My pleasure.

9 MR. FEKETE: Entertain a Motion to Approve.

10 MR. RODRIGUEZ: Approve.

11 MR. BAKOTA: Second.

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

13 MR. BAKOTA: Yes.

14 MR. FEKETE: Henry Rodriguez?

15 MR. RODRIGUEZ: Yes.

16 MR. FEKETE: Jalan Robinson?

17 MR. ROBINSON: Yes.

18 MR. FEKETE: Kevin Doyle?

19 MR. DOYLE: Yes.

20 MR. FEKETE: John Fekete, I vote yes. That  
21 motion is approved.

22 Okay. Great Lakes Legacy Act. Project  
23 update?

24 MR. TREVINO: Yes. Mr. Jim Wescott, Project

1 Manager from Tetrattech is on the call. Jim, do you  
2 want to give us a quick summary of the status of our  
3 work?

4 MR. WESCOTT: I'll try to be brief. So James  
5 Wescott, TetraTech. Primarily focused on responding to  
6 comments on the different permits. As we talked last  
7 month we were kind of a little bit on hold just waiting  
8 to see how whether it was going to be a project  
9 agreement or cooperative agreement, because that kind  
10 of changes things. Now that it's been decided to move  
11 forward with the project agreement, we can finalize  
12 most of the design documents as Fernando mentioned by  
13 Thanksgiving. And I assume there will be a continued  
14 response with the permit agents after that. Are there  
15 any questions?

16 MR. FEKETE: Any questions for Mr. Wescott?  
17 Thank you, Jim.

18 Army Corps Board Report, Mr. Nyugen?

19 MR. NGUYEN: This is Mike Nguyen with the  
20 Army Corps of Engineers. I'll keep my report brief.  
21 Completed the close out package for the dredging  
22 contract and Clean Harbor has started water treatment  
23 on October 1st and they should be complete by mid  
24 November.



1           For the Phase 2, dike race, construction  
2 is ongoing. They should shut down for the winter  
3 probably in late November or early December. And for  
4 the PCA, and we've completed the PCA amendment. We are  
5 just working on trying to close out that PCA -- for our  
6 financial end. And that requires us to get the funds  
7 from the tipping fee and then send money back to ECWMD.

8           And then we mentioned the Tipping Fee  
9 Amendment. We already signed it on October 11th. And  
10 that is all I have.

11           MR. FEKETE: Any questions for Mr. Nguyen?

12           MR. BAKOTA: Mr. Nguyen, this is John Bakota.  
13 At our last meeting, I brought up the problem we have  
14 on the sidewalk parallel to your --

15           MR. NGUYEN: I wasn't at the last meeting.

16           MR. BAKOTA: I was hoping that the  
17 notification got to you. What I'm complaining about is  
18 friends of mine that live in the neighborhood, that  
19 sidewalk, they received a few flat tires. So I  
20 purposely took a walk in that area and it is trash.  
21 There is glass there. There is metal pieces. There  
22 was a sofa cushion there. And there was a lamp shade  
23 there. I own a home in East Chicago and I'm  
24 responsible for keeping my front sidewalk clean, even

1    though I don't own it.  And I clear the snow in the  
2    winter time.

3                    What I'm asking the Army Corps to do is  
4    to do the responsible thing that I have to do, set up a  
5    process of cleaning that periodically and also clearing  
6    snow after a snowstorm.

7                    MR. NGUYEN:  I'll let our Facilities Manager  
8    know about that issue and get back to you.  We are  
9    responsible to maintain the parkway.  And so if there  
10   is areas that needs maintenance or cleaning or  
11   whatever, just let me know and I'll notify our  
12   Facilities Manager to make sure that is addressed.

13                   MR. BAKOTA:  I do hope that they set up a  
14   process, whether they do it weekly or whatever they  
15   think will maintain a clean area.

16                   MR. NGUYEN:  Sure.  I'll let them know.

17                   MR. BAKOTA:  Thank you.

18                   MR. FEKETE:  Any other questions for,  
19   Mr. Nguyen?

20                   Next order of business is Ellen Allen  
21   Gregory's report.

22                   MS. GREGORY:  Much of the legal matters that  
23   we have been working on over the past month, I'll go  
24   through them very briefly.  We continue to have weekly

1 or bi-weekly discussions with BP regarding the term  
2 sheet for transferring parcels to BP. I have been  
3 working with Mr. Trevino and somem other User Fee  
4 issues including the one User who has not paid yet. I  
5 have worked with Fernando and Tom Fekete from the  
6 consulting contract removal and also Olga Cosme's  
7 contract. And then finally working with EPA on the  
8 project agreement for the Grand Cal River project.

9 MR. FEKETE: Any questions for Miss Gregory?

10 Any new business to come before the  
11 Board.

12 MR. LOPEZ: Yes, Raymond Lopez. We have a  
13 lot of work and come a long way. Some sitting on the  
14 Board for years. And I know that John was here before  
15 me and you came after me. We have done a lot. It took  
16 us a long time to get where we're at now and a lot in  
17 the future. We approved contracts for Fernando. And I  
18 think that we should in the next meeting maybe consider  
19 increasing it another couple of years, because what we  
20 do now, we are in Phase 1 in the project and we've got  
21 a lot more projects. Every year he has to come and he  
22 puts in more hours and more hours.

23 The next meeting I think we should  
24 discuss it. Those that have been here, we know what is

1 going on. And John, you can help us in the next  
2 meeting. So in November I'll make that like a report.

3 MR. FEKETE: Any comments?

4 MR. BAKOTA: Good idea.

5 MR. FEKETE: Okay. I think that's a good  
6 suggestion. And I think we ought to look into that,  
7 because we do know that these projects take a long time  
8 to proceed and to implement it. And we are at that  
9 phase now where we are starting to look forward to some  
10 direct implementation. And not like any  
11 inconsistencies in the process, be through personnel or  
12 anybody else. So I think it is a good point, Ray, and  
13 I appreciate you bringing it up.

14 MR. LOPEZ: I got one more thing to say.  
15 Thank our attorney and Fernando for bringing us this  
16 far. And thank the Board here, because we have been  
17 moving a lot. I know we have been frustrated. I have.  
18 But things are starting to move. And there are a lot  
19 of things in the future that are coming our way and we  
20 are going to need a legal expert and what I call you  
21 the enforcer. But we'll talk more about it in the next  
22 meeting.

23 MR. FEKETE: Other new business? Any public  
24 comments? Hearing none, our next Board Meeting is

1 November 17, 2022 at 5:00 p.m. at this facility. This  
2 meeting is now adjourned.

3 (WHEREUPON the meeting was  
4 adjourned at 5:52 p.m.)

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1 STATE OF INDIANA )

2 )

3 COUNTY OF LAKE )

4

5 C E R T I F I C A T E

6

7 The within and foregoing meeting was taken  
8 before GWENDOLYN BEDFORD, Certified Shorthand Reporter  
9 in the City of East Chicago, County of Lake and State  
10 of Indiana, and there were present at the meeting  
11 Counsel as previously set forth.

12 The undersigned is not interested in the  
13 within case, nor of kin or counsel to any of the  
14 parties.

15 IN TESTIMONY WHEREOF, I have hereunto set my  
16 hand this 17th day of November 2022.



17 *Gwendolyn Bedford*

18 GWENDOLYN BEDFORD, C.S.R.  
19 No. 084-003700

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District Board of Director's Meeting

10/20/2022

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