

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

November 17, 2022



Iseminger & Associates, Inc.
877-337-7379

**EAST CHICAGO WATERWAY MANAGEMENT
DISTRICT BOARD OF DIRECTORS' MEETING**

**City of East Chicago, Engineering/Annex Building
4444 Railroad Avenue
East Chicago, Indiana**

November 17, 2022

5:00 p.m.

Transcript of the East Chicago Waterway Management District Board of Directors' Meeting had in the above-entitled matter on the 17th day of November, 2022, commencing at 5:00 p.m., taken at City of East Chicago, Engineering/Annex Building, 4444 Railroad Avenue, East Chicago, Indiana, and via Zoom Video/Telephone conference, before Dawn M. Iseminger, RPR, and Notary Public, within and for the County of Porter, State of Indiana.

A P P E A R A N C E S

JOHN FEKETE, President

RAYMOND LOPEZ, SR., Treasurer and Fiscal Officer

HENRY RODRIGUEZ, Secretary

JOHN BAKOTA, Board Member

JAYLAN ROBINSON, Board Member

FERNANDO TREVINO, FMT Consulting

ELLEN GREGORY, Ellen Gregory Law - appearing via
Zoom

Also Present (appearing via Zoom):

Vanessa Vargas, CliftonLarsonAllen

Jim Wescott, Tetra Tech

David Alonzo and Robert Santore, BMO Harris Bank

Lori Duszynski, BP Whiting Refinery

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1 MR. FEKETE: Our first order of business is
2 the roll call of board members: John Bakota?

3 MR. BAKOTA: Here.

4 MR. FEKETE: Henry Rodriguez?

5 MR. HENRY RODRIGUEZ: Here.

6 MR. FEKETE: Jaylan Robinson?

7 MR. ROBINSON: Here.

8 MR. FEKETE: Kevin Doyle?

9 (No response.)

10 MR. FEKETE: Ray Lopez?

11 MR. LOPEZ: Here.

12 MR. FEKETE: John Fekete, here.

13 And Fernando Trevino is here.

14 MR. TREVINO: Yes.

15 MR. FEKETE: The first order of business is
16 the update.

17 MR. TREVINO: Okay. Fernando Trevino with
18 FMT Consulting. I'd like to start off by going
19 over the contents of your board packet. You have
20 today's meeting agenda, the public meeting posting
21 for today's meeting, you have the board minutes
22 for the October 20th board meeting. Those weren't
23 ready in time when I sent the full packet
24 yesterday but I did send them -- e-mailed them to
25 the board earlier today. The 2022 budget

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1 amendment proposal, dated November 17, 2022, and
2 that's for approval consideration. You have a
3 couple emails from -- to and from -- Beth Admire,
4 with IDEM, regarding her concurrence on the budget
5 amendment since the amendments are two trust
6 budget line items. And Beth's email is dated
7 November 14th.

8 You have FMT Consulting, Inc., 2022
9 additional hours approval memo, dated
10 November 17, 2022, and that's for approval
11 consideration.

12 You have the CliftonLarsenAllen financial
13 report dated October 31st for the month of
14 October, and that was e-mailed today, and hard
15 copies were distributed to the board before the
16 meeting started.

17 Today's claim docket, dated October 20,
18 along with the purchase orders and check
19 register for approval consideration are in your
20 board packet. The 2023 proposed operating
21 budget for the district is in your board packet
22 for approval consideration. You have the First
23 Merchant Bank statement for the month of
24 October 2022 for accounts ending in 608 and
25 616, along with a copy of the checks that

1 cleared last month and one user fee deposit
2 made in October.

3 You have an FMT Consulting contract for
4 approval consideration. You have the Olga
5 Cosme contract for approval consideration. And
6 the Plews engagement letter for approval
7 consideration.

8 You have the BMO trust report, dated
9 October 31, 2022. You have the BMO letter of
10 authorization, dated November 17, 2022, which
11 supersedes the district's October 20th, 2022,
12 authorization letter approved last month.

13 You have Tetra Tech's monthly Great Lakes
14 Legacy Act Grand Cal River remedial design
15 project report. The report is dated
16 November 11th for the month of October.

17 You have the Army Corps of Engineers
18 report to the board, dated November 17th, along
19 with a couple emails from October that were
20 from Mike Nguyen and myself regarding the
21 cleaning of the CDF parkway. You have Attorney
22 Ellen Gregory's report to the board, with the
23 revision date of November 15th. And, finally,
24 you have ACOM's monthly invoice and budget
25 report and their project schedule regarding the

1 Canal Street bridge project.

2 So that concludes the items in your board
3 packet. Going over a few updates to provide to
4 the board. Regarding the action items on
5 today's agenda, we have the two traditional
6 action items of the board minutes and the
7 monthly claim docket, and we have seven
8 additional items: The 2022 budget amendment;
9 the FMT Consulting, Inc., additional hours for
10 2022; the 2023 proposed budget; the FMT
11 Consulting, Inc., contract; Olga Cosme
12 contract; the Plews engagement letter; and the
13 BMO letter of authorization.

14 Regarding finances: We had a finance
15 committee meeting this past Tuesday, and all
16 the items on today's agenda that are
17 recommended for approval are a result of that
18 meeting.

19 Regarding user fees: To date we've
20 collected and deposited approximately
21 90 percent of the 2022 user fees, and there are
22 three remaining unpaid user fees. One of the
23 three unpaid user fees happens to be an entity
24 that has always paid in the past and they've
25 communicated their intent to pay, so we're

1 waiting for their payment. The second unpaid
2 user fee has requested a waiver because of
3 their conservation easement, and we're in the
4 process of resolving their appeal or waiver
5 request. And the third hasn't responded or
6 contacted us at all, so we have initiated a
7 collection process. Attorney Wieser has
8 submitted a legal notice notifying them of
9 their past due account. I'll report updates on
10 those three at the December board meeting.

11 Regarding the Great Lakes Legally Act
12 project, as a general update regarding our
13 project the board might recall we had a Times
14 reporter, Molly DeVore, from The Times, attend
15 our last board meeting; and after the meeting
16 Molly asked if board President Fekete and I
17 would meet with her on questions she had on our
18 projects, which we did. And the result was a
19 very nice article in The Times in their Sunday
20 edition. So I just wanted to say thanks to
21 Molly and The Times for their interest in our
22 on-going efforts of projects to clean our
23 waterways.

24 Regarding the Lake George Canal east and
25 middle project, the south tank farm sheet pile

1 wall project, the design is at 90 percent
2 complete. AR BP has completed their request
3 for proposal process for the construction of
4 the sheet pile wall, and they've awarded it to
5 Jacobs Engineering. We've been working with BP
6 to help resolve easement conflicts with the
7 construction of the sheet pile wall. The sheet
8 pile wall is forecasted to be completed by
9 2024.

10 Regarding the Lake George Canal east
11 section: Phase two dredging is scheduled to
12 recommence after the south tank farm sheet pile
13 wall project is completed, which, as mentioned,
14 is scheduled to be done in 2024. The Corps
15 will be managing the dredging project on EPA's
16 behalf; and the Corps is coordinating
17 additional sediment sampling that's scheduled
18 to be done some time in the spring of next
19 year.

20 Regarding the Lake George canal middle cap
21 project: The Army Corps of Engineers is
22 managing this remediation project and
23 construction activities are ongoing.

24 Regarding the Lake George canal west
25 remediation: That work is ongoing. And as a

1 remainder, that project is between BP and EPA.

2 Regarding the Great Lakes Legacy Act Grand
3 Cal' River junction reaches remedial design:
4 Tetra Tech design work is ongoing. The project
5 team continues to have periodic meetings and
6 working through design completion, property
7 access coordination, permit application, the
8 junction marsh coordination, community
9 engagement, and cost-share documentation. And
10 regarding cost-share documentation, the board
11 may recall that EPA sent us a letter dated
12 July 26 of this year, approving \$16.9 million
13 in cost share that was related to the Cleveland
14 Cliffs SEP project. And I asked EPA to
15 reassess the cost share total now that the
16 Cleveland Cliffs tipping fee agreement
17 amendment has been finalized, which will add
18 another \$3.27 million, for a total of
19 approximately \$20.2 million in qualified cost
20 share.

21 EPA has reviewed my request and sent us an
22 email today that they will approve the
23 additional \$3.27 million in cost share. They
24 just need to confirm the payment. So the total
25 of \$20.2 million in cost share will leverage a

1 significant amount of federal dollars to
2 perform a substantial amount of remediation
3 work in our waterways.

4 Regarding the Grand Cal' River phase one
5 remediation project proposal: EPA and the
6 district have basically completed the project
7 agreement for the Grand Cal' River phase one
8 remediation. And that's for approximately
9 \$29 millions in federal funds. We're just
10 working through finalizing the statement of
11 work and trying to resolve to make sure there
12 aren't any source controlled issues in the
13 area. The project agreement scope of work
14 includes complete remediation of the Grand Cal'
15 River west branch, dredging of the Indiana
16 Harbor canal branch, and restoration of the
17 junction marsh.

18 As I mentioned, the team has been working
19 on community engagement plans, so we're also
20 trying to prepare what the communication plan
21 would look like once the PA is approved and
22 signed.

23 Regarding the Great Lakes Legacy Act work
24 in kind reporting: I submitted the district's
25 report for the first six months of 2022 and

1 we've received no feedback from EPA as of
2 today.

3 And also, as I mentioned earlier, EPA has
4 agreed to accept another \$3.2 million in cost
5 share affiliated with the Cleveland Cliffs SEP
6 project.

7 Regarding the canal street bridge project:
8 ACOM continues their effort on the dolphin sign
9 and permit applications.

10 A project schedule is included in your
11 packet. We've recently reached out to the city
12 to see if they'd like us to have a project
13 presentation to their technical review
14 committee or planning commission, or both, and
15 whether any permits will be required for the
16 project. Contractor and material procurement
17 is forecasted to be done during the winter
18 months with construction forecasted in the
19 May/June time frame of 2023.

20 Regarding the BP term sheet agreement for
21 the parcels BP is interested in acquiring from
22 the district, contract negotiations with BP
23 continues on the transfer of those properties,
24 and Attorney Ellen Gregory will give additional
25 information during her report.

1 Regarding the Army Corps of Engineers
2 board report: The Corps' report is in your
3 board packet. Project manager, Mike Nguyen,
4 was not able to make today's meeting due to a
5 scheduling conflict. I asked Mike to include
6 an update on the CDF parkway cleanup, which he
7 did. Also, as I mentioned, I included an email
8 thread that went to and from Mike regarding
9 that same topic. And that concludes my report.

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

11 (No response.)

12 MR. FEKETE: Hearing none, thank you very
13 much.

14 The next order of business is the approval
15 of the board meeting minutes of October 20,
16 2022.

17 MR. BAKOTA: Motion to approve.

18 MR. LOPEZ: Second.

19 MR. FEKETE: I have a motion and a second.
20 And since all board members in attendance are
21 present, we will do that by voice vote.

22 All in favor, significant by saying aye.

23 (All signify "aye".)

24 MR. FEKETE: Any opposition to it?
25 Abstentions?

1 (No response.)

2 MR. FEKETE: The motion is approved. The
3 next order of business is the approval
4 consideration for the 2022 budget amendment.
5 Mr. Trevino.

6 MR. TREVINO: Yeah, so you have in your board
7 packet a budget amendment that's recommended,
8 basically adding \$15,000 from one budget line item
9 and reducing it from another line item, and both
10 of those budget line items are from the trust
11 dollars. I've reviewed that recommendation with
12 Beth Admire. And I provided a summary email to
13 her, after her and I discussed it, and she
14 responded to move forward with the transfer. And
15 that email exchange is in your board packet as
16 well.

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

18 (No response.)

19 MR. FEKETE: Okay. I'll entertain a motion
20 that we approve this line item adjustment for our
21 2022 budget.

22 MR. HENRY RODRIGUEZ: Motion to approve.

23 MR. ROBINSON: Second.

24 MR. FEKETE: We have a motion and a second.
25 We'll do a roll call vote.

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1 John Bakota?

2 MR. BAKOTA: Yes.

3 MR. FEKETE: Henry Rodriguez?

4 MR. HENRY RODRIGUEZ: Yes.

5 MR. FEKETE: Jaylan Robinson?

6 MR. ROBINSON: Yes.

7 MR. FEKETE: Kevin Doyle?

8 (No response.)

9 MR. FEKETE: Ray Lopez?

10 MR. LOPEZ: Yes.

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

12 The next order of business is the approval
13 consideration for FMT Consulting for additional
14 hours for 2022.

15 As in the past, we've always provided an
16 extension possibility given the amount of work
17 that could possibly be coming up, and it looks
18 as though that work is presented and before us,
19 and so we just need to extend the hours so that
20 we can do it appropriately and handle the
21 workload.

22 MR. BAKOTA: Motion to approve.

23 MR. FEKETE: I have a motion. And a second?

24 MR. HENRY RODRIGUEZ: Second.

25 MR. FEKETE: And a second.

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1 Roll call: John Bakota?

2 MR. BAKOTA: Yes.

3 MR. FEKETE: Henry Rodriguez?

4 MR. HENRY RODRIGUEZ: Yes.

5 MR. FEKETE: Jaylan Robinson?

6 MR. ROBINSON: Yes.

7 MR. FEKETE: Kevin Doyle?

8 (No response.)

9 MR. FEKETE: Ray Lopez?

10 MR. LOPEZ: Yes.

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

12 The next order of business is the
13 accountant consulting report, the financials
14 through October 2022. Vanessa?

15 MS. VARGAS: Good evening. Vanessa Vargas
16 with CLA. In front of you, you have the copy of
17 the financial statements on a cash basis, dated
18 October 31, 2022.

19 If you could please turn to Page 2, we
20 will begin with the statement of cash receipts
21 and cash disbursements for the 10 months ended
22 October 31, 2022.

23 Through October 31st you have received
24 interest income of \$7,377.22. You have
25 received user fees of \$478,933.99. And you

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1 also received a trust transfer of \$398,338.19,
2 bringing your total receipts through the 10
3 months, ended October 31st, to \$884,649.40.
4 You've had a total disbursement of \$516,584.81,
5 which is made up of the various line items
6 above. This brings your total cash increase of
7 \$368,064.59. Your cash balance as of
8 January 1, 2022, was \$3,992,407.94. Cash
9 balance as of October 31, 2022, is
10 \$4,360,472.53.

11 If you turn to Page 3, we'll continue with
12 the schedule of cash account activity for the
13 10 months ended October 31, 2022. Your
14 operating account began with a cash balance on
15 January 1st, 2022, of \$1,409,578.39. You have
16 earned interest of \$338.67. Had various cash
17 disbursements of \$517,634.81, along with a
18 voided check of \$1,050. You had a trust
19 transfer of \$398,338.19. As well as a budget
20 transfer of \$212,225.79. Bringing your
21 operating cash balance as of October 31, 2022,
22 to \$1,503,896.23. Your user fee account began
23 with a cash balance on January 1st of
24 \$1,076,244.74. You've earned interest income
25 of \$4,341.52. You've collected user fees of

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1 \$478,933.99. Had a budget transfer of
2 \$212,225.79. You redeemed a certificate of
3 deposit for \$1,509,281.84, as well as recently
4 purchased a certificate of deposit for
5 \$2,300,000. This brings your user fee account
6 balance as of October 31, 2022, to \$556,576.30.

7 Your certificates of deposit, you began
8 January 1st, 2022, with a balance of
9 \$1,506,584.81. You earned interest of
10 \$2,697.03. You redeemed a certificate for
11 \$1,509,281.84. And recently purchased a
12 certificate for \$2,300,000, bringing your
13 certificate of deposit balance as of
14 October 31, 2022, to \$2,300,000.

15 If you turn to Page 4, we will continue
16 with the schedule of 2022 available budget as
17 of November 17, 2022. Your 2022 appropriation
18 budget was \$1,919,735, adding back the accounts
19 payable dated 12/31/2021 of \$50,407.37. You
20 had a budget amendment increasing your budget
21 by \$50,000, as well as the recently approved
22 budget amendment line items of \$15,000.
23 Bringing your 2022 total appropriate budget to
24 \$2,020,142.37. Through October 31, 2022,
25 you've had cash disbursements of \$516,584.81.

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1 In front of you, you have a claims docket dated
2 November 17, 2022, totaling \$31,165.23, which
3 brings your total unused budget to
4 \$1,472,392.33.

5 Are there any questions?

6 MR. LOPEZ: No. Thank you. That was real
7 nice.

8 MR. FEKETE: Thank you, Vanessa. Now to the
9 approval consideration for the accounts payable
10 voucher register dated November 17, 2022. I will
11 entertain a motion to approve.

12 MR. ROBINSON: Motion.

13 MR. LOPEZ: Second.

14 MR. FEKETE: I have a motion and a second. A
15 roll call vote: John Bakota?

16 MR. BAKOTA: Yes.

17 MR. FEKETE: Henry Rodriguez?

18 MR. HENRY RODRIGUEZ: Yes.

19 MR. FEKETE: Jaylan Robinson?

20 MR. ROBINSON: Yes.

21 MR. FEKETE: Kevin Doyle?

22 (No response.)

23 MR. FEKETE: Ray Lopez?

24 MR. LOPEZ: Yes.

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

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1 The next two items are a continuation of a
2 discussion we had at last month's meeting.

3 MR. TREVINO: We have the 2023 budget first.

4 MR. FEKETE: Oh, approval consideration,
5 yeah, of the 2023 budget. I'm sorry. I skipped
6 over it.

7 Fernando?

8 MR. TREVINO: Yeah. So in your board packet
9 is the proposed budget for 2023. There isn't
10 anything of significant different from prior
11 years; however, the total proposed budget for 2023
12 versus last year is around \$260,000 less than the
13 budget from 2022.

14 So as I mentioned, the budget was reviewed
15 with the finance committee, and the
16 recommendation is to approve it.

17 MR. FEKETE: Okay. Any questions for
18 Mr. Trevino?

19 (No response.)

20 MR. FEKETE: Hearing none, we'll have a roll
21 call -- I'll entertain a motion.

22 MR. LOPEZ: Motion to approve.

23 MR. FEKETE: And a second?

24 MR. HENRY RODRIGUEZ: Second.

25 MR. FEKETE: Okay. Roll call vote:

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1 John Bakota?

2 MR. BAKOTA: Yes.

3 MR. FEKETE: Henry Rodriguez?

4 MR. HENRY RODRIGUEZ: Yes.

5 MR. FEKETE: Jaylan Robinson?

6 MR. ROBINSON: Yes.

7 MR. FEKETE: Kevin Doyle?

8 (No response.)

9 MR. FEKETE: Ray Lopez?

10 MR. LOPEZ: Yes.

11 MR. FEKETE: John Fekete, I vote yes. The
12 motion is approved.

13 Now on to the next two items. At last
14 month's meeting we had approved a contract
15 extension or a new contract for the executive
16 director, and a secretary for secretarial help;
17 and it was approved. And also during that
18 period of discussion, it was mentioned and
19 extremely delved into and discussed, that with
20 the upcoming projects that we have that will be
21 done in two phases and extended over a four- to
22 five-year period of time, we should consider
23 extending both the executive director's
24 contract and the secretarial help contract to
25 five years. And this will ensure continuity

1 over the life of both projects. And as these
2 two critical projects are proceeding forward,
3 we just want to maintain that there is no
4 disruptions or any discontinuities. And I
5 might add that these projects lie at the heart
6 of what we all want to improve: The waterways
7 in East Chicago. So, therefore, I will
8 entertain a motion to approve the FMT
9 Consulting contract for five years which will
10 supersede the one that we approved at last
11 months meeting.

12 MR. BAKOTA: Motion to approve.

13 MR. ROBINSON: Second.

14 MR. FEKETE: A motion and a second.

15 Roll call vote: John Bakota?

16 MR. BAKOTA: Yes.

17 MR. FEKETE: Henry Rodriguez?

18 MR. HENRY RODRIGUEZ: Yes.

19 MR. FEKETE: Jaylan Robinson?

20 MR. ROBINSON: Yes.

21 MR. FEKETE: Kevin Doyle?

22 (No response.)

23 MR. FEKETE: Ray Lopez?

24 MR. LOPEZ: Yes.

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

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1 Now, I'll entertain a motion to approve
2 the Olga Cosme contract for five years, and it
3 will supercede the contract that we approved
4 last month.

5 MR. LOPEZ: Motion to approve.

6 MR. FEKETE: We have a motion. And a second?

7 MR. HENRY RODRIGUEZ: Second.

8 MR. FEKETE: And a second. Roll call vote:
9 John Bakota?

10 MR. BAKOTA: Yes.

11 MR. FEKETE: Henry Rodriguez?

12 MR. HENRY RODRIGUEZ: Yes.

13 MR. FEKETE: Jaylan Robinson?

14 MR. ROBINSON: Yes.

15 MR. FEKETE: Kevin Doyle?

16 (No response.)

17 MR. FEKETE: Ray Lopez?

18 MR. LOPEZ: Yes.

19 MR. FEKETE: John Fekete, I vote yes. That
20 motion is approved. Okay, thank you very much.

21 The next order of business is the approval
22 consideration for the Plews engagement letter.
23 Mr. Trevino.

24 MR. TREVINO: Yes. As a reminder, Plews law
25 firm out of Indianapolis has been working on our

1 efforts to amend the PCA and the tipping fee
2 agreement, and their current engagement letter has
3 recently tapped out and recommending an additional
4 \$15,000, which will take us to the end of this
5 year, and also we've budgeted \$10,000 for
6 potential legal efforts related to both of those,
7 the PCA and the tipping fee agreement and trust
8 issues in 2023; so my recommendation is to approve
9 the new engagement letter.

10 MR. FEKETE: Okay. Any questions for
11 Mr. Trevino?

12 (No response.)

13 MR. FEKETE: Okay. I'll entertain a motion
14 to approve the Plews engagement letter.

15 MR. HENRY RODRIGUEZ: Motion to approve.

16 MR. FEKETE: And a second?

17 MR. ROBINSON: Second.

18 MR. FEKETE: Okay. Roll call vote:
19 John Bakota?

20 MR. BAKOTA: Yes.

21 MR. FEKETE: Henry Rodriguez?

22 MR. HENRY RODRIGUEZ: Yes.

23 MR. FEKETE: Jaylan Robinson?

24 MR. ROBINSON: Yes.

25 MR. FEKETE: Kevin Doyle?

1 (No response.)

2 MR. FEKETE: Ray Lopez?

3 MR. LOPEZ: Yes.

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

5 The BMO Harris trust report.

6 MR. ALONZO: Dave Alonzo, BMO Harris Bank.

7 This evening I was going to run through our report
8 as normal. I'll run through a couple updates and
9 then I was going to introduce a business partner,
10 Robert Santore, who will be more engaged within
11 the trust side. We'll start with the report.

12 On that first page of the report it shows
13 all the funds that are sitting in the money
14 market. The total balance as of the end of
15 October was \$4,138,028.49. There was a gain of
16 \$668.83 worth of interest from our last
17 meeting. The second page of that document goes
18 through essentially the withdrawals from
19 inception up until this past year, which shows
20 the withdrawal of \$398,338.19 for the budget.
21 So as I mentioned, at the last board meeting we
22 had talked about opening up a CD. We went
23 through the process of getting that approved,
24 and then we had a little bit of a set back in
25 setting that up, and I was going to go through

1 that.

2 So in the past we've had CDs that would
3 continually come due; we would discuss them in
4 our finance committee meeting; renew them or
5 add money to them or move money from one
6 account to another or split it up into another
7 CD. So we never really had to establish a
8 brand new CD because this has really been the
9 first time that I can recall that we've ever
10 had 100 percent of our money invested in cash
11 in that money market. And we had done that, of
12 course, this year because the interest rate
13 environment was pretty close to where the money
14 market is. And the money market is actually
15 .2. I think on the report I have it as .05.

16 But at .2 percent, the money market rate
17 was close to a 13-month bank CD, which was at,
18 I think, .35 or .25. So it really never made
19 sense, especially when we saw sort of the
20 writing on the wall that the fed was going to
21 be raising interest rates. So we held tight,
22 and that's only benefited the trust going
23 forward.

24 In the past we never really opened up a
25 brand new account. So when we approved the

1 opening of that 25-month CD, I took that letter
2 of authorization to one of our bankers who went
3 to go open up the CD. She had going some
4 response back from our operations department
5 asking for some updated information about ECI
6 facility trust, some documentation. So she,
7 not being familiar with that, sent that to our
8 business banker, Derrick Estrada; who, with
9 Derrick's help, sort of helped to find the
10 correct avenue to where and what we needed to
11 get done to get this CD open. So Robert
12 Santore is on the line with us today. He's one
13 of my business partners here at BMO Harris
14 Bank. Robert is in the BMO institutional
15 markets division, primarily in the government
16 banking side, so he's really involved with
17 essentially where ECI facilities trust is
18 designated as a government entity. And then of
19 course the ECWMD part of that whole government
20 entity would fall under essentially that
21 jurisdiction within the BMO world.

22 So with some back and forth and
23 conversation with Robert and Derrick, you know,
24 in the BMO world it made sense that Robert's
25 line of business would house this money,

1 because we do have the capabilities within BMO
2 to segment those funds and which provides some
3 additional benefits. So it definitely made
4 sense. You know, over the years as we've been
5 working with this, essentially you guys are the
6 fiduciaries of this trust money to finding the
7 best opportunities when those arise, which is
8 part of our finance committee meeting is going
9 through rates and opportunities.

10 So I think within this move in particular,
11 with these funds being sort of just moved over
12 to another segment of the bank, will definitely
13 help because the rate environment is a bit more
14 appealing than what we're sort of used to
15 seeing. So when it comes to options and rates,
16 there's definitely a lot more availability
17 within the government entity -- or the
18 government banking side of the business.

19 So even though I would essentially be
20 stepping aside from the sort of the contact on
21 this, I had mentioned to Bob that I'd be happy
22 to help facilitate with any transactions, some
23 documentation signing, or if it was
24 disbursements of the trust funds to, you know,
25 the First Merchants as we've done in the past.

1 I definitely feel that based on BMO's
2 capabilities, this would be really the best for
3 the trust funds because of the ability for us
4 to get you better interest rates. And, again,
5 we've never had to do this in the past because
6 we've never had to open up a brand new account.
7 You essentially used the maturing CD accounts
8 numbers to continually renew them. So this is
9 newer to us all.

10 Since we have this account established
11 here in BMO and the Mercantile way back when,
12 some of the rules around what's required to
13 open new accounts has changed with
14 documentation. So I know we'll work on helping
15 get everything established. So even though
16 Robert might not necessarily be in Northwest
17 Indiana, this is part of the market that he
18 covers, and I'll work with him to help do what
19 we need to do to help that transition work for
20 the board. But I don't want to speak for
21 Robert. But if Robert wants to chime in on
22 anything, feel free to.

23 MR.

24 MR. SANTORE: Thanks, David. Thanks for
25 inviting me. Thanks for inviting me to the

1 meeting. I think David covered most of it but
2 just to reiterate, I work within the institutional
3 markets group which houses a few different lines
4 of business. But specifically I work in the
5 government and municipal banking group. So all of
6 our clients are clients like yourself. It could
7 be park districts, fire protection, schools,
8 villages, cities, counties, et cetera. So we have
9 a niche as far as product offerings that we can
10 offer clients like yourself versus going into one
11 of our retail bank branches. So, you know,
12 customized products for municipalities and, you
13 know, bank accounts, lending, leasing, equipment
14 leasing, anything along those lines, we certainly
15 specialize in. And I do represent -- so the
16 gentleman that used to represent Northwest Indiana
17 recently retired and I have kind of slotted into
18 his role representing Northwest Indiana as far as
19 on the municipal side. So you guys certainly fall
20 into my territory. I'm based in our Chicago loop
21 office, but I'm not very far away from you, and I
22 certainly want to throw myself out there for you
23 as a resource. Any time you need banking needs or
24 questions or just want to run something past me, I
25 want to make myself available to you. And like

1 David said, it's a team approach. If you're more
2 comfortable with the paperwork dropoff, we can
3 work in tandem together to get the accounts open
4 for you and review things for you.

5 So if have any questions, I'm happy to
6 answer those for you. But, otherwise, I look
7 forward to working with you.

8 MR. FEKETE: Well, thank you, Bob. Earlier
9 David and I came to an agreement that I will meet
10 up with him some time tomorrow morning and we will
11 finish up the signing of the appropriate
12 documents.

13 MR. SANTORE: Okay, that sounds good. He can
14 get those to me and we'll keep working on that for
15 you.

16 MR. ALONZO: I'll forward them up to Bob and
17 get the process going on those CDs. And come next
18 meeting, you will be earning substantially better
19 interest rates than you are now. So that's
20 positive for the trust, and definitely going
21 forward will continue to grow this money for the
22 long term.

23 MR. FEKETE: Very good.

24 MR. LOPEZ: Thank you, Bob.

25 MR. FEKETE: Thank you both.

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1 MR. SANTORE: Thank for having me.

2 MR. FEKETE: Any questions?

3 (No response.)

4 MR. FEKETE: Hearing none, our next order of
5 business --

6 MR. TREVINO: Did we take action on the
7 letter or, no? I don't remember.

8 MR. FEKETE: We need approval for the letter.
9 I'll entertain a motion to approve the letter of
10 authorization.

11 MR. LOPEZ: Motion to approve.

12 MR. FEKETE: Do I have a second?

13 MR. ROBINSON: Second.

14 Roll call vote: John Bakota?

15 MR. BAKOTA: Yes.

16 MR. FEKETE: Henry Rodriguez?

17 MR. HENRY RODRIGUEZ: Yes.

18 MR. FEKETE: Jaylan Robinson?

19 MR. ROBINSON: Yes.

20 MR. FEKETE: Kevin Doyle?

21 (No response.)

22 MR. FEKETE: Ray Lopez?

23 MR. LOPEZ: Yes.

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

25 Okay. The next piece of business is the

1 Great Lakes Legacy Act Grand Cal' river
2 junction reaches remedial design project
3 update. Mr. Wescott.

4 MR. WESCOTT: Not much to report. We're just
5 trying to finalize some of the permits as well as
6 resolve some of the comments on drawings specs,
7 specifications of some of the comments we received
8 both from Fernando as well as USASE. So the
9 project continues to move along. I can't remember
10 if Fernando mentioned there was another
11 conversation regarding the city dump, which is
12 adjacent to the Grand Calumet project site. That
13 seems like it's moving forward favorably. I'm not
14 sure what the timing -- if the timing is something
15 that would allow GLNPO to move forward quicker.
16 But I know that Fernando and I and the EPA project
17 managers will probably talk more about that over
18 the next couple weeks. But all in all, the
19 project is moving forward, so hopefully we can get
20 something done next year.

21 Are there any questions?

22 MR. FEKETE: Any questions for Mr. Wescott?

23 (No response.)

24 MR. FEKETE: Hopefully we do get something
25 done next year.

1 Okay. U.S. Army Corps of Engineers board
2 report.

3 MR. TREVINO: Mr. Nguyen wasn't able to make
4 it today. His project update report is in your
5 packet. I'll just go over very briefly regarding
6 the CDF construction: They've completed the
7 closeout package for the dredging contract with
8 Kokosing and O'Brien and Gere. Clean Harbors has
9 started preliminary water treatment on October 1st
10 and is adjusting the treatment to meet the water
11 quality before discharge gets into the canal.

12 Phase two dike raise project: That
13 construction is ongoing. The oil boom
14 coordination: Nothing significant to report.
15 The PCA closeout with the PCA amendment and the
16 final LEERD credit: The Corps will work to
17 close out the project cost share based on the
18 amended PCA. Regarding the tipping fee
19 amendment: Colonel Culbertson signed the
20 tipping fee amendment, and we received that. I
21 reported that at the last board meeting and
22 earlier today. On the parkway topic:
23 Typically the CDF maintenance staff inspects
24 the parkway once a month, but will be more
25 diligent in inspecting the parkway. They've

1 cleared out a lot of the larger debris, but
2 their sweeper isn't working right now. So as
3 soon as the sweeper works, they're planning to
4 use the sweeper to get some of the smaller
5 debris.

6 And, John, you had mentioned his report
7 didn't say anything about the snowplowing, so
8 I'll follow up and see what their position is
9 on cleaning snow out for that area.

10 MR. BAKOTA: Thank you.

11 MR. TREVINO: And that concludes the Army
12 Corps report.

13 MR. FEKETE: Okay. Any questions?

14 (No response.)

15 MR. FEKETE: All right. Ellen Gregory
16 report.

17 MS. GREGORY: Yes. Ellen Gregory with Ellen
18 Gregory Law. Primarily the legal matters that
19 have been addressed in the past month have related
20 to the BP property transfer term sheet agreement.
21 We've been trading drafts of settlement agreement
22 back and forth with BP. We received the most
23 recent redline from them on the 14th; continue to
24 have calls every two to three weeks and then
25 internal calls in the interim. Tomorrow we have a

1 call scheduled with Fernando Trevino and Jim
2 Wieser and myself to go over the latest redline.
3 We're still hoping to get this transaction
4 finalized by the end of the year or early 2023.

5 And then in terms of the contracts that
6 Fernando has mentioned, the FMT Consulting
7 contract, Olga Cosme contract, and the Plews
8 engagement letter, I've been working with
9 Fernando to go over those changes.

10 And that's pretty much it, in terms of
11 legal matters.

12 MR. FEKETE: Any questions for Miss Gregory?

13 (No response.)

14 MR. FEKETE: Thank you very much. Any other
15 new business to come before the board?

16 (No response.)

17 MR. FEKETE: Any public comments or other
18 comments?

19 (No response.)

20 MR. FEKETE: Hearing none, the next board
21 meeting will be December 15, 2022 at 5:00 p.m. at
22 this location. This meeting is adjourned.

23

24

25

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 on the aforementioned date, time, and location, for the East Chicago Waterway Management District Board of Directors' Meeting.

I further certify that I then and there reported in machine shorthand the proceedings of said Special Meeting, 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 the proceedings.

I further certify that I am not related by blood or marriage to any of the parties, nor am I an employee of any of the parties or of their attorneys or agents, nor am I interested in any way, financially or otherwise, in the outcome of said litigation.

Dated this 14th day of December, 2022.



Dawn M. Iseminger, RPR
My Commission expires: 9/22/2025



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