

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

December 15, 2022



Iseminger & Associates, Inc.
877-337-7379

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3 EAST CHICAGO WATERWAY MANAGEMENT
4 DISTRICT BOARD OF DIRECTORS' MEETING
5

6 City of East Chicago, Engineering/Annex Building
7 4444 Railroad Avenue
8 East Chicago, Indiana
9 Via Zoom/Telephonic Conference

10 -----
11 December 15th, 2022

12 Thursday, 5:00 p.m.
13 -----

14
15 Transcript of the proceedings had in the
16 above-entitled matter, on the 15th day of December,
17 2022, at 5:00 p.m., at the City of East Chicago
18 Engineering/Annex Building, 4444 Railroad Avenue,
19 East Chicago, Indiana, before Pamela C. Mokrzycki,
20 Certified Shorthand Reporter and Notary Public
21 for the County of Porter, State of Indiana.

22
23 ISEMINGER & ASSOCIATES, INC.
24 14 Indiana Avenue, Suite A
25 1st Source Bank Building
Valparaiso, Indiana 46383
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A P P E A R A N C E S :

- MR. JOHN FEKETE, President
- MR. JOHN BAKOTA, Board Member
- MR. RAY LOPEZ, Board Member
- MR. HENRY RODRIGUEZ, Board Member
- MR. JAYLAN ROBINSON, Board Member
- MR. FERNANDO TREVINO, FMT Consulting
- MS. ELLEN GREGORY, East Chicago Waterway Board of Directors' Attorney

ALSO PRESENT VIA ZOOM:

- JAMES WESCOTT, TetraTech,
- NICK ZALUZEC & KATE GREEN, Resource Environmental Solutions,
- VANESSA VARGAS, CliftonLarsonAllen
- ROBERT SANTORE, BMO Harris Bank
- LAURIE DUSZYNSKI, BP.

* * * * *

District Board of Directors' Meeting
12/15/2022

1 MR. FEKETE: I would like to call
2 to order the East Chicago Waterway medical
3 Management District Special Board of
4 Directors' Meeting. Today's date is
5 December 15th, and the time is 5:05.

6 The first order of business is roll
7 call. John Bakota?

8 MR. BAKOTA: Here.

9 MR. FEKETE: Henry Rodriguez?

10 MR. RODRIGUEZ: Here.

11 MR. FEKETE: Jaylan Robinson?

12 MR. ROBINSON: Here.

13 MR. FEKETE: Kevin Doyle?

14 (No response.)

15 MR. FEKETE: Ray Lopez?

16 MR. LOPEZ: Here.

17 MR. FEKETE: John Fekete? Here.

18 Okay. We do have a quorum.

19 The Executive Director's Report,
20 Mr. Trevino.

21 MR. TREVINO: Yes. Fernando Trevino
22 with FMT Consulting.

23 First, I would like to start off
24 by going over the contents of your board
25 packet. You have today's agenda.

1 You have a copy of the public
2 meeting posting for today's meeting.

3 You have the board minutes for the
4 November 17th board meeting.

5 You have a couple emails to and
6 from Beth Admire -- Wait a minute.
7 That was the last one so we can scratch
8 that one.

9 You have the CliftonLarsonAllen
10 Financial Report --

11 COURT STENOGRAPHER: I'm sorry,
12 CliftonLarson --

13 MR. TREVINO: Allen.

14 COURT STENOGRAPHER: Okay.
15 CliftonLarsonAllen. Thank you. You have to
16 slow down a little bit.

17 MR. TREVINO: Okay. The
18 CliftonLarsonAllen Financial Report dated
19 November 30th, 2022. And that's for the
20 month of November.

21 You have today's claim docket dated
22 December 15th, along with the purchase
23 orders and the check register for approval
24 consideration.

25 You have the First Merchant Bank

1 statements for the month of November of
2 2022 for accounts ending in 608 and 616,
3 along with the copy of the checks that
4 cleared last month. And a copy of one
5 user fee deposit that was made in the
6 month of November.

7 And then you also have the First
8 Merchant CD Report with a run date of
9 December 12th.

10 You have an email from Attorney
11 Jim Wieser dated December 12th, which
12 includes his recommendation on the pursuit
13 of the HARSCO 2022 unpaid user fee.

14 You have the Canal Street Bridge
15 Project, U.S. Coast Guard, Private Aids
16 to Navigation Application.

17 COURT STENOGRAPHER: I'm sorry,
18 Private Aids?

19 MR. TREVINO: Yes, Private Aids,
20 A-i-d-s.

21 COURT STENOGRAPHER: Okay. Thank
22 you.

23 MR. TREVINO: You have the BMO
24 Trust reports through November 30th of
25 2022.

1 You have the Army Corps Report to
2 the board dated December 15th.

3 You have the Attorney Ellen Gregory
4 report to the board with a remission date
5 of December 14th.

6 And you have TetraTech's monthly
7 Great Lakes Legacy Act Grand Cal River
8 Remedial Design Project Report dated
9 December 12th. And that's through the
10 month of November.

11 And you have AECOM's monthly
12 invoice budget report and their schedule
13 regarding the Canal Street Bridge Project.

14 And also I provided a copy of the
15 2022 performance evaluation for FMT
16 Consulting Services. And the evaluation
17 report also includes a summary of our
18 success stories and a summary of all
19 the evaluations.

20 That concludes the items in your
21 packet. Go over a couple items to report
22 on.

23 Regarding the action items on today's
24 agenda. You have the two traditional action
25 items of the board minutes and the monthly

1 claim docket and you have three additional
2 items.

3 One is the approval of the
4 District's 2023 announcement of Annual
5 Executive and Public Board Meeting dates
6 and times.

7 You have approval consideration of
8 legal pursuit of unpaid 2022 user fee.
9 And you have an approval consideration
10 application related to the Canal Street
11 Bridge Project.

12 Regarding finances per email
13 correspondence with Adam Mittermaier
14 of EPA the -- their approval of trust
15 portion of the 2023 budget is going
16 forward.

17 Regarding the -- I'm sorry.

18 Regarding the user fees to date we
19 have collected and deposited approximately
20 \$382,000.00, which is approximately
21 ninety percent of the 2022 user fees.
22 There are two remaining unpaid user fees.
23 One of those two originally requested a
24 waiver because of their conservation
25 easement. The board might recall that

1 we didn't have a policy to waive
2 conservation easements until this year,
3 but it doesn't take into effect until 2023.
4 That particular user, East Chicago Gateway
5 Partnership, has since agreed to pay the
6 2022 user fee and we are awaiting receipt
7 of payment. And once we receive this
8 payment our collection will be at
9 98.5 percent for the year.

10 The second unpaid user fee hasn't
11 responded or contacted us at all, so we
12 initiated the collection process. Attorney
13 Wieser has submitted a legal notice
14 notifying them of the past due account
15 and the next step is to go through the
16 court system. There's a recommendation
17 in your packet. It's an email from
18 Attorney Wieser and basically to reduce
19 the unpaid debt to \$6,000.00 so that we
20 can go through the Lake County Small Claims
21 process which will be more efficient. So
22 the difference is around -- I think the
23 balance due is 6,097 and then some change.
24 So it's basically reducing the debt to --
25 by \$97.00 and some change.

1 Regarding the Great Lakes Legacy
2 Project, the Lake George Canal East and
3 Middle areas of the sheet pile wall
4 project --

5 COURT STENOGRAPHER: I'm sorry, the
6 sheet --

7 MR. TREVINO: The Great Lakes Legacy
8 Project and the Lake George Canal East and
9 Middle areas of the sheet pile wall project.
10 AR/BP has completed their request for
11 proposal process for the construction
12 of the sheet pile wall and it was awarded
13 to Jacobs who is also tasked to complete
14 the design from ninety percent to a hundred
15 percent. And we continue to work with BP
16 to help resolve easement conflicts with the
17 construction of the sheet pile wall and
18 the south plant farm. And the sheet pile
19 wall is forecasted to be completed by 2024.

20 Regarding the Lake Great George
21 Canal East Section, Phase II dredging is
22 scheduled to recommence after the sheet
23 pile wall project is completed, which is,
24 as mentioned, is not scheduled to be done
25 until 2024. The Corps of Engineers is

1 managing the dredging project on EPA's
2 behalf and the Corps is coordinating
3 additional canal settlement sampling
4 which is scheduled to be done sometime
5 in the spring of 2023.

6 The Lake George Canal Middle Cap
7 Project. The Army Corps of Engineers is
8 managing this remediation project and
9 construction activities are ongoing. The
10 Corps and the construction contractor,
11 Brennan, has concluded their change order
12 process for the procurement and construction
13 of the Geo grids material. The capping
14 activities are currently forecasted to
15 continue through the winter months,
16 weather pending.

17 Regarding the Lake George Canal
18 West portion of the canal, that work
19 between BP and EPA is ongoing.

20 Regarding the Grand Cal River
21 Junction Reaches Remedial Design
22 TetraTech remediation or remedial
23 design work is ongoing. The project
24 team continues to have periodic meetings
25 to --

1 MR. FEKETE: I'm sorry, you have
2 got to slow down.

3 MR. TREVINO: The project team
4 continues to have periodic meetings
5 to discuss activities such as completing
6 the design, property access coordination,
7 permit applications, Junction Marsh
8 coordination, and community engagement.

9 Regarding the cost share as a
10 reminder the District received a letter
11 from EPA dated July 26th of this year
12 approving 16.9 million in cost share
13 related to the Cleveland Cliffs Set
14 Project. And set is s-e-t. Now that
15 Cleveland Cliffs 53 agreement amidst
16 modification has been approved EPA has
17 conceptually approved an additional 3.27
18 million for a total of approximately
19 20.2 million in qualified cost share.

20 The Grand Cal River Phase I
21 remediation project proposal project, EPA
22 and the District is basically completed
23 and working on the bulk of the project
24 agreement for that -- or the Phase I
25 work which is approximately 29 million

1 in federal funds. The two remaining
2 action items to be completed is the
3 Statement of Work, which is an attachment
4 to the project agreement and resolving the
5 source control concerns. The project's
6 agreement scope for that Phase I remediation
7 includes complete remediation
8 of the Grand Cal River West Branch,
9 dredging of the Indiana Harbor Canal
10 Branch, and restoration of the Junction
11 Marsh which is currently planned to be bid
12 as an option.

13 Regarding the Great Lakes Legacy
14 Act work in-kind report, the District
15 submitted the report for the first six
16 months of 2022. We haven't received any
17 feedback from EPA as of today.

18 Regarding the Canal Street Bridge
19 Project, AECOM continues their efforts on
20 the dolphin design and permit applications.
21 Project schedules are included in your
22 packet. We have a present -- a project
23 presentation scheduled for this coming
24 Monday, December 19th, with the City's
25 Planning Commission. Our plan is to get

1 direction from the City on whether city
2 permits will be required and any comments
3 that they might have on the bids, specs,
4 and drawings that we submitted to them
5 for review.

6 Finalizing the design and permits
7 along with the contractor and material
8 procurement is scheduled to be done during
9 the winter months and construction's
10 forecasted for the month of June and July
11 of 2023.

12 Regarding the BT Turn Sheet
13 Agreement for parcels that BP is
14 interested in acquiring. From the
15 District that contract negotiation with
16 BP continues and I think we are getting
17 close to finalizing the settlement
18 agreement.

19 Regarding the Core report. That
20 report is in your packet and Attorney
21 Ellen Gregory will give an update on
22 various legal matters.

23 And that concludes my report.

24 MR. FEKETE: Any questions for
25 Mr. Trevino?

1 (No response.)

2 MR. FEKETE: Thank you very much,
3 before we move on I would like to have
4 the people who are on the call introduce
5 themselves. Starting with --

6 MS. GREGORY: We will start with
7 Jim Westcott.

8 Jim, you are on the top of my list.

9 MR. FEKETE: Who do we have?

10 MS. GREGORY: There's --

11 MR. FEKETE: How many do we have?

12 MS. GREGORY: There's like seven.

13 MR. LOPEZ: Then we have a crowd.

14 (Everyone laughing out loud.)

15 MS. GREGORY: Kate Green, can you
16 introduce yourself?

17 MS. GREEN: Kate Green with Resource
18 --

19 COURT STENOGRAPHER: I'm sorry, Kate
20 Green with --

21 MS. GREEN: Resource Environmental
22 Solutions.

23 COURT STENOGRAPHER: Thank you.

24 MS. GREGORY: Nick Zaluzec.

25 MR. ZALUZEC: Nick Zaluzec, also

1 with Resource Environmental Solutions.

2 COURT STENOGRAPHER: I need a
3 spelling on that.

4 MS. GREGORY: Z-a-l-u-z-e-c.

5 MR. FEKETE: Okay.

6 MR. SANTORE: Robert Santore.

7 MR. FEKETE: Okay.

8 MR. SANTORE: Robert Santore --

9 COURT STENOGRAPHER: I'm sorry, I
10 can't hear him.

11 MR. SANTORE: Robert Santore with
12 BMO Harris Bank.

13 COURT STENOGRAPHER: Thank you.

14 MS. GREGORY: And Vanessa Vargas.

15 MS. VARGAS: Vanessa Vargas with
16 CliftonLarsonAllen.

17 COURT STENOGRAPHER: I'm sorry, with
18 Clifton --

19 MS. VARGAS: CliftonLarsonAllen.

20 MR. FEKETE: Hi, Kristen.

21 MS. GREGORY: I think that's it.

22 Oh, and Laurie. Laurie Duszynski.

23 Why don't you just go --

24 COURT STENOGRAPHER: Laurie who?

25 MS. DUSZYNSKI: Laurie Duszynski

1 with BP.

2 COURT STENOGRAPHER: Laurie?

3 MS. GREGORY: Yeah, I gave it to you
4 at the beginning with --

5 COURT STENOGRAPHER: But I still
6 have to hear it. I can't put it down
7 unless she says it.

8 MR. FEKETE: Is that everyone, Ellen?

9 MS. GREGORY: Yes, that is it.

10 MR. FEKETE: Okay. Thank you very
11 much.

12 The next item on the agenda is the
13 FMT Consulting Performance Evaluation
14 Report. And, Mr. Trevino, you are going
15 to review that?

16 MR. TREVINO: Yes. As I mentioned,
17 I provided a copy of a summary report for
18 my 2022 evaluation. So I want to thank
19 the board members for providing their
20 feedback.

21 Just to summarize a couple things.

22 The total average score of all
23 the categories were -- was 4.6 out of
24 a possible five. And a reminder that
25 the five category was exceeds expectations.

1 And the average was based on six board
2 members because that was the amount of
3 scores that were received, that's the
4 amount of board members that were on
5 the board at this particular time.

6 And I also summarized some of the
7 key success stories that we had for 2022.
8 I think there is seven listed. I think
9 three of the more important ones was we
10 concluded our negotiations and finalized
11 the Project Cooperation Agreement Amendment
12 with the Army Corps of Engineers. And we
13 also completed the negotiations and the
14 modification of the tipping fee agreement
15 with Cleveland Cliffs and the Army Corps
16 of Engineers and both of those amendments
17 when they were finalized it resolved
18 millions of dollars in dispute with --
19 regarding the tipping fee and the sediments
20 that were stored, dredged and -- dredged
21 and stored in the local CDF.

22 And then the other is we submitted
23 a 27.3 million dollar proposal to EPA for
24 the Grand Cal River Phase I Remediation.
25 They approved the proposal to be forwarded

1 and start negotiations on a project
2 agreement, which I reported that we have
3 been working on. So, hopefully, in the
4 next couple months we will have that
5 project agreement finalized for board
6 review and approval consideration.

7 So again, I want to thank the board
8 for their feedback and thank you for being
9 a valued client. I appreciate that.

10 MR. FEKETE: Okay.

11 MR. TREVINO: Any questions?

12 MR. FEKETE: Thank you.

13 MR. TREVINO: (Nodding.)

14 MR. FEKETE: The next item is the
15 approval consideration of our board meeting
16 minutes of November 17th, 2022.

17 MR. BAKOTA: Motion to approve.

18 MR. FEKETE: A second?

19 MR. LOPEZ: Second.

20 MR. FEKETE: And a second?

21 MR. LOPEZ: Yes.

22 MR. FEKETE: And a second was Ray
23 Lopez.

24 Since all board members are present
25 we will do it by voice vote.

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1 And all in favor signify by saying,
2 "Aye."

3 ALL: Aye.

4 MR. FEKETE: Any opposition,
5 abstentions?

6 ALL: (No response.)

7 MR. FEKETE: Okay. The motion is
8 approved.

9 And next order is the review of the
10 2023 monthly executive and public meeting
11 announcements. Do we need an approval for
12 this?

13 MR. RODRIGUEZ: Motion to approve.

14 MR. ROBINSON: Second.

15 MR. RODRIGUEZ: Second.

16 MR. FEKETE: And we have a second.

17 MR. RODRIGUEZ: Henry.

18 MR. FEKETE: Henry and Jaylan.

19 Thank you.

20 MR. ROBINSON: (Nodding.)

21 MR. FEKETE: Entertain a voice vote.

22 All in favor signify by saying, "Aye".

23 ALL: Aye.

24 MR. FEKETE: And any opposition,
25 abstentions?

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1 ALL: (No response.)

2 MR. FEKETE: Hearing none the motion
3 is approved.

4 The next order of business is the
5 accountant consultant report.

6 Vanessa.

7 MS. VARGAS: Hi, everyone, in
8 front of you --

9 COURT STENOGRAPHER: I'm sorry, I
10 can't --

11 MR. LOPEZ: Wait.

12 MR. RODRIGUEZ: Hang on a second.

13 MS. GREGORY: I will turn it up a
14 little.

15 MR. TREVINO: Yeah, and see if she
16 can hear it. And if not we will move it
17 over here, Ellen.

18 MS. GREGORY: Okay. Can you try
19 again?

20 MS. VARGAS: Can you hear me?

21 COURT STENOGRAPHER: Yes.

22 MS. VARGAS: Okay. Vanessa Vargas
23 with CLA.

24 In front of you, you have a copy of
25 the November 30th financial statements on

1 a cash basis.

2 If you turn to page two we will
3 begin with a statement of cash receipts
4 and cash disbursements for the eleven
5 months ended November 30th, 2022.

6 You have received interest income
7 of \$7,951.17. User fee income of
8 \$4,081,936.22, as well as a trust
9 transfer of \$398,338.19. Through
10 November 30th you have had cash
11 disbursements of \$547,750.04 bringing
12 you to a cash increase of \$340,475.54.
13 You began the year with a cash balance
14 on January 1st of \$3,992,407.94. As
15 of November 30th you have a total cash
16 balance of \$4,332,883.48.

17 If you turn to page three we will
18 continue with the schedule of cash
19 account activity for the eleven months
20 ended November 30th.

21 In your operating account you
22 began the year with a cash balance of
23 \$1,409,578.39. You have earned interest
24 income of \$368.24. You have had cash
25 disbursements of \$548,800.04 which does

1 include a voided check of \$1,050. You
2 have had a trust transfer of \$398,338.19,
3 as well as a budget transfer of \$212,225.79,
4 bringing your operating cash balance as of
5 November 30th to \$1,472,760.57.

6 Your user fee account began the year
7 with a cash balance of \$1,076,244.74 and
8 you have earned interest income of
9 \$4,885.90.

10 You have earned -- You received
11 user fees of \$481,936.22, made a budget
12 transfer of --

13 COURT STENOGRAPHER: I'm sorry, made
14 a budget transfer of --

15 MS. VARGAS: -- \$212,22579. You
16 redeemed a certificate of deposit for
17 \$1,509,281.84. You also recently purchased
18 a certificate of deposit in the amount of
19 \$2,300,00.00 bringing your user fee account
20 balance as of November 30th to \$560,122.91.

21 You began the year with a certificate
22 of deposit and a balance of \$1,506,584.81,
23 you earned interest of \$2,697.03.

24 You redeemed a certificate of deposit
25 for \$1,509,281.84. And you purchased a

1 new certificate --

2 COURT STENOGRAPHER: Hold on. I'm
3 sorry, you purchased a new certificate of
4 deposit --

5 MR. TREVINO: Of deposit --

6 MS. VARGAS: -- certificate of
7 deposit --

8 COURT STENOGRAPHER: Okay.

9 MS. VARGAS: -- for \$2,300,000.00
10 bringing your balance as of November 30th
11 to \$2,300,000.

12 COURT STENOGRAPHER: Okay.

13 MS. VARGAS: If you turn to page
14 four we will continue with the schedule
15 of 2022 available budget as of December
16 15th of 2022.

17 Your 2022 budget appropriation
18 totaled \$1,991,735. Adding back your
19 accounts payable as of 12/31/2021 in
20 the amount of \$50,407.37, as well as a
21 budget amendment for \$50,000.00 brings
22 your 2022 total appropriation to
23 \$2,020,142,37.

24 You have had cash disbursements
25 through November 30th, 2022, in the

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1 amount of \$547,750.04.

2 In front of you you have a claim
3 docket dated December 15th in the total
4 amount of \$32,935.45, bringing your total
5 unused budget for 2022 to \$1,439,456.88.

6 Are there any questions?

7 ALL: (No response.)

8 MR. FEKETE: Hearing none.

9 MR. TREVINO: Okay.

10 MR. LOPEZ: Thank you.

11 MR. FEKETE: Thank you, Vanessa.

12 MR. TREVINO: Thank you.

13 MR. FEKETE: The next item on the
14 agenda is the accounting -- uh -- the
15 approval consideration for the accounts
16 payable voucher register before us.

17 MR. LOPEZ: Motion to accept.

18 MR. FEKETE: Do I have a motion?

19 Do I have a second?

20 MR. ROBINSON: Second.

21 MR. FEKETE: Okay. We will take a
22 roll call vote. John Bakota?

23 MR. BAKOTA: Yes.

24 MR. FEKETE: Henry Rodriguez?

25 MR. RODRIGUEZ: Yes.

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1 MR. FEKETE: Jaylan Robinson?

2 MR. ROBINSON: Yes.

3 MR. FEKETE: Kevin Doyle?

4 (No response.)

5 MR. FEKETE: Ray Lopez?

6 MR. LOPEZ: Yes.

7 MR. FEKETE: John Fekete. And I

8 vote yes. That motion is approved.

9 Okay. We had before us and as
10 explained in Mr. Trevino's update we had
11 the one issue about a legal pursuit of the
12 unpaid 2022 user fee. So we need approval
13 to move forward with that recommendation.

14 Do I hear a motion?

15 MR. RODRIGUEZ: Motion to approve.

16 MR. FEKETE: We have a motion.

17 MR. LOPEZ: Second.

18 MR. FEKETE: We have a second from

19 Ray. I'm sorry.

20 MR. RODRIGUEZ: Ray.

21 MR. FEKETE: Okay. I will take a

22 voice vote on that.

23 John Bakota?

24 MR. BAKOTA: Yes.

25 MR. FEKETE: Henry Rodriguez?

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1 MR. RODRIGUEZ: Yes.

2 MR. FEKETE: Jaylan Robinson?

3 MR. ROBINSON: Yes.

4 MR. FEKETE: Kevin Doyle?

5 (No response.)

6 MR. FEKETE: Ray Lopez?

7 MR. LOPEZ: Yes.

8 MR. FEKETE: John Fekete. And I
9 vote yes. That motion is approved.

10 We have before us an application
11 on the Canal Street Bridge Project. I
12 entertain a motion to approve.

13 MR. RODRIGUEZ: I make a motion to
14 approve.

15 MR. FEKETE: Henry Rodriguez approves.

16 MR. RODRIGUEZ: Right.

17 MR. FEKETE: Second?

18 MR. ROBINSON: Second.

19 MR. FEKETE: Second, Jaylan Robinson.

20 Okay. I will take a voice vote on
21 that. John Bakota?

22 MR. BAKOTA: Yes.

23 MR. FEKETE: Henry Rodriguez?

24 MR. RODRIGUEZ: Yes.

25 MR. FEKETE: Jaylan Robinson?

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1 MR. ROBINSON: Yes.

2 MR. FEKETE: Kevin Doyle?

3 (No response.)

4 MR. FEKETE: Ray Lopez?

5 MR. LOPEZ: Yes.

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

8 Okay. The next item is the BMO
9 Trust Report.

10 MR. TREVINO: Yes, Mr. Santore.

11 MR. SANTORE: (No response.)

12 MR. TREVINO: Are you on mute?

13 MR. SANTORE: Yes.

14 MR. TREVINO: Okay.

15 MR. SANTORE: Hello. Good evening.

16 Yes, so I know that David prepared
17 this for you, so I will try my best to
18 kind of replicate what he was doing.

19 So I did provide the couple of
20 spreadsheets there that you have. So
21 the first page is now showing a combined
22 balance of your existing money market
23 account along with the new CD that was
24 opened in the month of November. The
25 total current value of both accounts

1 is \$4,138,640.25. So for the month of
2 November there was an increase of \$611.76
3 from interest earned.

4 The second page shows the historical
5 values of the trust account from its
6 inception in 1997 with current distribution
7 in 2022 of \$398,338.79.

8 COURT STENOGRAPHER: I'm sorry, it was
9 \$300 --

10 MR. TREVINO: Can you repeat that,
11 Bob?

12 MR. SANTORE: \$398,338.79.

13 COURT STENOGRAPHER: Thank you.

14 MR. SANTORE: You are welcome.

15 So it's kind of like a recap of
16 last month. On November 18th we opened
17 up a new CD for 3.5 million dollars at
18 an interest rate of 3.340 percent and an
19 annual percentage yield of 3.40 percent.
20 Also, I had the interest rate on your
21 existing money market raised to a new
22 rate of 0.995 percent with an annual
23 percentage yield on that account --

24 COURT STENOGRAPHER: I'm sorry, to a
25 new rate of zero point --

1 MR. SANTORE: 0.995 and the annual
2 percentage yield on that account would be
3 one percent even. The previous rate prior
4 to last month was 0.200 percent.

5 MR. LOPEZ: (Laughing.)

6 MR. SANTORE: So the good thing is
7 rates are trending upwards. Yesterday the
8 Federal Reserves increased the fed funds
9 rate by another half percent, which in turn
10 should mean better rates at the bank. So
11 I am hoping to bump up that money market
12 for you a little bit. The rates kind of
13 trail behind from the new current rate of
14 .995. I am hoping next month in January
15 to see if I can bump that up a bit further
16 for you.

17 MR. FEKETE: Okay. Is that it?

18 MR. TREVINO: (Nodding.)

19 MR. SANTORE: And with --

20 MR. FEKETE: Sorry.

21 MR. SANTORE: And with the Federal
22 Reserve announcement I know we did the
23 CD last month, but if there is still
24 considerations for whether it's short-term
25 or long-term investments the CD rates

1 continue to rise. And with the announcement
2 yesterday we are probably in the ballpark
3 of four percent depending on what term that
4 you might be looking at. So something to
5 keep in mind if you do have some more funds
6 available for investment. And I would be
7 happy to provide some proposals for that
8 if that's something that you want to look
9 at.

10 MR. FEKETE: Okay. Very good. Thank
11 you, Mr. Santore.

12 MR. SANTORE: You are welcome.

13 Thank you.

14 MR. FEKETE: The next item is the
15 Great Lakes Legacy Act, Grand Cal River
16 Junction Reaches Remedial Design project
17 update.

18 COURT STENOGRAPHER: I'm sorry, the
19 Grand --

20 MR. FEKETE: The Great Lakes Legacy
21 Act, Grand Cal River Junction Reaches
22 Remedial Design project update.

23 COURT STENOGRAPHER: I'm sorry, Grand
24 Cal River --

25 MR. FEKETE: Junction Reaches

1 Remedial Design project update.

2 COURT STENOGRAPHER: Thank you.

3 MR. FEKETE: I assume that's going
4 to be Mr. Westcott?

5 MR. WESTCOTT: Can everybody hear
6 me?

7 MR. FEKETE: Yes.

8 MR. WESTCOTT: Okay. Can you guys
9 hear me okay?

10 MR. FEKETE: Yes.

11 COURT STENOGRAPHER: I am having a
12 hard time.

13 MR. TREVINO: Right.

14 MR. LOPEZ: Let's get it down to
15 the other end.

16 MR. WESTCOTT: Okay. Down to the
17 other end.

18 MR. TREVINO: I am walking, enjoy
19 the view.

20 MR. FEKETE: Okay.

21 COURT STENOGRAPHER: Thank you.

22 MR. WESTCOTT: All right. It's
23 like a tour.

24 COURT STENOGRAPHER: Thank you.

25 MR. WESTCOTT: I will try to keep it

1 brief.

2 The project continues to go forward
3 like Fernando mentioned. We have done a
4 few revisions to the drawings and specs and
5 I have got some feedback from some of the
6 permits which is positive. They are all
7 kind of moving forward, but I think the
8 main thing after the holiday, or maybe when
9 -- the next time that we talk to GLNPO
10 is just to kind of get a better sense of
11 what their -- what GLNPO'S schedule is going
12 to be. We have talked before about issues
13 with the city dump which is adjacent to the
14 river which is causing some issues. But,
15 hopefully, we can have all that clarified,
16 you know, in the next month or so.

17 Did that come through? Did you guys
18 get that?

19 COURT STENOGRAPHER: Yep.

20 MR. FEKETE: You are fine.

21 MR. WESTCOTT: Okay. Because I will
22 say you are kind of coming in and out on
23 your end.

24 MR. TREVINO: All of us?

25 MR. FEKETE: Um --

1 MR. WESTCOTT: Just like when -- and
2 maybe it's my connection, or something.
3 But as long as there is no questions for
4 me I guess it's okay.

5 (Everyone laughing out loud.)

6 MR. FEKETE: As long as the court
7 reporter can hear you we are in good shape.

8 MR. TREVINO: Yeah.

9 MR. WESTCOTT: That's correct.

10 COURT STENOGRAPHER: And I can hear
11 you.

12 MR. WESTCOTT: Okay.

13 MR. BAKOTA: Is that it?

14 MR. TREVINO: Any questions for
15 Mr. Westcott?

16 MR. BAKOTA: No.

17 MR. TREVINO: No.

18 MR. FEKETE: No questions yet.

19 MR. WESTCOTT: Okay.

20 MR. BAKOTA: Is that it?

21 MR. FEKETE: Okay. Anything
22 additional, Mr. Westcott?

23 MR. WESTCOTT: No.

24 MR. FEKETE: Okay.

25 MR. WESTCOTT: I think that we are

1 just kind of waiting for GLNPO at this
2 point.

3 MR. FEKETE: Okay.

4 ALL: (No response.)

5 MR. TREVINO: Army Corps report.

6 MR. FEKETE: Okay. The next order
7 of business then would be the Army Corps
8 report.

9 MR. TREVINO: Yeah, is Mike Nguyen
10 on, the project manager for the Corps?

11 (No response.)

12 MR. TREVINO: All right. Well,
13 it doesn't sound like he is on so I will
14 give a quick summary of his report
15 submittal.

16 Regarding the CDF Construction,
17 Clean Harbors has started preliminary
18 water treatment on October 1st of this
19 year and has finalized adjustments to
20 meet water quality standard.

21 Clean Harbors has started
22 discharging treated water into the canal
23 on December 12th.

24 Regarding the Phase II Dike Raising
25 Project, construction is ongoing and the

1 plan is to continue throughout the winter.

2 Regarding Oil Boom Coordination,
3 nothing significant to report.

4 Regarding the PCA and non-federal
5 funding and the PCA closeout with the PCA
6 Amendment and the final LERRD credit,
7 L-E-R-R-D --

8 COURT STENOGRAPHER: L-E-R-R-D?

9 MR. TREVINO: Yes. LERRD, L-E-R-R-D,
10 the Corps will work to close out the
11 project cost share based on the amended
12 PCA.

13 Tipping fee amendment, Colonel
14 Culbertson signed the tipping fee
15 amendment on October 11th of 2022.

16 Regarding the parkway along the
17 CDF, the Corps staff inspects the parkway
18 once a month and cleans and removes
19 debris as needed. The sweeper repair
20 was completed. The parkway was swept
21 and cleaned on Monday, December 12th.

22 And that concludes the Army Corps
23 report.

24 MR. FEKETE: Okay. Thank you,
25 Mr. Trevino.

1 The next item is the Attorney Ellen
2 Gregory's report.

3 MS. GREGORY: Ellen Gregory with
4 Ellen Gregory Law.

5 The two main legal issues that have
6 been ongoing for the last month have been
7 the BP Property Transfer Negotiations.

8 We continue to have roughly weekly --

9 COURT STENOGRAPHER: We continue to
10 have roughly --

11 MS. GREGORY: We continue to have
12 roughly weekly telephone calls with BP
13 to negotiate settlement agreements. We
14 make good progress and expect to have
15 that finalized in the middle of January.

16 The two user fee issues that Fernando
17 had mentioned are the House -- HARSCO --

18 COURT STENOGRAPHER: CARSCO?

19 MR. TREVINO: HARSCO, H-A-R-S-C-O.

20 MS. GREGORY: -- which Jim Wieser
21 is taking the lead on. And East Chicago
22 Gateway Partners -- And East Chicago
23 Gateway Partners had initially filed an
24 appeal, but after discussions with myself
25 and Mr. Trevino have agreed to pay the

1 full assessment for 2022.

2 And that's all that I have.

3 MR. FEKETE: Okay. Thank you,
4 Ms. Gregory.

5 MS. GREGORY: (Nodding.)

6 MR. FEKETE: Any other new business
7 to come before the board?

8 MR. BAKOTA: You know, I would like
9 to ask if any headway has been done on the
10 question that I asked that -- charging user
11 fees for the ships entering the canal, or
12 using the canal?

13 MR. TREVINO: Yes, we have that on
14 our radar to do it -- or to handle that
15 in early 2023.

16 MR. BAKOTA: Okay.

17 MR. TREVINO: So we will probably
18 in the first quarter of 2023 we will have
19 an outline or some thoughts on -- and pros
20 and cons on -- uh -- on going with that
21 initiative.

22 MR. BAKOTA: Okay. Thank you.

23 MR. FEKETE: Okay. Any other items
24 to come before the board?

25 (No response.)

1 MR. FEKETE: Are there any public
2 comments?

3 ALL: (No response.)

4 MR. FEKETE: Okay.

5 MR. LOPEZ: Yeah, I would like to
6 wish everybody a Merry Christmas.

7 MR. FEKETE: Likewise.

8 MR. TREVINO: Yeah, Merry Christmas
9 everybody.

10 MR. FEKETE: All board members and
11 all attendees have a very happy holiday.

12 MR. TREVINO: Okay.

13 MR. WESTCOTT: Yeah, happy holidays.
14 Thank you.

15 (Everyone laughing out loud.)

16 COURT STENOGRAPHER: Who was that?

17 (No response.)

18 MR. FEKETE: Thank you all.

19 COURT STENOGRAPHER: Who was that?

20 MR. FEKETE: Yep.

21 COURT STENOGRAPHER: Was that Jim?

22 MR. FEKETE: Yep.

23 COURT STENOGRAPHER: Okay.

24 MR. FEKETE: I'm looking forward
25 to a good new year, too.

1 Our next board meeting will be
2 January 19th, 2023, at 5:00 p.m. and
3 this meeting is adjourned.

4 Thank you all.

5 MR. TREVINO: Okay.

6 MR. RODRIGUEZ: Adjourned.

7 MR. FEKETE: Okay.

8 COURT STENOGRAPHER: Okay. We are
9 off the record.

10 Thank you, gentlemen, and Ellen.

11 MR. TREVINO: Okay.

12 (AND THUS ENDED THE PROCEEDINGS.)

13 * * * * *

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C E R T I F I C A T E

I, PAMELA C. MOKRZYCKI, a competent and
duly qualified court reporter, C.S.R., do hereby
certify that I did report in machine shorthand, the
foregoing proceedings and that my shorthand notes
so taken at said time and place were thereafter
reduced to typewritten transcript under my personal
direction.

I further certify that the foregoing
typewritten transcript constitutes a complete record
of the said proceedings taken at said time and place,
so ordered to be transcribed.

Dated at Valparaiso, Indiana, this 12th
day of January, 2023.



Pamela C. Mokrzycki

Pamela C. Mokrzycki

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