

In the Matter Of:
East Chicago Waterway Management

DISTRICT BOARD OF DIRECTORS' MEETING

February 16, 2023



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

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

February 16, 2023

5:00 p.m.

Transcript of the East Chicago Waterway Management District Board of Directors' Meeting had in the above-entitled matter on the 16th day of February, 2023, 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.

District Board of Directors' Meeting
02/16/2023

1 A P P E A R A N C E S

2 JOHN FEKETE, President

3 JAYLAN ROBINSON, Vice-President

4 HENRY RODRIGUEZ, Secretary

5 JOHN BAKOTA, Board Member

6 RAY LOPEZ - Treasurer (no present)

7 KEVIN DOYLE - Board member (not present)

8 FERNANDO TREVINO, FMT Consulting

9 ELLEN GREGORY, Ellen Gregory Law

10 Also Present:

11 VANESSA VARGAS and MONICA JOHNSON,

12 CliftonLarsonAllen - appearing via Zoom

13 JIM WESCOTT of Tetra Tech - appearing via Zoom

14 DAVID ALONZO, BMO Harris Bank - appearing via Zoom

15 MIKE NGUYEN, Army Corps of Engineers - appearing

16 via Zoom

17 TIM DULL, project manager for ACOM - appearing via

18 Zoom

19 ROBERT SANTORE, BMO Harris Bank - appearing via

20 Zoom

21 KATE GREEN - appearing via Zoom

22 ZACH ZALUZEC - appearing via Zoom

23 MR. FEKETE: Good evening. I'd like to call

24 to order the East Chicago Waterway Special Board

25 of Director's Meeting. Today's date is

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1 February 16, 2023, and the time is 5:08 p.m.

2 The first order of business is roll call.

3 John Bakota?

4 MR. BAKOTA: Here.

5 MR. FEKETE: Henry Rodriguez?

6 MR. HENRY RODRIGUEZ: Here.

7 MR. FEKETE: Jaylan Robinson?

8 MR. ROBINSON: Here.

9 MR. FEKETE: Kevin Doyle?

10 (No response).

11 MR. FEKETE: Ray Lopez?

12 (No response).

13 MR. FEKETE: John Fekete, here. We have a
14 quorum.

15 The next order is the executive director's
16 report, Mr. Trevino.

17 MR. TREVINO: Yes. Fernando Trevino with FMT
18 Consulting. I'd like to start off by going over
19 the contents of your board packet. You have
20 today's agenda. You have the public meeting
21 posting for today's meeting. You have the board
22 minutes for last month's January 19 board meeting.
23 You have the CliftonLarsenAllen financial report
24 dated January 31, 2023. And that's for the month
25 of January. That was emailed today, earlier, and

1 I provided hard copies which were distributed to
2 the board.

3 You have a table that summarizes the 2022
4 budget yearend cash balances and the table that
5 summarizes the 2023 budget transfer
6 calculations that are needed from the trust and
7 non-trust accounts which is necessary to
8 finance the approved 2023 operating budget.

9 You have two 2023 trust budget transfer
10 letters. Both are dated today's date,
11 February 16. One to First Merchants Bank
12 related to the non-trust dollars that's
13 necessary to fund the 2023 budget. And you
14 have the second letter to BMO Harris related to
15 the trust dollars also for funding the 2023
16 budget.

17 You have today's claim docket dated
18 February 16, along with copies of the purchase
19 orders and check register. You have a copy of
20 the notice of claim regarding a court date at
21 the Lake County Courthouse related to the
22 HARSCO's unpaid 2022 user fee. You have a copy
23 of the proposed COVID-19 policy amendment. You
24 have First Merchants Bank statements for the
25 month of January 2023 for accounts ending 608

1 and 616, along with the copy of the checks that
2 cleared last month. Also a copy of the First
3 Merchants Bank CD report with a run date of
4 February 13th.

5 You have the BMO trust reports that are
6 through January 31, 2023. You have Tetra
7 Tech's monthly Great Lakes Legacy Act Grand
8 Cal' River remedial design project update, and
9 the report date is February 8th. You have
10 ACOM's latest schedule regarding the Canal
11 Street bridge project. And a copy of the
12 city's planning commission meeting notes dated
13 December 19 of last year documenting the
14 presentation that project reps from ACOM and I
15 gave to the city's planning commission. The
16 presentation featured a summary of the Canal
17 Street bridge project, design schedule, and
18 other project components.

19 You have a copy of the Army Corps' report
20 to the board with today's date. And you have
21 Attorney Ellen Gregory's report to the board
22 with the revision date of -- what is your
23 revision date?

24 MS. GREGORY: 13th.

25 MR. TREVINO: 13th of February.

1 That concludes the items in your board
2 packet.

3 To go over a few things here, regarding
4 the action items on today's agenda, we have the
5 two traditional action items of the board
6 minutes, and the monthly claim docket, and for
7 additional action items. One is the 2023
8 budget transfer request from the trust and
9 non-trust accounts. We also have a
10 recommendation to amend the current COVID-19
11 policy. We have a recommendation to pursue the
12 original 2022 user fee amount that was billed
13 to HARSCO Corporation, and a request for board
14 approval to solicit bids for the Canal Street
15 bridge project for dolphin installation.

16 And also I wanted to note, there was a
17 typo in the January 19 board minutes on Page 7,
18 Line 1. The word was "boat" -- the correct
19 word should be "boat," b-o-a-t, and the word
20 was "both," b-o-t-h.

21 Regarding finances. We had a finance
22 committee meeting yesterday to review various
23 topics, including the 2022 cash balance
24 calculations and the 2023 budget transfer
25 requests from the trust and non-trust accounts.

1 I also provided an update on the BP settlement
2 agreement, the 2022 user fees updates, and a
3 couple updates on just ongoing projects.

4 I mentioned there is a couple spreadsheets
5 in your packet that summarizes the 2022 budget
6 cash balances, and the 2023 budget transfer
7 calculations. Those spreadsheets have been
8 reviewed with the district's accounting rep,
9 Vanessa Vargas, who agreed with my
10 calculations.

11 I also provided a larger printout of the
12 tables that will hopefully make it easier to
13 follow. Basically, the 2022 cash balances are
14 credit towards the trust and non-trust funding
15 of the 2023 operating budget.

16 In your packet there are also two 2023
17 budget transfer letters relating to the funding
18 for the 2023 budget. And as I mentioned,
19 they're both dated today's date. One to First
20 Merchants for the non-trust dollars, and one to
21 BMO related to the trust dollars for funding of
22 the 2023 budget.

23 Regarding user fees, our 2022 collection
24 rate is at approximately 98.5 percent. To
25 date, there is only one unpaid 2022 user fee,

1 which is HARSCO Corporation. The past due
2 account was turned over to Attorney Wieser to
3 initiate the collection process. And as I
4 mentioned, a copy of the date of notice is in
5 your packet for -- the court date notice is in
6 your packet. And that's scheduled for
7 March 9th. And that will be at the Lake County
8 Courthouse. And I plan to attend to support
9 any effort that Attorney Wieser may need.

10 Regarding the Great Lakes Legacy Act
11 project, the Lake George canal east and middle
12 projects, the south tank farm sheet pile wall
13 project, BP and their contractor, Jacobs,
14 continue on their efforts to finalize the sheet
15 pile wall design. BP continues to work on
16 finalizing all required project permitting.
17 The district continues to work with BP to help
18 resolve any easement conflicts affiliated with
19 the construction of the sheet pile wall. BP
20 has a series of presentations scheduled in the
21 next month or so, including March 16th at our
22 board meeting, at our March board meeting,
23 which will present a summary of the project and
24 schedule. That presentation will be open to
25 the public.

1 On March 28, BP is scheduled to present
2 the sheet pile wall project to the city's
3 technical review committee. And then on
4 April 3rd, BP is scheduled to present the
5 project to the city's planning commission.
6 Construction is scheduled to begin shortly
7 thereafter.

8 The sheet pile wall is forecasted to be
9 completed by early 2024.

10 Regarding the Lake George canal east
11 section, phase two dredging is scheduled to
12 recommence after the sheet pile wall project is
13 completed, which mentioned is not until 2024.
14 The Corps will be managing the dredging project
15 on behalf of EPA. And the Corps is
16 coordinating additional canal sediment sampling
17 that is scheduled to be done some time in the
18 spring.

19 Regarding the Lake George canal middle cap
20 project, the Army Corps is managing this
21 project on behalf of EPA. Cap construction is
22 currently on pause due to winter weather
23 conditions and will resume when the weather
24 breaks.

25 Lake George canal west remediation, that

1 work is between BP and EPA, and that project is
2 ongoing.

3 Regarding the Grand Cal' River junction
4 reaches project, Tetra Tech continues to work
5 on finalizing the remedial design, and the
6 project team continues to have periodic
7 meetings to discuss design completion, property
8 access coordination, permit applications,
9 coordination on the junction marsh, community
10 engagement, and coordination with the city's
11 former city dump site.

12 MS. GREGORY: I'm adding Zach Zaluzec,
13 Z-a-l-u-z-e-c.

14 (Zach Zaluzec joins the Zoom
15 meeting).

16 MR. TREVINO: Regarding the Grand Cal River
17 phase one remediation project. EPA and the
18 district are pretty close to finalizing the
19 project agreement. And a reminder, that's for
20 approximately \$29 million in federal funds. The
21 two remaining action items are completing the
22 statement of work that's an attachment to the
23 project agreement and resolving all source control
24 concerns.

25 The resolution of the source control

1 concerns is basically an EPA action item, which
2 will be concluded once EPA is comfortable that
3 all potential recontamination sources are no
4 longer likely. And that will be documented by
5 EPA in a source control memo.

6 Regarding work in kind reporting. We
7 haven't heard back on the district's first half
8 of the 2022 year report. And I'll be working
9 on the 2022 annual work in kind report.

10 Regarding the Canal Street bridge project,
11 we recently received an approval to proceed
12 from the Army Corps of Engineers regarding
13 their review of our design and permit
14 applications. ACOM is in the process of
15 finalizing the dolphin drawings and specs in
16 preparation for the construction bidding
17 process. I met with ACOM project manager,
18 Tim Dull, earlier this week, to draft an
19 updated project schedule. That includes the
20 bidding process. Mr. Dull is present today to
21 give a project update. And a board approval
22 request to solicit construction bid is on
23 today's agenda.

24 And as I mentioned, a copy of the project
25 schedule is in your board packet. Regarding

1 the BP term sheet agreement for parcels BP is
2 interested in acquiring from the district,
3 settlement agreement negotiations with Atlantic
4 Richfield is ongoing. A reminder that that
5 settlement agreement includes the City of East
6 Chicago who is signatory to the agreement.
7 Attorney Wieser and I met with Mayor Copeland
8 and Attorney Alec Ready on January 25 to review
9 the status and the coordination of the
10 agreement, which went well. We're probably a
11 week or two away from finalizing the settlement
12 agreement. If we have it completed before our
13 March 16 board meeting, I'm recommending we
14 schedule a special board meeting to consider
15 the approval and signing of the agreement.

16 The Army Corps' report is in your board
17 packet. Project manager, Mike Nguyen, will be
18 providing an update to the board. And Attorney
19 Ellen Gregory will give an update on various
20 legal matters. And that includes my update.

21 MR. FEKETE: That's it?

22 MR. TREVINO: Yeah.

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

24 (No response.)

25 MR. FEKETE: Thank you very much. The next

1 item is the approval consideration and board
2 meeting notes for January 19, 2023. Do I hear a
3 motion to approve the minutes as amended with the
4 recommendation that Mr. Trevino wanted?

5 MR. BAKOTA: Motion to approve.

6 MR. FEKETE: Do we have a second?

7 HENRY RODRIGUEZ: Second.

8 MR. FEKETE: Since all the board members are
9 present and none being on the video call, we will
10 approve it with a voice vote.

11 All in favor signify by say aye.

12 (All signify "aye").

13 MR. FEKETE: Any oppositions?

14 (No response.)

15 MR. FEKETE: Any abstentions?

16 (No response.)

17 MR. FEKETE: That motion is approved.

18 Our next order of business is the approval
19 consideration for the 2023 budget, the trust
20 and non-trust transfer request memos.

21 MR. TREVINO: Yes. I mentioned every year at
22 the beginning of the year we go through the
23 process of doing a cash balance calculation from
24 the previous year. And once we conclude that cash
25 balance, those cash balances are used to credit in

1 the 2023 budget transfer.

2 So we've completed that calculation, and
3 so the balance is what we request from BMO and
4 from First Merchants. So the recommendation is
5 to approve the two transfer memos.

6 MR. FEKETE: Any questions?

7 (No response.)

8 MR. FEKETE: I'll entertain a motion.

9 HENRY RODRIGUEZ: Motion to approve.

10 MR. FEKETE: Do we have a second?

11 MR. ROBINSON: Second.

12 MR. FEKETE: We'll have a roll call vote.

13 John Bakota?

14 MR. BAKOTA: Yes.

15 MR. FEKETE: Henry Rodriguez?

16 MR. HENRY RODRIGUEZ: Yes.

17 MR. FEKETE: Jaylan Robinson?

18 MR. ROBINSON: Yes.

19 MR. FEKETE: Kevin Doyle?

20 (No response).

21 MR. FEKETE: Ray Lopez?

22 (No response).

23 MR. FEKETE: John Fekete, I vote yes. That
24 motion is approved.

25 The accounting consulting report, Vanessa.

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1 MS. VARGAS: Good evening, everyone. Before
2 I begin with the presentation, I would like to
3 quickly take a minute to introduce Monica Johnson.
4 She is a signing director here in our Schererville
5 office who has taken over Tim Anderson's previous
6 responsibilities. She is amazing to work with and
7 I can't say enough great things about her. But I
8 will let her briefly introduce herself.

9 MS. JOHNSON: I'll keep this brief. I'm the
10 new person here for questions serving in that
11 relationship role. And I'm really excited to be
12 here.

13 MR. TREVINO: Thank you, Monica.

14 MR. FEKETE: Thank you.

15 MS. VARGAS: In front of you, you do have a
16 copy of the financial statements on a cash basis
17 dated January 31, 2023.

18 If you turn to Page 2, we'll begin with the
19 statement of cash receipts and cash disbursements
20 for the one month ended January 31, 2023.

21 Through January 31, you have received
22 interest income of \$16,188.42. You've had
23 disbursements of \$30,171.75, which is made up
24 of the various line items above. This brings
25 you to a decrease in cash of \$13,983.33. Your

1 cash balance as of January 1st, 2023, was
2 \$4,300,335.44. Cash balance as of
3 January 31st, 2023, is \$4,286,352.11.

4 If you turn to Page 3, we'll continue with
5 the schedule of cash account activity for the
6 one month ended January 31, 2023. Your
7 operating account began the year with a cash
8 balance of \$1,439,851.14. You've earned
9 interest of \$39.36, and had cash disbursements
10 of \$30,171.75. Bringing your operating cash
11 balance as of January 31, 2023, to
12 \$1,409,718.75. Your user fee account began
13 with the cash balance of \$560,484.30. You've
14 received interest of \$380.52, which brings your
15 user fee account balance as of January 31,
16 2023, to \$560,864.82. You began the year with
17 a CD balance of \$2,300,000. You've earned
18 interest of \$15,768.54. Bringing your CD
19 balance as of January 31, 2023, to
20 \$2,315,768.54.

21 On Page 4 you will find a schedule of 2022
22 available budget as of February 16, 2023. Your
23 2022 budget appropriation was \$1,919,735.
24 Adding back in your accounts payable as of
25 12-31-2021 of \$50,407.37, as well as a budget

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1 amendment of \$50,000, which brought your 2022
2 total appropriation balance to \$2,020,142.37.
3 You had cash disbursements from January 1,
4 2022, to December 31, 2022, of \$580,685.49. On
5 last month's claim docket, dated January 19,
6 2023, you had 2022 AP totaling \$29,121.75. On
7 this claim docket, dated February 16, 2023, you
8 have a payment of \$3,400, which will go against
9 your 2022 budget. This brings your total
10 unused budget for 2022 to \$1,406,935.13.

11 If you turn to Page 5, we'll continue with
12 the schedule of 2023 available budget as of
13 February 16, 2023. Your 2023 budget
14 appropriation began at \$1,709,850. Adding back
15 your 2022 accounts payable totaling \$32,521.75.
16 Bringing your 2023 total appropriation to
17 \$1,742,371.75. You've had cash disbursements
18 through January 2023 totaling \$30,171.75. In
19 front of you in the claims docket you have a
20 total of \$34,792.29 going against your 2023
21 budget. This brings your total unused budget
22 for 2023 to \$1,677,407.71.

23 I would quickly like to mention that your
24 total claims docket for February 16th will
25 actually be the \$38,192.29, which is the claims

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1 docket on the 2023 available budget sheet of
2 \$34,792.29, plus the \$3,400 payment that goes
3 against your 2022 budget.

4 Are there any questions?

5 (No response.)

6 MR. FEKETE: Hearing none, thank you very
7 much, Vanessa.

8 The next item is the approval
9 consideration for the accounts payable voucher.

10 MR. BAKOTA: Motion to accept.

11 MR. FEKETE: We have a motion. Do I have a
12 second?

13 MR. HENRY RODRIGUEZ: Second.

14 MR. FEKETE: Okay. Roll call vote.
15 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 (No response).

25 MR. FEKETE: That motion is approved. The

1 next item is the approval consideration 2022
2 HARSCO delinquent user fee.

3 MR. TREVINO: So as I mentioned earlier,
4 there is a notice regarding the court date of
5 March 9th that has to do with this unpaid user
6 fee. I don't know -- I can't recall if it was at
7 the January/December meeting the board approved
8 reducing the total debt from
9 \$6,097-and-some-change to \$6,000 even, because at
10 that point Attorney Wieser had thought that the
11 maximum that can be pursued in the small claims
12 court in Lake County was \$6,000. But after he
13 initiated the claim, it turned out that they
14 increased it to \$10,000. So we can now pursue the
15 original amount of unpaid user fee, which is
16 \$6,097-and-some-change.

17 So the approval is to go back to the
18 original unpaid user fee amount.

19 MR. FEKETE: Okay. I'll entertain a motion
20 to approve the recommendation.

21 MR. HENRY RODRIGUEZ: I make a motion to
22 approve.

23 MR. FEKETE: Do I have a second?

24 MR. ROBINSON: Second.

25 MR. FEKETE: We have a second. Roll call

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1 vote.

2 John Bakota?

3 MR. BAKOTA: Yes.

4 MR. FEKETE: Henry Rodriguez?

5 MR. HENRY RODRIGUEZ: Yes.

6 MR. FEKETE: Jaylan Robinson?

7 MR. ROBINSON: Yes.

8 MR. FEKETE: Kevin Doyle?

9 (No response).

10 MR. FEKETE: Ray Lopez?

11 (No response).

12 MR. FEKETE: John Fekete, I approve. That
13 motion is approved.

14 The next item for consideration is the
15 amendment to the COVID-19 policy.

16 MR. TREVINO: So the board might recall
17 during the first year of COVID we initiated a
18 COVID-19 policy, and so the things have changed in
19 the last two and a half, three years; so the
20 recommendation is to approve this amended COVID-19
21 policy.

22 MR. FEKETE: Okay. Any questions?

23 (No response.)

24 MR. FEKETE: I'll entertain a motion to
25 approve.

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1 MR. BAKOTA: Motion to approve.

2 MR. FEKETE: Do I have a second?

3 MR. HENRY RODRIGUEZ: Second.

4 MR. FEKETE: We can do this with a voice
5 vote. All in favor signify by saying aye.

6 (All signify "aye").

7 MR. FEKETE: Any objections?

8 (No response.)

9 MR. FEKETE: Abstentions?

10 (No response.)

11 MR. FEKETE: That motion is approved. The
12 next order is the BMO trust report.

13 MR. SANTORE: Hello, everybody. The first
14 page provided shows your combined balance of your
15 BMO money market account and your certificate of
16 deposit. The combined current value of that is
17 \$4,139,720.54.

18 There was an increase of \$540.37 from the
19 interest earned in the money market account.

20 Later this month there will be an interest
21 disbursement into the CD; so I'll have an
22 interest earning number for you next board
23 meeting on the CD.

24 Page 2, the ECI facilities trust
25 historical data, this page shows your

1 historical values of the trust account from
2 1997, with current distributions or
3 distributions in 2022 of \$398,338.19. As of
4 today, no current distribution in 2023.

5 I wanted to let you know that I had the
6 money market rate increase by 13 basis points.
7 So the new interest rate on that money market
8 starting in February is 1.143 percent. This is
9 the second bump I've had implemented since
10 becoming the relationship manager; so I wanted
11 to get that rate adjusted.

12 Earlier this month the Fed did increase
13 interest rates by a quarter percent; so we
14 wanted to bump your rate up to keep in line
15 with the Fed's increase. That's about all I
16 have.

17 If there's any questions, I'd be happy to
18 answer those.

19 MR. FEKETE: Any questions for Mr. Stantore?

20 (No response.)

21 MR. FEKETE: Hearing none, thank you for your
22 report.

23 The next item is the Great Lakes Legacy
24 Act Grand Cal' junction reaches remedial
25 design. That is going to be Mr. Wescott.

1 MR. WESCOTT: Jim Wescott. Hi everybody.
2 Not much to report, as Fernando mentioned at the
3 beginning under his discussion, a lot of it is
4 really in EPA's court with the source control
5 issues they're trying to work out with the City of
6 East Chicago and the former dump site that's
7 adjacent to the river. We are making some slow
8 progress on the permits. And we're talking with
9 EPA about modifying the design a little bit based
10 on some comments they've gotten from their
11 technical consultant, which is Corps of Engineers.
12 But that should all fall into the place with the
13 source control memo and the project agreement
14 being really the critical path items to kind of
15 completing the design component.

16 So we're just waiting on the EPA to move
17 some things along.

18 MR. FEKETE: Okay. Any questions for
19 Mr. Wescott?

20 (No response.)

21 MR. WESCOTT: Thank you

22 MR. FEKETE: Canal Street bridge project
23 update.

24 MR. TREVINO: Tim?

25 MR. DULL: Yeah, I'm Tim Dull, I'm the

1 project manager for ACOM, and we're helping the
2 district implement the navigational aids or
3 improvements to the Canal Street bridge area,
4 which as you've heard before is going to involve
5 the installation of the two dolphins in the Canal
6 Street bridge area. We just received, as Fernando
7 mentioned earlier, we received just this week the
8 Army Corps of Engineer approval of our design. So
9 we are ready to go out to bid. We have a bid
10 package, which we're in the final phases of --
11 we're finalizing and we would like to send that
12 out to contractors on Tuesday, February 21st. And
13 if the board approves this, we would send that out
14 and we would have a bid walk on March 8th. We
15 want to have bids due by March 31, which would
16 allow us to evaluate those bids, negotiate a
17 contract, and hopefully come before the board on
18 April 20, your April 20th board meeting, for
19 awarding of that contract.

20 And just to extend the schedule out
21 further, you know, once that contract is
22 awarded, the contractor would need to procure
23 materials -- which there are some long lead
24 time items on that; so we're looking at
25 construction probably in the September/October

1 time frame. I think tornado be mentioned the
2 permits are essentially in place. There's just
3 one thing that the contractor may have to work
4 with the city to get a permit for laydown
5 equipment during construction. So that would
6 be the only permit that would be needed yet.

7 MR. FEKETE: Okay. Hearing the report from
8 Mr. Dull, it's up to us now to make an approval
9 consideration to solicit these construction bids;
10 so I'll entertain a motion for that approval.

11 MR. ROBINSON: Motion.

12 MR. FEKETE: We have a motion. Do we have a
13 second?

14 MR. HENRY RODRIGUEZ: Second.

15 MR. FEKETE: Okay. Let's have a roll call
16 vote on that.

17 John Bakota?

18 MR. BAKOTA: Yes.

19 MR. FEKETE: Henry Rodriguez?

20 MR. HENRY RODRIGUEZ: Yes.

21 MR. FEKETE: Jaylan Robinson?

22 MR. ROBINSON: Yes.

23 MR. FEKETE: Kevin Doyle?

24 (No response).

25 MR. FEKETE: Ray Lopez?

1 (No response).

2 MR. FEKETE: John Fekete, I vote yes. That
3 motion is approved.

4 Thank you very much, Mr. Dull.

5 MR. DULL: Thank you.

6 MR. FEKETE: The next item is the U.S. Army
7 Corps of Engineers' board report.

8 MR. NGUYEN: This is Mike Nguyen with the
9 Army Corps of Engineers. Basically things are
10 slow here.

11 For the Clean Harbors, they treated around
12 2 million gallons last year; but due to the
13 weather, the treatment suspended and will
14 resume probably in the June timeframe. As for
15 the dike raise, construction is still ongoing
16 and work will condition through the winter.

17 Nothing to report on the oil boom
18 coordination. We're still working on the PCA
19 closeout; so we have all the documentations we
20 need to do some transfers between different
21 cost shares and try to close it out and then
22 request the tipping fee funds from the escrow
23 account to balance the remaining amount and
24 then refund the overage to ECWMD.

25 And then for the Parkway, we're still

1 inspecting once a month if cleaning is needed.

2 And that's all I have.

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

4 (No response.)

5 MR. FEKETE: Thank you. The next item is the
6 Attorney Ellen Gregory report.

7 MS. GREGORY: Yes. Ellen Gregory with Ellen
8 Gregory Law.

9 Primarily the legal aspects are this time
10 focused on the term sheet negotiations with
11 Atlantic Richfield Company. We expect an
12 updated redline from their attorney later
13 today. We have a conference call scheduled
14 with the whole group on Monday, and we hope to
15 have the settlement agreement completed and
16 ready for signature within the next several
17 weeks.

18 The only other legal matter in the past
19 couple weeks has been updating the COVID-19
20 policy, which is basically just being updated
21 to make it consistent with the fact that most
22 of the mandatory COVID policies have been
23 lifted in Indiana, but the COVID policy must
24 remain in place with basically voluntary
25 compliance. We're asking sick people not to

1 show up and to participate by Zoom, if
2 possible. And we will continue to have a COVID
3 questionnaire for in-person participants. And
4 that's it.

5 MR. FEKETE: Any questions for Miss Gregory?

6 (No response.)

7 MR. FEKETE: Thank you. Any other new
8 business?

9 (No response.)

10 MR. FEKETE: Any public comments?

11 (No response.)

12 MR. FEKETE: Our next board meeting is
13 March 16, 2023, at 5:00 p.m.

14 I'll entertain motion to adjourn.

15 MR. BAKOTA: Motion to adjourn.

16 MR. FEKETE: I'll have a second.

17 MR. HENRY RODRIGUEZ: Second.

18 MR. FEKETE: Voice vote. All it favor,
19 signify by saying "aye."

20 (All signify "aye").

21 - MEETING ADJOURNED -

22

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 March, 2023.



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



District Board of Directors' Meeting

02/16/2023

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