



**Minutes
Annual Meeting
Wednesday, March 4th, 2020
Hudson River Foundation
17 Battery Place, Suite 915
New York, New York 10004
10:30am**

Please note: All voting items are indicated by an *

1. Call to order and Roll Call

Commissioners Present: John Scagnelli (Chair), Alena Baldwin-Brown (NJDEP), Virginia Wheatley (NJDOH), Loel Muetter (NJDOH), Robert Elburn (NYSDEC), Judith Baron (NY), Philip DeGaetano (NY), Jeffrey Myers (NY), Pamela Scully (CTDPH), Philip Trowbridge (CTDEEP), David Wrinn (CT AGO), Patricia Sesto (CT).

Others in Attendance: Evelyn Powers (IEC), Jessica Bonamusa (IEC), Richard Balla (EPA Region 2), Elizabeth Butler (EPA Region 2), Stephanie Brown (NJ GAU).

A quorum was present. John Scagnelli called the meeting to order and asked Ms. Powers to lead the meeting through the agenda.

2. Approval of minutes from the September 4th, 2019 Quarterly Meeting (Appendix A)*

A motion, duly made (Philip Trowbridge) and seconded (Judith Baron), was made to approve the minutes from the September 4th, 2019 quarterly meeting, which were not approved at the December 2019 meeting due to a lack of quorum. With no one opposed, the minutes were approved.

3. Approval of notes from the December 4th, 2019 Quarterly Meeting (Appendix B)*

A motion, duly made (Philip DeGaetano) and seconded (Robert Elburn) was made to approve the notes from the September 2019 meeting. With no one opposed, the notes were approved.

Notes from the January 2020 Executive Meeting Summary (Appendix C) were also presented.

4. Annual Elections*

a. Chair (Rotation as per Bylaws calls for New York Chair)

Evelyn Powers thanked Chair John Scagnelli for his service as Chair since May 2019 when former Chair Jill Lipoti resigned due to a move out-of-state. Phil DeGaetano and Robert Elburn also thanked John for his leadership, which was echoed by several Commissioners. As per the Bylaws, the position of Chair rotates between New Jersey, New York, and Connecticut, with New York next in line. Accordingly, Evelyn Powers asked for nominations for Chair. Judith Baron nominated Philip DeGaetano, which was seconded by Robert Elburn. With no other nominations and no one opposed, Philip DeGaetano was elected unanimously to the position of Chair.

b. New Jersey Vice-Chair

Evelyn Powers asked for nominations for New Jersey Vice-Chair. A motion was duly made and seconded to nominate John Scagnelli to the position of New Jersey Vice-Chair. With no one opposed, John Scagnelli was unanimously elected to the position of New Jersey Vice-Chair.

c. Connecticut Vice-Chair

John Scagnelli nominated Patricia Sesto for Connecticut Vice-Chair. Commissioner Sesto inquired whether there was any other member from Connecticut who would like to serve. Pamela Scully and David Wrinn indicated that due to possible upcoming retirement, they declined to be nominated as an officer. Patricia Sesto accepted the nomination, with the request that other members step up and increase involvement as Connecticut is next in rotation for the position of Chair.

d. Executive Committee

With Philip DeGaetano elected Chair, the second New York member of the Executive Committee must be a statutory (agency) representative, as per the Bylaws. Robert Elburn was nominated as the statutory representative on the Executive Committee from New York. With no one opposed, Robert Elburn was unanimously elected to the Executive Committee. With John Scagnelli elected to the position of Vice-Chair from New Jersey, the Bylaws call for the second New Jersey member of the Executive Committee to be a statutory (agency) representative. Bruce Friedman was nominated to the Executive Committee. Alena Baldwin-Brown accepted the nomination on Bruce Friedman's behalf. With no one opposed, Bruce Friedman was unanimously elected to the Executive Committee.

5. IEC Finances and Current Grant Funds Update

a. Profit and Loss Statement and Balance Sheet (Appendices D and E)

Ms. Powers reviewed the Profit and Loss and Balance Sheet. As of 12/31/2019 the Commission has spent approximately 15% of its annual budget in the first quarter of FY2020. The Commission is under budget primarily due to understaffing due to limited space. Some suggestions were made about the format of the reporting. Philip Trowbridge suggested it would be helpful to have prior year or prior quarter in the Profit and Loss statement, as well as accounts payable (if there are any pending payments), the prorated budget for the quarter and line items like accrued leave time should be considered. Ms. Powers also noted that no indirect costs have been drawn down, and will not be drawn down until IEC receives an approved provisional rate from EPA headquarters. Therefore, expenses exceed income for the first quarter.

Ms. Powers raised concerns about the current accounting firm, MBS ATA, Inc. Frequently, the reports are not up to date or have items that are not clearly classified, budgets are not loaded in a timely manner and their responsiveness to requests has not been timely. Ms. Powers will be looking into other accounting firms with the goal of reviewing proposals in the June meeting.

b. FY2020 Budget Update

As indicated above, Ms. Powers reviewed the FY2020 budget status. The Commission is under-budget, having spent approximately 15% of the budget during the first quarter of FY2020.

c. Funding Update

Ms. Powers reviewed the current and pending sources of funding, listed below. The Commission's CWA §106 FFY20 Grant Workplan has been approved and an approval letter received January 23rd, 2020. EPA Region 2 stated in the letter that it had not yet received the full allocation of FFY 20 funding but was preparing to provide partial funding in the amount of \$364,000. IEC's Long Island Sound Base Budget request of \$192,797 has been approved by the LISS Management Committee and is expected to be awarded as requested. Ms. Powers explored the possibility of Enhancement Project funding through the LISS workgroups and Management Committee in relation to pathogen trackdown and sampling in western Long Island Sound embayments. This is an area that has been highlighted by the Management Committee as a high priority. There was a consensus at the January LISS Management Committee that the methods

and goals of the pathogen sampling need to be carefully considered, as some recent microbial source tracking project performed by USGS and funded by NYSDEC was found to not be as useful as hoped. It was also suggested that the LISS Futures Fund may be an appropriate funding mechanism for pilot pathogen monitoring. Rick Balla of EPA Region 2 confirmed the approval of the FFY20 106 workplan and the partial funding pending. Rick Balla also encouraged IEC to pursue other federal sources of funding, including LISS Enhancement and other LISS funding sources such as the Futures Fund. There was some concern about the federal administration's proposed cut to the 106 program of 30%. This level of a budget cut has been proposed with every federal budget under the current administration, however, the 106 program has managed to stay relatively level-funded. Rick Balla from EPA Region 2 advised that the Commission should be cautious about under-utilizing grant funds. These unutilized or "unliquidated" obligations can impact future grants. While some carryover is acceptable and may be justifiable, excess carryover may be seen as excess funding. Ms. Powers also indicated that Save the Sound intends to continue to fund IEC's monitoring in Little Neck Bay and Manhasset Bay as part of the Unified Water Study of Long Island Sound embayments.

- CWA §106 FFY20 Grant status (\$728,000)
- LISS FFY20 Base Program Budget Request (\$192,797)
- CWA §106 FY 19 Funding Update (\$903,000)
- LISS FY19 Funding Award (\$220,303)
- Connecticut Fund for the Environment/Save the Sound Funding

d. Indirect Rate Proposals

Ms. Powers submitted a final indirect rate proposal for FY19 to EPA headquarters on February 11th, along with a provisional indirect rate proposal for FY20 and FY21. Ms. Powers explained that it is important to note that staffing impacts our ability to "earn" indirect funds. Our federal indirect rate can only be applied to direct personnel wages and salaries, so if we are under-staffed it is difficult to fund our indirect, or overhead, expenses through grant funds. Ms. Powers also noted that a portion of the rent has been included as a direct expense of the 106 FY20 grant, since the portion of IEC's rent that covers laboratory facilities is a direct cost related to the work of the grant.

e. Appropriations Update

Ms. Powers, Commissioner Scagnelli and Commissioner DeGaetano updated the Commission on activities related to securing an increase in state appropriations. The goal is to increase state appropriations to a level that would be consistent with meeting the non-federal match required to received Section 106 funding, structured so that it aligns with the Compact funding structure of 45% funding each from New York and New Jersey (\$96,323) and 10% from Connecticut (\$21,405). Commissioner DeGaetano has been working with key New York State legislators and using informational material prepared by Ms. Powers to try to obtain an increase in the New York Executive Budget from \$41,600 to \$96,323. Similarly, Ms. Powers and Commissioner Scagnelli have been working with Bruce Friedman and the Governor's Authorities Unit to try to increase IEC's appropriation in the New Jersey Executive Budget to \$96,323. Ms. Brown from the Governor's Authorities Unit indicated that their office does not directly work with the budget but that they can relay the request and help set up a meeting with the Treasury Department. Ms. Baldwin-Brown also indicated that Bruce Friedman had forwarded justification for an increase in IEC's appropriation up the chain through NJDEP.

6. Laboratory/Office Space Search

Ms. Powers referred to the summary of the January 2020 Executive call which outlines the events leading to the end of lease negotiations with Savanna Properties regarding the facilities in the Falchi building in Long Island City. In early December IEC turned around a lease document with comments based on the term sheet. There was no response from the landlord and after repeated inquiries and delays, CBRE, the broker contacted Ms. Powers on January 17th and indicated that the landlord would not commit to completing the base building build out as specified in the term sheet. Commissioner Scagnelli expressed disappointment with the actions of the landlord and broker in the deal and encouraged the Commission to pursue other spaces, possibly with other brokers. Ms. Powers outlined a few other options, including the BioBat facility that has additional space available. IEC walked away from considering the BioBat facility due to high buildout estimates. Ms. Powers revisited the BioBat facility a few days prior to the March meeting as well as a facility in the Bronx. There may be a way to work with the BioBat management to amortize the buildout cost throughout the length of the lease, minimizing upfront buildout cost. BioBat is managed by the NYC Economic Development Corporation (NYCEDC), and is associated with SUNY Downstate Medical Center. Ms. Powers also visited a building in the Bronx, and spoke with the management of the DEC Region 2 building in Long Island City. The Bronx facility is not ideal, with no parking in the vicinity and limited elevator service. The DEC Region 2 building is not a laboratory building, but the management indicated they may be able to make a space work. Lastly, Ms. Powers did contact another broker, Cushman and Wakefield, which represents the Alexandria Long Island City building, which is building fully built-out, “plug and play” spaces, 4000-5000 square feet which should be ready for occupancy in August. The Alexandria spaces run about \$65/square foot and may be larger and more expensive than IEC’s budget, but Ms. Powers has scheduled a visit to the building with the broker. Robert Elburn reiterated that IEC has EPA funding to facilitate a move, and we need to move before the funding vaporizes.

7. Director’s Report

Ms. Powers updated the Commission on program activities related to IEC’s grants. IEC’s scheduled municipal inspections for FY20 are complete. These are primarily performed at Connecticut Water Pollution Control Facilities. Philip Trowbridge indicated that he spoke to the CTDEEP staff that work with the compliance monitoring and they said that these inspections are helpful. IEC still needs to perform 11 industrial facility inspections in Connecticut. New Jersey DEP conducted an onsite assessment of the IEC laboratory on February 6th which went pretty well and Ms. Powers was awaiting the assessment report at the time of the meeting. Ms. Powers introduced Jessica Bonamusa, IEC Environmental Analyst, who gave an update on IEC’s activities related to Citizen Science. IEC’s support for citizen science includes not only IEC’s Coordinated Volunteer Pathogen Monitoring Program but participation, primarily through the New York-New Jersey Harbor & Estuary Program of citizen science workshops and educational initiatives. IEC has also presented results from its program at a recent HEP management committee meeting and has begun an equipment loan program, loaning YSI sondes to the Watershed Institute, located in New Jersey, to support conductivity monitoring associated with road-salt study. IEC hopes to anticipate working with the Lower Raritan Watershed Partnership, FreshKills Alliance, and possibly Hackensack Riverkeeper to perform pathogen monitoring during the 2020 recreational season. IEC is also discussing with NJDEP the possibility of assisting with some expanded monitoring of sites in the Harbor. Ms. Baldwin-Brown indicated the scope was

still under development at NJDEP. Ms. Powers also highlighted the Continuous Monitoring subcommittee which is being jointly coordinated with NY-NJ HEP, to share and coordinate continuous monitoring efforts in the region. Ms. Powers met with NJDEP and EPA at the end of January to discuss status and next steps regarding the Passaic River/Second River Pathogen trackdown work, which has led to some compliance actions that have reduced pathogen loads into the Second River. It is possible EPA may want to continue and expand this type of project to other locations, possibly in New York, and IEC has offered sampling and analytical support. IEC's western Long Island Sound monitoring is ongoing, with monthly runs performed through May. A joint report with CTDEEP on the 2019 hypoxia season monitoring is under final review. Ms. Powers also attended the most recent New Jersey Water Monitoring Council Meeting, which consisted of a Harmful Algal Bloom (HAB) summit to discuss implementing actions to support Governor Murphy's HAB initiative. IEC has funding in its EPA FY19 106 award to support procurement of equipment to development of analytical capabilities to detect microcystins and other cyanotoxins associated with HABS. Upcoming meetings and workshops include a HAB workshop at Montclair State University and an EPA Microbial Source Tracking Workshop. Ms. Powers also plans to attend the ACWA mid-year meeting in mid-March. Lastly, Ms. Powers highlighted IEC's social media plan and email newsletter development, which is supported through the Public Information and Education section of the Commission's EPA 106 FFY19 grant. Ms. Powers is working with Acuta Digital, IEC's website contractor, to develop a scope and plan.

a. Staffing

IEC hired an intern, Rachel Lee, who began on February 1st. Ms. Lee is a recent graduate of College of Staten Island with a degree in Biology and is working to assist IEC with laboratory analysis and data entry. IEC is also considering a communications intern to assist with the social media plan and email newsletter.

8. Old Business

a. Commissioner vacancies

Two vacancies remain in New Jersey for citizen Commissioners.

9. New Business

No new business was discussed.

10. Upcoming Meetings

April Executive Committee Call (TBD)
May Executive Committee Call (TBD)
Wednesday, June 3rd, 2020
Wednesday, September 2nd, 2020
Wednesday, December 2nd, 2020

11. Adjourn

John Scagnelli made a motion to adjourn the meeting, which was seconded by Robert Elburn. With no one opposed, the meeting was adjourned at approximately

Respectfully Submitted,

Evelyn Powers
IEC Executive Director

APPENDICES:

- A- September 4th 2019 Quarterly Meeting Notes
- B- December 4th 2019 Quarterly Meeting Minutes
- C- January 2020 Executive Committee Call Notes
- D- Profit and Loss Statement
- E- Balance Sheet