



**Minutes
Quarterly Meeting
Wednesday, December 1st, 2021
10:00am-12:00pm (via Zoom)**

Please note: All voting items are indicated by an *

1. Call to order and Roll Call

Commissioners present: Philip DeGaetano (Chair, NY), John Scagnelli (Vice-Chair, NJ), Patricia Sesto (Vice-Chair, CT), Pamela Scully (CTDPH), David Wrinn (CT AGO), Nisha Patel (CTDEEP), John Atkin (CT), Jeffrey Myers (NY), Selvin Southwell (NYSDEC), Judith Baron (NY), Loel Muetter (NJDOH), Bruce Friedman (NJDEP)

A quorum was present.

Also present: Evelyn Powers (IEC Executive Director), Michael Flood (EPA Region 2), Jeffry Nielsen (NJ GAU)

Chair DeGaetano called the meeting to order and welcomed Commissioners. Chair DeGaetano recapped that the sampling season was winding down and was successful, with expanded water quality monitoring projects. Chair DeGaetano emphasized that the IEC's expanded work necessitates larger, permanent space in order to increase staffing and procure instrumentation and equipment. Chair DeGaetano and Evelyn Powers also thanked Pamela Scully, who is retiring from CTDPH and for whom this will be the last Commission meeting. Evelyn thanked Pamela Scully for her dedicated participation and attendance at Commission meetings, her support of staff, and her insightful questions which undoubtedly provided clarity to Commissioners and other meeting participants.

2. Approval of minutes from the September 1st, 2021 Meeting (Appendix A) *

A motion was duly made by Pamela Scully and seconded by Nisha Patel, to approve the minutes from the September 1st, 2021 quarterly meeting. With no one opposing, the minutes were unanimously approved.

- a. October 6th, 2021 Executive Committee Meeting summary (Appendix B)
- b. November 3rd, 2021 Executive Committee Meeting summary (Appendix C)

Evelyn Powers presented the summaries from the October 6th, 2021 and November 3rd, 2021 Executive Committee meetings. As reflected in the summaries, the primary agenda items for the meetings revolved around the lease negotiations with BioBAT.

3. IEC Finances and Current Grant Funds Update

- a. FY21 Statement of Financial Activity (Profit and Loss) and Balance Sheet (Appendices D and E)

Commissioner Atkin (Treasurer) reviewed the financials with Evelyn Powers prior to the meeting. Commissioner Atkin requested that Evelyn Powers present the financials for discussion. Evelyn Powers reviewed Appendix D, the Statement of Financial Activity (Profit and Loss) for FY2021 in conjunction with the FY21 budget vs. actuals. Total income for FY21 was \$1,148,614 with total expenses \$1,032,690. The difference between income and expenses (net income of \$115,690) can be attributed to state appropriations, which are held in reserve and were not used in FY21 for operating expenses. IEC received NYS appropriations for SFY20-21 and 21-22 in IEC's FY2021.

IEC ended FY2021 at 83.16% of our approved budget (expenditures \$1,032,924, budget \$1,242,019). The area where IEC was most notably over-budget included the Professional Services line items (Expenditures \$187,127, Budget \$104,191). This pool of line items includes both direct and indirect professional services. Evelyn has done some work with Jitasa, our accounting firm, to break some of these line items into more detailed line items, which will enable more accurate budgeting in the future. Evelyn also reviewed the Statement of Financial Position (Balance Sheet), which reflects cash reserves in the amount of \$687,482 and awarded, available grant funds of over \$1.8 million.

b. Funding and Grants Update

Evelyn Powers reviewed the available and pending grants and funding sources. In addition to our ongoing CWA §106 funding and Long Island Sound program funding, IEC continues to expand its monitoring and funding sources. In addition to the NJDEP Harbor Monitoring network established in 2021, IEC continues to participate in embayment monitoring coordinated by Save the Sound. Proposed new sources of funding include an "enhancement" Long Island Sound pathogen monitoring project, which would be a multi-year, multi-group project (in partnership with CTDEEP and HarborWatch), as well as a potential partnership with +POOL, an organization which aims to bring the first floating, water-filtering "pool" to NYC, in the East River. Another potential collaboration is with Brooklyn College Professor Brett Branco, who is also Director of the Science and Resiliency Institute of Jamaica Bay. Professor Branco is working on a contract with NYC to assess the effectiveness of constructed wetlands in Little Neck Bay. He is looking for an ELAP-certified laboratory to partner with for pathogen and nutrient analyses. The +POOL project and the LIS pathogen network project were highlighted in slides (Appendix F). Nisha Patel followed up regarding the LIS pathogen project, asking who IEC was working with at CTDEEP; she wanted to make sure that Kelly Streich, Chris Bellucci, Mark Parker were involved. Evelyn replied that she was working with Katie O'Brien-Clayton, who reports to Chris Bellucci, as well as Mark Parker. The project has also been pitched to and received support from Long Island Sound workgroups.

Established (ongoing) grants and funding sources:

- CWA §106 FFY21 Grant status (\$748,000)
- LISS FFY21 Base Program Budget Awarded (\$315,068)
- LISS FFY21 Enhancement Budget Awarded (\$300,000)
- NJDEP Harbor Monitoring Project
- CWA §106 FFY18 Remaining Funding (\$0 CLOSED OUT)
- CWA §106 FFY 19 Remaining Funding (\$233,901))

- CWA §106 FFY 20 Remaining Funding (\$649,148)
- LISS FY18-20 Remaining Funding (\$62,234)
- Save the Sound (Unified Water Study) Funding
- Dues

c. New sources of funding (pending):

- LISS FFY22 Base Program Budget (~\$400,000)
- LISS FFY22 Enhancement Project (~\$1,000,000) (Appendix F)
- EPA §106 FY22 workplan and application
- Brooklyn College/NYC Little Neck Bay Project (~\$100,000) (Appendix F)
- +Pool monitoring and public outreach/education (Appendix F)

4. Laboratory/Office Space Search Update

- Update on Lease and Contractor Selection (Appendices G and H)
- Timeline
- Discuss and consider motion to approve Lease for proposed premises at BioBAT*
- Discuss and consider motion to enter contract for laboratory buildout as per HM Hughes proposal bid form. *
- Discuss and consider motion on lease extension for Downstate Technology Center*

Evelyn Powers updated the Commission on the status of the lease negotiations with BioBAT as well as the contractor bids and selection and current timeline. The lease is still being negotiated. Evelyn, Chair DeGaetano, Commissioner Scagnelli, and IEC's lease attorney, Jennifer Schechter, have been working diligently to finalize the lease. The structure of BioBAT, as a tenant of NYCEDC, essentially means that IEC will be a tenant of the city of New York, and NYCEDC is involved with the lease negotiations. The main sticking points of the lease remain the issue of taxes, which are not applicable to the building now, as it is city property. However, if the city sold the property to a developer, the new owner would want the right to pass a portion of the taxes onto IEC. NYCEDC also wants to charge a 5% administrative fee on tenant construction, which would be approximately \$30,000. Finally, clarification regarding what is included in operating expenses is needed to make the lease consistent with the executed term sheet. Jennifer Schechter has a call scheduled with Deborah Bindler, the NYCEDC attorney assigned to the lease on December 3rd to discuss these issues and additional lease language.

Evelyn also reviewed the contractor selection process and construction timeline (Appendix H). A joint RFP was released with BioBAT for the selection of a construction contractor. Bid documents included complete drawings for both projects developed by Linearscape Architects, the architect working with both BioBAT and IEC. The RFP was released on September 16th, 2021, with bids due October 15th, 2021. Six bids were received. IEC and BioBAT interviewed three of the six firms on November 2nd: Turner, H.M. Hughes, and Hunter Roberts. Summaries of the bids are included in Appendix H. H.M. Hughes was selected as the contractor by the review committee and H.M. Hughes was notified of IEC and BioBAT's intent to select them as a contractor, pending finalization of lease and contract negotiations.

Evelyn reviewed the current timeline for construction, which has construction beginning in the beginning of 2022 and extending through July 2022. The timeline works for IEC, as IEC would not move during our peak monitoring and analytical season from May through October. In order to keep on track, we need to finalize the lease so we can finalize the construction contract and commence construction. There will be the need for special meetings and/or frequent meetings of the Executive Committee. A motion, duly made and seconded to authorize the Executive Committee to act on behalf of the Commission to finalize the lease was presented. With no one opposed, the motion unanimously passed. Similarly, a motion to authorize the Executive Committee to act on behalf of the Commission to finalize the construction contract with H.M. Hughes was duly made and seconded. As the temporary lease arrangement at the incubator at SUNY Downstate Technology Center ends in January 2022, a motion, duly made and seconded, to extend the lease for one year under the current terms and conditions was presented. With no one opposed, the motion unanimously was approved.

5. Ongoing Projects updates:

- a. Coordinated Volunteer Pathogen Monitoring
- b. Long Island Sound Monitoring
- c. Harbor Monitoring Network
- d. Unified Water Study
- e. Harlem River Urban Waters Federal Partnership
- f. National Park Service Beach sample analyses
- g. Compliance Monitoring Inspections

In addition to the projects discussed under sources of additional funding item 3.c., planning and activities for IEC's established monitoring programs continue. In particular, Compliance Monitoring Inspections, and ongoing monthly monitoring surveys for the Harbor Monitoring Network and the Long Island Sound monitoring are ongoing. Evelyn also referred Commissioners to Appendix I, which includes consolidated semi-annual progress reports for IEC's ongoing EPA §106 grants and Long Island Sound funding.

6. Old Business

- a. Commissioner vacancies

Two vacancies remain in the NJ delegation.

7. New Business

- b. Annual Meeting and Elections (March 2022)

8. Upcoming Meetings

Wednesday, March 2nd, 2022

Wednesday June 1st, 2022

Wednesday September 7th, 2022

Wednesday, December 7th, 2022

9. Adjourn

With no other business, a motion, duly made and seconded, to adjourn the meeting was made and unanimously passed. The meeting was adjourned at approximately 11:30am.

Respectfully submitted,

Evelyn Powers
Executive Director

APPENDICES:

A- September 1, 2021 Quarterly Meeting Minutes

B- October 6th, 2021 Executive Committee Meeting Summary

C- November 3rd, 2021 Executive Committee Meeting Summary

D-FY21 Statement of Financial Activity (Profit and Loss)

E- Balance Sheet

F- Potential Project Highlight Slides

G- BioBAT Lease Cost Analysis (updated 11/22/2021) and Draft Lease (11/17/2021)

H-Contract Bid Leveling Spreadsheet and Timeline

I-Consolidated EPA Progress Reports