



**Minutes
Annual Meeting
Wednesday, March 6th, 2019
10:00 am**

**Hudson River Foundation
17 Battery Place
Suite 915
New York, NY 10004**

Please note: All voting items are indicated by an *

1. Call to order and Roll Call

Commissioners present: Jill Lipoti (NJ), John Scagnelli (NJ), Bruce Friedman (NJDEP), Loel Muetter (NJDOH), Robert Elburn (NYSDEC), Judith Baron (NY), Rose Trentman (NY), David Wrinn (CT AG), Pamela Scully (CTDPH), Patricia Sesto (CT), John Atkin (CT), Denise Ruzicka (CTDEEP)

A quorum was present.

Others in attendance: Evelyn Powers (IEC), Lauren Nathan-LaRusso (NJ GAU), Aimee Boucher (EPA Region 2)

2. Approval of minutes from the December 5th, 2018 Quarterly meeting (Appendix A)*

A motion was made by Commissioner Sesto and seconded by Pamela Scully to approve to minutes from the December 5th, 2018 quarterly meeting. With no one opposed, the minutes from the December 5th, 2018 Commission meeting were approved. Ms. Powers also noted that summaries of two Executive Committee call, held January 7th, 2019 and February 11th, 2019 respectively, were included as Appendix B in the meeting materials.

~~3. Election of Officers*~~

~~— a. Vice-Chair from New Jersey~~

~~— b. Executive Committee member from New Jersey~~

Ms. Powers explained that prior to the March meeting, there were concerns raised by both Connecticut and New Jersey about the current process for succession and rotation of the Chair. Members requested that the Bylaws committee take up the issue and consider revising the process so that the Chair is retained by the state represented by the resigning chair. In light of these concerns, the election of officers was postponed so that the Bylaws Committee could consider this revision and present the revised Bylaws to the full Commission for approval prior to any election. A special meeting will be held in May 2019, in advance of Chair Lipoti's resignation, for the primary purpose of approving the Bylaws and conducting elections.

4. Transition from NEIWPC

a. Employee Handbook approval* (Appendix C)

Considerable discussion was held on the Employee Handbook dated February 2019 (Appendix B). Discussion focused on the Flexible Schedule Option, Compensatory Time, Conflict of the Interest Policy and Tuition Reimbursement. Two motions, duly made and seconded, to consider alternate language for the Flexible Schedule Option and the Conflict of Interest Policy, failed to pass. Commissioners suggested including a maximum amount of compensatory time accrual, and a date or length of time during which the accrued time must be used. There was no objection and no motion on this section. The following is a summary of the sections on which there were motions and results of the votes on those motions:

The first motion, duly made and seconded:

To re-write the Flexible Schedule option on p. 7 by deleting the third paragraph of the Flexible Schedule Option section on p. 7 of 39, and inserting the following revised "Schedule Approval" section, currently on page 8, as the first paragraph of the Flexible Schedule Option. Paragraph on "Hours" would remain unchanged. Revision suggested in motion would appear as:

FLEXIBLE SCHEDULE OPTION

Schedule Approval

"Work schedules, specifying any flexible schedule request, are at the sole discretion of the Executive Director and must be submitted each September to the Executive Director for approval. The schedule must not impair the proper fulfillment of job duties nor conflict with Commission work project requirements. For example, a flexible schedule will not be allowed for those who are routinely tardy or behind in their duties. The IEC may terminate an employee's participation in a flexible schedule if the arrangement is no longer satisfactory.

Once an employee has completed the probationary period, s/he is eligible to request a flexible schedule, except in those cases where such a schedule conflicts with the ability of the Commission to perform its functions. The IEC must be adequately staffed during office hours and the availability of the option to employees shall be governed by this basic requirement. Employees are responsible for notifying their immediate supervisor of their intent to request such a schedule.

The flexible schedule option is designed to offer employees some flexibility to the official work hours of the Commission. This option allows employees to ease commuting times or coordinate their work hours to align with family schedules or other commitments. Since the IEC deals with state and federal governments, as well as the public, the office must, at a minimum, be staffed between the hours of 9:00 a.m. – 5:00 p.m. Any application of a flexible schedule will be governed by this basic principle.

~~*Participation in a flexible schedule by an individual employee is voluntary. If an employee chooses to participate, s/he always has the option of ending their participation, provided the Executive Director is furnished with a notice of intent not less than ten working days (one pay period) prior to the date they want to stop participating.*~~

Hours

Full-time employees must request a regularly scheduled 7.5-hour workday (37.5-hour week) to be worked Monday through Friday; regularly scheduled work days will start no earlier than 8:00 a.m. and will not end later than 6:00 p.m. Due to the nature of the Commission's projects, including field work throughout the Interstate Environmental District and laboratory analyses with time-sensitive requirements, it is expected that staff schedules may fluctuate on certain days. Field work usually necessitates the work day to start in the early morning, as early as 6:00am in order to meet the data needs of the project or to allow sufficient time to transport and analyze samples. When calculating workday length for fieldwork, the workday begins when the employee leaves their house, unless the commute would have been shorter if the employee left from the Commission office (laboratory). In that case, the workday is calculated from the time the employee would have left the Commission office. The end of the field day is when the employee leaves the laboratory at the end of the day, after transporting the samples, completing chain of custody procedures, and performing any time-sensitive required sample processing. In cases where the field work does not require transport of samples back to the laboratory, but is at least 7.5 hours in length, the employee does not have to return to the laboratory. Employees are expected to communicate with the laboratory about anticipated arrival times, so that sample processing for short-hold samples can be coordinated and expedited. It is also anticipated that full-time employees' workdays may occasionally exceed 7.5 hours due to the nature of a specific tasks in which case compensatory time will be approved and earned. A personal decision to work in excess of 7.5 hours per day or 37.5 hours per week is not permitted."

Roll Call

NY

Bob Elburn-Aye; Judy Baron-Aye; Rose Trentman-Aye

NJ

Jill Lipoti-Nay; John Scagnelli-Aye; Bruce Friedman-Nay; Loel Muetter-Nay

CT

David Wrinn-Aye; Pamela Scully-Aye; Patricia Sesto-Nay; Denise Ruzicka-Aye; David Wrinn-Aye

The motion failed to pass.

Conflict of Interest Policy

"IEC Employees must not solicit or engage in consulting or any other professional or volunteer work, or seek election to any public office if the role may create, or give the appearance of creating, a conflict of interest or otherwise interfere with their ability to perform their responsibilities at the IEC.

Employees must inform and obtain approval from their supervisor before engaging in outside employment, with or without compensation, which involves:

- *Consulting services*
- *Holding state or local public office*
- *Subject matter that deals, in significant part, with policies, programs or operations of the Commission, or any other matter to which they are assigned or to which they have been assigned during the previous one-year period.*
- *The provision of services to or for an IEC contractor or subcontractor, or the holder of an IEC grant or agreement*

Form and content of request

A request for approval of outside employment, with or without compensation, must be submitted to the appropriate supervisor and must include:

1. *Employee's name.*
2. *Notice of outside activity, including a full description of the services to be performed and the amount of compensation expected.*
3. *The name and business of the person, or organization, for which the work will be done, indication of the type of services to be rendered, and an estimate of the number of clients or customers anticipated during the employment period.*
4. *Whether the service will be performed entirely outside of normal duty hours. (If not, estimate the number of hours of absence from work required.)*
5. *A statement that no official work time, or IEC property, resources or facilities will be used in connection with the outside employment.*

For purposes of this section, "Employment" is defined as any form of non-IEC employment, business relationship, or activity involving the provision of personal services by an employee, whether or not for compensation. It includes, but is not limited to, personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner, trustee, teacher or speaker. It does not, however, include participation in the activities of non-profit charitable, religious, professional, social, fraternal, educational, recreational, public service or civic organizations, unless such civic activities are for compensation, other than reimbursement for expenses.

Any employee failing to comply with this policy will be subject to disciplinary action, including termination."

In the past IEC has not allowed employees to be employed outside the Commission. Commissioner Baron and Bob Elburn were concerned that in the event of short-notice response, an employee may not be available due to outside employment. There was some discussion about whether this policy really deals with outside employment or conflict of interest.

Motion, duly made and seconded to approve the policy as written.

Roll Call:

NY

Bob Elburn-Nay; Judy Baron- Nay; Rose Trentman- Aye

NJ

John Scagnelli-Nay; Jill Lipoti-Aye; Bruce Friedman-Aye; Loel Muetter-Aye

CT

David Wrinn-Aye; Patricia Sesto-Aye; Pamela Scully-Aye; John Atkin-Aye; Denise Ruzicka-Aye

The motion failed to pass. The Executive Committee will take up the review of these sections and

b. Bylaws Committee update

As indicated above, the Bylaws committee is still working on Bylaws revisions and will be working on distributing a final draft for consideration in a special Commission meeting to be held in May.

c. Human Resources support needs

Ms. Powers will be looking into human resources administrative support, likely through a consultant or contractor. IEC's benefits, including participation in two state retirement systems, require considerable coordination and administration.

5. IEC Finances and Current Grant Funds Update

a. Treasurer's Report on IEC Finances* (Appendix D)

Commissioner Atkin made a motion to approve the Treasurer's Report (Appendix D), which was seconded by Commissioner Scagnelli. With no one opposed, the Treasurer's Report was approved.

b. FFY19 consolidated budget report (Appendix E)

Ms. Powers reviewed the consolidated grant budget report (Appendix E), which summarizes the grant expenditure during the first quarter of FY2019. \$140,333 was expended.

c. Western Long Island Sound (LISS) FY19 Base and Enhancement Funding

- LISS FY19 Base program request
- LISS FY19 Enhancement Fund program request

Ms. Powers reviewed IEC's LISS budget request submitted to the Long Island Sound Management Committee. IEC's base funding request includes \$181,303 to support IEC's western Long Island Sound Monitoring and \$39,113 to procure a total organic carbon analyzer to enable IEC to analyze carbon.

d. Unified Water Study funding

Ms. Powers is discussing with Save the Sound two different proposals for IEC to provide 1) analytical services to support the Unified Water Study (Chlorophyll a and nutrients) and 2) Monitoring in Little Neck Bay and Manhasset Bay in support of the study.

6. Director's Report

a. Project Highlights and Updates:

- WLIS monitoring and combined report
- Inspections
- QAPPs
- Proficiencies
- Laboratory certification renewals

Ms. Powers gave a brief update of other project activities. WLIS monitoring is continuing year-round and IEC is working on a joint report with CTDEEP on the 2018 Hypoxia Season Summary. Municipal inspections are wrapping up in Connecticut. Industrial inspections will continue through the summer. EPA has been extremely timely with QAPP reviews. The laboratory submitted NYSDOH chemistry proficiency results and is currently participating in a proficiency study for those parameters certified through NJDEP. Laboratory certification renewal applications have been submitted to NYSDOH with NJDEP and CTDPH renewal packages due before April 1.

b. Other meetings and project/grant updates

- Meeting with EPA grants office 3/6
- Shared Waterways Monitoring Workgroup meeting 3/19
- 2019 CT Volunteer Water Monitoring Conference (4/5)
- Technical Advisory Committee meeting (TBD)
- Partner Management and Workgroup Meetings

Ms. Powers gave a brief update on other significant meetings with regional partners. Ms. Powers has a meeting scheduled immediately after today's Commission meeting with EPA Region 2's grants office to discuss aspects related to IEC's grant administration, including indirect costs and eligible expenses related to any proposed move of IEC's facilities. IEC is also hosting a meeting of the Shared Waterways Monitoring Workgroup on 3/19 at EPA Region 2 headquarters. IEC Environmental Analyst Jessica Bonamusa will be presenting at the CT Volunteer Water Monitoring Conference on April 5th. IEC will also hold a meeting of its Technical Advisory Committee to facilitate production of its FY20 106 workplan and other initiatives.

c. IEC Website updates

IEC staff continue to keep the website as updated as possible. Recent updates include the development of a meeting information page, as suggested in the December meeting, which includes the Commission meeting schedule and approved minutes. Commissioner Baron suggested there could be more clarity on the Commission website when acronyms are utilized such as "QAPP" and "LISS."

d. Staffing

Staffing is status quo with five full time employees.

7. BioBat Laboratory/Office Space Update

a. VWR quote (Appendix F)

Appendix F includes a quote by VWR for the equipment and furniture related to the BioBat space. IEC is still awaiting response from BioBat regarding IEC's counter-proposal and building base work and buildout estimates.

8. Old Business

- a. Commissioner vacancies

9. New Business

10. Executive Session

Chair Lipoti called an Executive Session at approximately 11:55am

11. Upcoming Meetings

There will be two (2) Executive Committee calls in April, one to discuss the facility search and one to discuss and revise the Employee handbook.

Wednesday, June 5th, 2019

Wednesday, September 4th, 2019

Wednesday, December 4th, 2019

Wednesday, March 4th, 2020

12. Adjourn

APPENDICES:

A- December 5th, 2018 Meeting Minutes

B-Executive Meeting Summaries

C-Employee Handbook February 2019

D-Treasurer's Report of IEC finances

E- FFY19 consolidated budget report

F-BioBat Laboratory VWR quote

Respectfully Submitted,

Evelyn Powers

Executive Director