



**Minutes
Annual Meeting
Wednesday, March 3rd, 2021**

Meeting was held remotely 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), Selvin Southwell, (NYSDEC), Alena Baldwin-Brown (NJDEP), Loel Muetter (NJDOH), Virginia Wheatley (NJDOH), Nisha Patel (CTDEEP), Pamela Scully (CTDPH), David Wrinn (CT AGO), John Atkin (CT), Jeffrey Myers (NY), Judith Baron (NY)

A quorum was present

Also in Attendance: Evelyn Powers (IEC Executive Director), Lauren LaRusso (NJ GAU)

2. Approval of minutes from the December 2nd, 2020 Quarterly Meeting (Appendix A) *

The minutes of the December 2nd, 2020 quarterly meeting and the summaries of the January and February Executive Committee meetings (Appendices B and C, respectively) were presented. One correction was requested by Pamela Scully regarding correcting the acronym “CTDOH” to “CTDPH.” With that correction, a motion was duly made and seconded to approve the minutes. With no one opposed, the minutes were unanimously approved.

3. Chair’s Report

Chair DeGaetano thanked the Executive Committee for support and participation in Executive Committee meetings, which have been primarily focused on matters related to the potential new space at the BioBat facility and progress toward the signed term sheet. Chair DeGaetano also updated the Commission on the IEC appropriation in the NYS 2021-2022 Executive Budget, which level-funds the Commission at \$41,600. Chair DeGaetano indicated that some legislative follow-up may be appropriate, but that being level-funded, given the economic impact of the COVID-19 pandemic, was a positive outcome of the NYS budget process.

Ms. Powers introduced and welcomed Nisha Patel to the Commission, who is serving as the statutory representative from CTDEEP, as Philip Trowbridge has left state service. Ms. Patel currently works in the Municipal Wastewater division of CTDEEP and has been with CTDEEP for 27-28 years.

4. BioBat Facility Update

Ms. Powers reviewed the BioBat Term Sheet (Appendix D), which outlines the financial terms of the proposed lease. Commissioner Scagnelli was very helpful in reviewing and recommending

clarification to the original term sheet. Commissioner Scagnelli added that it was a good term sheet, and the landlord had also provided a lease template, which Commissioner Scagnelli also reviewed with Evelyn Powers and Chair DeGaetano and found to be reasonable. Commissioner Myers asked how are BioBat representatives to work with, and Ms. Powers indicated that they had been very reasonable and clearly want IEC as a tenant. Ms. Powers added that it is a very different process than that which occurred with the Falchi Building, as IEC is essentially negotiating and interacting with the New York City, as the prime landlord of the BioBat space is the New York City Economic Development Corporation. Evelyn Powers also reviewed the timeline, BioBat budget analysis (Appendix E) and next steps in the process. Pamela Scully commented that the budget analysis was something she needed in order to assess the affordability of the lease, and indicated that it was excellent. Ms. Powers reported that the next critical step in assessing the affordability of the move was to procure the services of an architect to get a more concrete cost estimate based on laboratory design. Proposals were solicited from three architects familiar with the building. Nisha Patel asked whether a 10-year lease posed any risk to the Commission financially. Commissioner Scagnelli indicated that the 10-year term posed little risk and puts the Commission in a position to have a clear idea of facilities costs over the next 10 years. Evelyn Powers indicated that architectural services to obtain a cost estimate would likely cost \$30,000 based on prior estimates received for the southwest quadrant space. Commissioner Scagnelli inquired whether Ms. Powers and Chair DeGaetano were confident that \$30,000 was sufficient to cover the cost of architectural services. Chair DeGaetano indicated that they were confident. Commissioner Scagnelli made a motion that Commission authorize Evelyn Powers and Chair DeGaetano to expend up to \$30,000 of Commission funds for engagement of architectural services for the purposes of obtaining a cost estimate for construction. The motion was seconded by Commissioner Atkin. Commissioner Baron inquired whether it would be wise to slightly increase the cap, iso in the event that the estimate is slightly above \$30,000, the Commission does not have to reconvene to increase the cap. Commissioner Scagnelli revised his motion to reflect a \$35,000 cap. With no one opposed, the motion was approved. Commissioner Scagnelli also advised that it would be necessary to obtain the services of a lease attorney to review the lease, and made a motion to authorize the expenditure of up to \$15,000 to engage the services of a lease attorney to review the lease. Motion was seconded by Pamela Scully and Commissioner Baron. With no one opposed, the motion was adopted.

5. IEC Finances and Current Grant Funds Update

a. FY2021 Budget Update (Appendix F)

Ms. Powers reviewed the consolidated financial statements which include the Statement of Financial Position, Statement of Financial Activity, and Budget vs. Actuals for the period October 1, 2020 through December 31st, 2021. IEC reserves in the Chase accounts totaled \$623,044. The financial activity summary totaled \$182,937 for the quarter, with \$151,087 in income. The discrepancy between expenses and income is primarily due to the delayed drawdown for expenses related to the federal grants, and approximately \$25,000 in payments from Save the Sound for work performed in the quarter was received in January 2021. A review of the Budget vs. Actuals shows IEC has expended approximately 59% of the *year-to-date* allocated budget.

Treasurer John Atkin commented on the financial statements. Indicating that the presentation and level of detail was appropriate. The Budget vs. Actual statement is very useful. The only two line items that were over the anticipated year-to-date budget were utilities and telephone and internet, but these line items as a percent of the total budget were relatively small. Ms. Powers also reviewed the available and pending funding awards, including unspent, or unliquidated obligations from the federal grants. IEC had a total of \$1,715,716 in awarded, available federal funds. Pamela Scully asked if unspent funds would prevent IEC from being awarded additional funds in the future. Ms. Powers replied that this was a very good point, and that the Commission does have to be mindful of unliquidated balances. EPA does track unliquidated balances and IEC was advised by EPA at the 2020 annual meeting that large unliquidated grant balances should be avoided. Some of the balance is understandable, due to the delay in hiring interns and other staff due to the difficulty of onboarding during the COVID-19 pandemic and the delay in finding new, permanent facility space for the Commission laboratory and offices.

6. Director's Report

Ms. Powers reviewed the ongoing and upcoming monitoring projects for the Commission. The most significant new project the Commission anticipates is a joint project funded by NJDEP to initiate a monitoring project in the NY-NJ Harbor. The project is anticipated to be a multi-year project, which, in Year 1, will focus on nutrients, pathogens and turbidity, as well as field parameters such as dissolved oxygen, salinity, pH, clarity, and chlorophyll. A total of 26 stations will be visited and monitored for pathogens (fecal coliform, and enterococcus or E. coli, depending of classification) weekly during the recreational season (May-September) and monthly throughout the rest of the year. Nutrient sampling will occur monthly at 23 of the stations.

Other ongoing monitoring projects include the western Long Island Sound monitoring, which continues monthly until June. IEC also anticipates continuing its participation in the Unified Water Study, coordinated by Save the Sound, for which IEC performs targeted monitoring in Little Neck and Manhasset Bays. Compliance inspections are ongoing, focusing on municipal plants currently, with inspection occurring in hybrid in-person/remote procedure, where interviews and as much document review is performed remotely, but IEC does go on site at the facility, remaining outdoors, to collect an effluent sample. Inspections were currently on hold, due to an abundance of caution, but were anticipated to resume in the next quarter. IEC looks forward to continuing its coordinated volunteer pathogen monitoring program, which enables citizens to collect samples from specific waterways and submit them for analysis by the IEC laboratory for recreational water quality criteria pathogens.

Ms. Powers reported that IEC will also be co-chairing a session, jointly with the USGS, at the National Monitoring Conference, which will be held remotely in April. The session topic is Effective Monitoring Partnerships and Collaborations in the NY-NJ Harbor and presentations are expected from the Hudson River Park Trust, the NY-NJ Harbor & Estuary Program, Greeley and

Hansen, as well as IEC and USGS.

a. Staffing

Ms. Powers was pleased to report pending increases in staffing. Rachel Lee, who began employment at IEC in January 2020 as an intern while at CSI, has been hired as a full-time Environmental Analyst, primarily assigned to laboratory activities. Kimarie Yap has accepted a position coordinating IEC's Long Island Sound Monitoring Programs, and will begin May 10th, 2021. Kimarie is completing her M.S. in biology at Fordham University. Ms. Powers also anticipated hiring a coordinator for the NY-NJ Harbor monitoring program, as well as up to three seasonal interns to support IEC's seasonal monitoring programs.

7. Old Business

a. Commissioner vacancies

Two Commissioner vacancies remain in New Jersey, and Ms. Powers will continue to work with the Governor's office to fill these vacancies with qualified, engaged candidates.

8. Upcoming Meetings

Wednesday, June 2nd, 2021

Wednesday, September 1st, 2021

Wednesday, December 1st, 2021

9. Adjourn

With no additional business, Chair DeGaetano made a motion to adjourn the meeting, which was seconded by Pamela Scully. With no one opposed, the meeting was adjourned.

APPENDICES:

A- December 2nd, 2020 Quarterly Meeting Minutes

B- January 6th, 2021 Executive Committee Call Notes

C- February 10th, 2021 Executive Committee Call Notes

D- BioBat Term Sheet

E- BioBat Budget Analysis

F- FY2021 Budget Update