



Vincent Sapienza, P.E.
Commissioner

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July 1, 2019

By Email (carrier@coib.nyc.gov)

Ethan Carrier, General Counsel
New York City Conflicts of Interest Board
2 Lafayette Street, Suite 1010
New York, NY 10007

Re: COIB Rule 1-13(e)(1) Designation of DEP Employees
to Perform Work at Not-For-Profit Entities

Dear Mr. Carrier:

Pursuant to Rule 1-13(e)(1) of the Rules of the Conflicts of Interest Board, I, as Commissioner of the New York City Department of Environmental Protection ("DEP"), have designated the DEP employees listed in Exhibit A hereto (the "Designated Employees") to perform work in their official DEP capacities for the not-for-profit corporations, associations, or other such entities operating on a not-for-profit basis listed next to each respective Designated Employee's name on Exhibit A ("NFP"), in the position or capacity at the NFP set forth therein. Based on information presented to me, I have determined that there is a demonstrated nexus between each respective Designated Employee's City job, the mission of DEP and the work or activity of the Designated Employee at the respective NFP, and that such work or activity furthers the mission of DEP and is not undertaken primarily for the benefit or interest of the NFP.

The Designated Employees will take no part in the NFP's business dealings with the City either at the NFP or at DEP in the absence of COIB approval.

Sincerely,

A handwritten signature in blue ink, appearing to read "Vincent Sapienza". The signature is fluid and cursive.

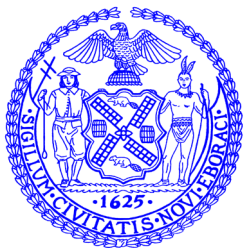
Vincent Sapienza

c: Elissa Stein Cushman, DEP BLA Deputy Commissioner/General Counsel
Franco Esposito, DEP BLA Deputy General Counsel
Ty Rogers, DEP BLA Assistant Counsel

Exhibit A - Designation of DEP Employees to Perform Work at Not-For-Profit Entities (7/1/19)

Last Name	First Name	Bureau	Position @ DEP	NFP Name	Position @ NFP
Amar	Mikael	BWT	Energy Liaison Officer	Water Research Foundation	Project Advisory Committee (PAC) member
Balci	Pinar	BEPA	Assistant Commissioner	Water Research Foundation	Research Advisory Committee (RAC) member
Balci	Pinar	BEPA	Assistant Commissioner	Water Research Foundation	Project Advisory Committee (PAC) member
Degueldre	Lindsay	BEDC	Administrative Engineer	New York Water Environment Association - Metropolitan Chapter	Board Member/Chair of Scholarship and Rules of Conduct Committee
Doherty	Hannah	BEPA	Policy Analyst	Water Research Foundation	Project Advisory Committee (PAC) member
Elardo	Pam	BWT	Deputy Commissioner	New England Interstate Water Pollution Control Commission	NEIWPC Commissioner
Farnan	Michael	BWSO	Executive Director, Operations	New York Section of the American Water Works Association	Trustee, Board of Governors, Liaison to AWWA Membership Committee and Young Professionals Committee
Gajwani	Jane	BWT	Director, Energy Office	Water Research Foundation	Member, Energy Advisory Committee
Garigliano	Jennifer	BWS	Chief of Staff	Water Resources Association of the Delaware River Basin	Board Member/ Vice President
Glaser	Carla	BWS	Section Chief	Water Research Foundation	Project Advisory Committee (PAC) member
Johnstone	Tina	BWS	Director, Source Water Operations	New York Water Environment Association	Member, Utility Executives Committee
Licata-Misiakiewicz	Angela	Sustainability	Deputy Commissioner	Association of Metropolitan Water Agencies	Treasurer, Board Member, Executive Committee member
Licata-Misiakiewicz	Angela	Sustainability	Deputy Commissioner	National Association of Clean Water Agencies	Board Member, Chair of Policy Committee
Lipsky	David	Sustainability	Senior Policy Analyst	Water Research Foundation	Project Advisory Committee (PAC) member
McDonnell	Jennifer	BWT	Manager, Resource Recovery Program	New York Water Environment Association	Member, Residuals and Biosolids Committee
McDonnell	Jennifer	BWT	Manager, Resource Recovery Program	Mid-Atlantic Biosolids Association	Board Member
McDonnell	Jennifer	BWT	Manager, Resource Recovery Program	Water Research Foundation	Utility Advisory Committee (UAC) member
McDonnell	Jennifer	BWT	Manager, Resource Recovery Program	Water Research Foundation	Project Advisory Committee (PAC) member
Milazzo	Frank	BPS	Assistant Chief of Police	Mid-Hudson Association of Chiefs of Police Inc.	First Vice President
Paradis	Elio	BWT	Administrative Engineer	New York Water Environment Association	Board member, Member of Awards Committee and Journal Chair
Pilachowski	Evan	BWT	Director, Business Enterprise Systems	Water Research Foundation	Leaders Innovation Forum for Technology member
Pilachowski	Evan	BWT	Director, Business Enterprise Systems	New York Water Environment Association	Asset Management Committee member
Robinson	Howard	BWT	SSEE D+	New York Water Environment Association - Metropolitan Chapter	Chair, Operators Committee

Last Name	First Name	Bureau	Position @ DEP	NFP Name	Position @ NFP
Van Valkenburg	Dave	BWS	Research Scientist II	Water Research Foundation	Project Advisory Committee (PAC) member



CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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[@NYCCOIB](https://www.instagram.com/nyccoib)
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September 17, 2019

Commissioner Vincent Sapienza
New York City Department of Environmental Protection
59-17 Junction Blvd.
Flushing, New York 11373

Re: Conflicts of Interest Board Case Nos. 2019-543/a-h
(Paul Rush, David Warne, John Schwartz, Jeffrey Graff, Edward Blouin,
David Tobias, Duncan Schmitt, Arlene Weissman, Paul Lenz)

Dear Commissioner Sapienza:

This is in response to your letter to the Conflicts of Interest Board (the “Board”), dated August 9, 2019, requesting permission, pursuant to the conflicts of interest provisions of Chapter 68 of the New York City Charter, for nine employees of the New York City Department of Environmental Protection (“DEP”) to use City time and City resources to work for the Watershed Agricultural Council of the New York City Watershed, Inc. (“WAC”) and to take part in WAC’s business dealings with the City.

Relevant Facts

You advise the Board that WAC is a not-for-profit organization established in 1993 with the dual mission of protecting the quality of the City’s water supply through land conservation efforts in the New York City watershed region and supporting the economic viability of local agriculture and forestry. Pursuant to a Filtration Avoidance Determination issued by the New York State Department of Health, WAC is designated as one of the City’s watershed partners, and the City is required to contract with WAC to administer and implement City-funded watershed protection programs.

DEP currently maintains three active contracts with WAC to fulfill these legal obligations:

- **WAC Whole Farm and Forest Easement Program Contract (the “Easement Program Contract”)** is a \$29 million, seven-year contract to fund the Watershed Agricultural Conservation Easement Program, pursuant to which WAC acquires conservation easements on private farms and forest lands. DEP is currently negotiating with WAC for a successor agreement to this contract, which is set to expire next year.

- **WAC Stewardship Endowment Contract** is a \$43.2 million, twenty-year contract to administer a stewardship program and endowment fund for WAC conservation easements.
- **WAC Agricultural & Forestry Program Contract** is a \$92 million, six-year contract to fund the administration of the Watershed Agricultural Program, Watershed Forestry Program, WAC Outreach Program, and WAC Economic Viability Program.

Pursuant to WAC's By-Laws, you or your designee is an *ex-officio* voting member of WAC's governing body, the WAC Council of Directors, which meets monthly, and of most standing or *ad hoc* WAC committees, which meet bi-monthly. The Council of Directors and appropriate committees must approve of certain projects and funding requests, including the acquisition of conservation easements, the construction of water quality projects on participating farms, or the awarding of project grants to eligible participants. You have designated the following DEP employees (the "Employees") to perform this work on your behalf:

- **Edward Blouin, Agricultural Program Manager of Watershed Lands & Community Planning:** You designate Mr. Blouin to serve as DEP's voting representative on the WAC Agricultural Committee and East of Hudson Committee. You also designate Mr. Blouin to serve as DEP's alternate voting representative on the Council of Directors, Executive Committee, Forestry Committee, Economic Viability Committee, Finance Committee, and Human Resources Committee.
- **Jeffrey Graff, Section Chief of Watershed Lands & Community Planning:** You designate Mr. Graff to serve as DEP's primary liaison to WAC and, in that capacity, to participate as DEP's voting representative on the WAC Council of Directors, Executive Committee, Forestry Committee, Economic Viability Committee, Finance Committee, and Human Resources Committee. You also designate Mr. Graff to serve as DEP's alternate voting representative on the Agricultural Committee and East of Hudson Committee. At DEP, Mr. Graff is the Agricultural & Forestry Program Contract Manager and is involved in negotiating a contract with WAC to fund the design and construction of WAC's new office building.
- **Paul Lenz, Deputy Chief, Natural Resources Division:** You designate Mr. Lenz to participate in WAC Easement Committee meetings. At DEP, Mr. Lenz is involved in negotiating the successor to the Easement Program Contract.
- **Paul Rush, Deputy Commissioner, Bureau of Water Supply:** You designate Mr. Rush to attend meetings of and cast votes at the WAC Council of Directors or committees where topics are discussed that warrant Mr. Rush's participation.

- **Duncan Schmitt, Conservation Easement Manager in the Natural Resources Division:** You designate Mr. Schmitt to participate in WAC Easement Committee meetings. At DEP, Mr. Schmitt is involved in negotiating the successor to the Easement Program Contract.
- **John Schwartz, Chief of Watershed Lands & Community Planning:** You designate Mr. Schwartz to serve as DEP's alternate voting representative on the WAC Council of Directors. You further designate Mr. Schwartz to attend and cast votes at other committee meetings where topics are discussed that warrant Mr. Schwartz's participation. At DEP, Mr. Schwartz is involved in negotiating the successor to the Easement Program Contract and in negotiating a contract with WAC to fund the design and construction of WAC's new office building.
- **David Tobias, Section Chief of the Land Acquisition Program:** You designate Mr. Tobias to serve as DEP's alternate voting representative on the WAC Easement Committee. At DEP, Mr. Tobias is the Stewardship Endowment Contract manager and is involved in the Easement Program Contract.
- **David Warne, Assistant Commissioner and Director of Watershed Protection Programs:** You designate Mr. Warne to attend meetings of and cast votes at the WAC Council of Directors or committees where topics are discussed that warrant Mr. Warne's participation. At DEP, Mr. Warne is involved in negotiating the successor to the Easement Program Contract and in negotiating a contract with WAC to fund the design and construction of WAC's new office building.
- **Arlene Weissman, Supervisor of Acquisition Projects in the Land Acquisition Program:** At DEP, Ms. Weissman is the Easement Program Contract manager and is involved in negotiating the successor to the Easement Program Contract. You designate Ms. Weissman to serve as DEP's voting representative on the WAC Easement Committee.

By your letter to the Board, you approve the Employees performing work for WAC as part of their DEP jobs and, in doing so, participating in WAC's business dealings with the City.

Relevant Law

Charter Section 2604(b)(2), as interpreted in Board Rules Section 1-13, prohibits a public servant's use of City time or resources for non-City purposes.

Board Rules Section 1-13(e) provides that an agency head may designate a public servant to perform work on behalf of a not-for-profit corporation, association, or other such entity that operates on a not-for-profit basis, including serving as a board member or other position with fiduciary responsibilities, provided that: (i) there is a demonstrated nexus between the proposed

activity, the public servant's City job, and the mission of the public servant's agency, and such work furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit; (ii) the designated public servant takes no part in the entity's business dealings with the City at the entity or at his or her agency; and (iii) within 30 days the written designation is disclosed to the Board and will be posted on the Board's website.

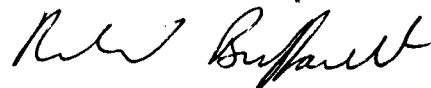
A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at his or her agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, the public servant's City job, and the mission of the public servant's agency; and that such participation furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit entity. See Board Rules Section 1-13(e)(2).

Advice

You are advised that, based on the above representations and your written approval, the Board has determined that there is a demonstrated nexus between the Employees' City jobs, the Employees' proposed work for WAC, and the mission of DEP. The Board has also determined that the Employees' participation in the business dealings between the City and WAC furthers DEP's mission. Accordingly, the Employees may use City time and City resources to perform work for WAC and may be involved in WAC's business dealings with the City. See Board Rules Section 1-13(e)(2).

The advice conveyed in this letter is conditioned on the correctness and completeness of the facts supplied to us. If such facts are in any respect incorrect or incomplete, the advice we have given to you may not apply. If at any time you would like further advice based on a change of circumstances or additional information, please contact us.

Very truly yours,



Richard Briffault
Chair

cc: Fernando A. Bohorquez, Jr.
Anthony Crowell
Jeffrey D. Friedlander
Erika Thomas

Morlan Ty Rogers



November 25, 2019

By Email (carrier@coib.nyc.gov)

Vincent Sapienza, P.E.
Commissioner

Ethan Carrier, General Counsel
New York City Conflicts of Interest Board
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Re: COIB Rule 1-13(e)(1) Designation of DEP Employees
to Perform Work at Not-For-Profit Entity

Dear Mr. Carrier:

Pursuant to Rule 1-13(e)(1) of the Rules of the Conflicts of Interest Board, I, as Commissioner of the New York City Department of Environmental Protection ("DEP"), have designated **Paul Rush, David Warne, John Schwartz, Michael Meyer, Paul Lenz, Jim Bogner and Tom Stalter** (the "Designated Employees") to perform work in their official DEP capacity for **Catskill Watershed Corporation ("CWC")**, a not-for-profit corporation, as set forth in Exhibit A hereto. Based on information presented to me, I have determined that there is a demonstrated nexus between the Designated Employees' City jobs, the mission of DEP and the work or activity of the Designated Employees at CWC, and that such work or activity furthers the mission of DEP and is not undertaken primarily for the benefit or interest of CWC.

A separate letter seeking COIB approval for the Designated Employees to take part in CWC's business dealings with the City will be forthcoming.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Vincent Sapienza', written over a horizontal line.

Vincent Sapienza

Attachment

**c: Paul Rush, DEP BWS Deputy Commissioner
Jennifer Garigliano, DEP BWS Chief of Staff
David Warne, DEP BWS Assistant Commissioner
John Schwartz, DEP BWS Chief, Watershed Lands & Community Planning
Michael Meyer, DEP BWS Section Chief, Community Planning
Paul Lenz, DEP BWS Section Chief, City Land Stewardship
Jim Bogner, DEP BWS Associate Project Manager
Tom Stalter, DEP BWS Associate Project Manager
Elissa Stein Cushman, DEP BLA Deputy Commissioner/General Counsel
Franco Esposito, DEP BLA Deputy General Counsel
Ty Rogers, DEP BLA Assistant Counsel**

Exhibit A - Designation of DEP Employees to Perform Work at Not-For-Profit Entities (11/22/19)

Last Name	First Name	Bureau	Position @ DEP	NFP Name	Position @ NFP
Bogner	Jim	BWS	Associate Project Manager	Catskill Watershed Corporation	Member of CWC Committees
Lenz	Paul	BWS	Section Chief, City Land Stewardship	Catskill Watershed Corporation	Member of CWC Committees
Meyer	Michael	BWS	Section Chief, Community Planning	Catskill Watershed Corporation	Member of CWC Committees
Rush	Paul	BWS	Deputy Commissioner	Catskill Watershed Corporation	Member of CWC Committees
Schwartz	John	BWS	Chief, Watershed Lands & Community Planning	Catskill Watershed Corporation	Member of CWC Committees
Stalter	Tom	BWS	Associate Project Manager Assistant Commissioner,	Catskill Watershed Corporation	Member of CWC Committees
Warne	David	BWS	Director, Watershed Protection Programs	Catskill Watershed Corporation	Member of CWC Board of Directors and of CWC Committees