

**MINUTES OF THE MEETING OF THE
NEW YORK CITY WATER BOARD**

December 9, 2024

A meeting of the New York City Water Board (the “Board”) was held on Monday December 9, 2024 at 255 Greenwich Street, Manhattan, New York in the 8th floor conference room, beginning at approximately 8:30 a.m. The following members of the Board attended the meeting:

Alfonso Carney,

Evelyn Fernandez-Ketcham,

Adam Freed,

Arlene Shaw, and

Daniel Zarrilli

constituting a quorum. Mr. Carney chaired the meeting and Albert Rodriguez served as Secretary of the meeting. Board officers Executive Director Nerissa Moray and Treasurer Omar Nazem were in attendance, and were joined by Rohit Aggarwal, Albert Kramer, and Lo Chan from the Department of Environmental Protection.

Approval of the Minutes

The first item on the agenda was approval of the minutes of the Board’s previous meeting held on October 9, 2024. Upon a motion duly made and seconded, the minutes of the meeting held on October 9, 2024 were put to the members for a vote. The members in attendance unanimously approved the minutes by a voice vote.

Agreement with Fuse Corp

The next item on the agenda was a proposed contract with the Fuse Corp to continue DEP’s association with the organization for a second program year. Ms. Moray provided a brief description

of the work performed by the previous year's Fuse Corp cohort. Mr. Carney inquired why two fellows were proposed for the second cohort, while the previous year's agreement had included three fellows. Ms. Moray explained that the change to the program's size was not due to budget constraints but was attributable to the successful conclusion of projects from the previous year and to the level of demand for project assistance in the upcoming year. The two project areas that would be the focus during the upcoming program year were described as involving both project management services to support DEP's activities across the agency's different functional areas and as an information technology focused project designed to help DEP's information technology bureau to develop an intermediate term strategic roadmap focused on bringing new technologies to the agency. Ms. Moray proceeded to provide some background about the Fuse organization, describing it as focused on environmental and climate issues, including a focus on environmental justice, and indicated that the two new fellows would likely be in their roles by May 2025.

Member Zarrilli asked for clarification on why the Fuse agreement would be a Water Board contract rather than a DEP contract. Ms. Moray indicated that the focus of Fuse's work was a continuation of some of the initiatives identified in DEP's strategic planning work during 2023 and 2024 that the Board had funded and that the Fuse contract was originally a request to the Water Board due to the short timeframe to negotiate the original agreement.

Upon a motion duly made and seconded, the resolution authorizing an agreement with the Fuse Corp was put to the members for a vote. The members in attendance unanimously approved the resolution by a voice vote.

RESOLUTION

WHEREAS, pursuant to Sections 1045-b and 1045-g of the New York City Municipal Water Finance Authority Act (the "Act"), the Board is authorized to

enter into contracts and to retain private consultants for the purpose of obtaining professional or technical services to assist the Board in carrying out its responsibilities, including tasks relating to the planning, development, financing, or construction of the water and wastewater system of the City of New York (the “System”); and

WHEREAS, the Board’s duties under the Act include establishing and collecting water and wastewater rates and charges in an amount sufficient to place the System on a financially self-sustaining basis; and

WHEREAS, the safe and reliable operation of the System by the New York City Department of Environmental Protection (“DEP”) is a prerequisite to providing the water and wastewater service that generates the revenues used to fund the System; and

WHEREAS, DEP has requested that the Board assist in the agency’s effort to obtain the technical, managerial, and professional staff required to administer the agency and its operating bureaus, and to obtain such supplemental expertise from professionals with previous professional experience in areas relevant to DEP and where the agency has identified an institutional need for the assistance of such skilled professionals; and

WHEREAS, DEP and the Board have identified Fuse Corps as a uniquely qualified organization, with expertise in identifying professionals suitable for government administration with relevant technical expertise in areas such as project management, management information systems, performing strategic assessments for senior leaders, and with experience in assisting early and mid-career professionals with the transition from the private sector to the public sector, and wish to authorize the Board’s officers to negotiate suitable and mutually agreeable terms with Fuse Corp, conducted in accordance with the Water Board’s Policy on the Procurement of Goods and Services, in particular, Section 5.i and Section 6, it

is therefore

RESOLVED, that the Board's officers are hereby authorized and directed to negotiate a definitive legal agreement with Fuse Corp for up to a two-year term, upon such other terms and conditions as the officers may deem reasonable and appropriate; and be it further

RESOLVED, that the aggregate compensation authorized and payable to Fuse Corp pursuant to this agreement will not exceed \$400,000 during the term of the agreement, a maximum funding authorization reflecting all projects, fellows, and assignments agreed to pursuant to the agreement.

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Agreement with Greg Ascierto

The Board's next agenda item was a proposed consulting agreement with the Board's former Deputy Treasurer, Greg Ascierto. After a brief introduction of the resolution by Chairman Carney, and an opportunity for the Board's members to present questions, the resolution was presented to the members for a voice vote.

Upon a motion duly made and seconded, the resolution authorizing an agreement with Mr. Ascierto was put to the members for a vote. The members in attendance unanimously approved the resolution by a voice vote.

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RESOLUTION

WHEREAS, pursuant to Sections 1045-b and 1045-g of the New York City Municipal Water Finance Authority Act (the "Act"), the New York City Water Board (the "Board") is authorized to enter into contracts and to retain private consultants on a contract basis for the purpose of obtaining professional and technical services to assist the Board in carrying out its responsibilities; and,

WHEREAS, the Board's primary duty under the Act is to establish and

collect water and wastewater rates and charges in an amount sufficient to place the water supply and wastewater systems of the City of New York on a self-sustaining basis; and

WHEREAS, the New York City Department of Environmental Protection (DEP), which operates the City's water and wastewater system and serves as the Board's customer service and billing agent, has requested the advice of a consultant retained through the Board to assist with administration of the customer billing database, review of customer bills, and related tasks involving customer account balances or billing inquiries, and to obtain supplemental technical expertise in the areas of water and wastewater billing policies and interpreting such policies for purposes of connecting rates and billing methods with the DEP computer systems used to calculate and prepare customer water and wastewater bills; and

WHEREAS, the Board previously retained Mr. Ascierio on an interim basis on May 19, 2022, following his retirement from City service, having worked at DEP continuously since 1993 in numerous capacities, most recently as Deputy Treasurer for the Water Board; and

WHEREAS, the Board views Mr. Ascierio as possessing valuable knowledge and expertise with respect to water and wastewater billing matters and DEP's computer billing systems, and wishes to authorize the Board's officers to negotiate suitable and mutually agreeable commercial terms with Mr. Ascierio, conducted in accordance with the Water Board's Policy on the Procurement of Goods and Services, in particular, Section 5.i and Section 6, it is therefore

RESOLVED, that the officers of the Board are hereby authorized and directed to enter into discussions and negotiations of a professional services agreement with Mr. Ascierio, to retain Mr. Ascierio's services as an independent contractor to the Board for a term of agreement not to exceed three years, and upon such other terms and conditions as the officers may deem reasonable and

appropriate; and be it further

RESOLVED, that the compensation for services performed for the term of the agreement shall not exceed \$125,000 in any single fiscal year, and under no circumstances shall the amount of aggregate compensation payable during the term of the agreement exceed \$324,000 of Board funds, calculated at an hourly rate not to exceed \$110.00 per hour.

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Agreement with Ove Arup Partners

The Board's next agenda item was a time extension of its 2021 agreement with consulting engineering firm Ove Arup Partners for design-build advisory services. Lo Chan from DEP's Office of the Agency Chief Contracting Officer presented an update on the contract's progress and on the basis for the request for the time extension. Mr. Chan described the progress on the contract, explaining that the additional time would allow Ove Arup to complete work on an additional design-build project and would provide additional time as required due to the complexity of negotiating some of the supplemental agreements related to the design-build work. Member Freed requested that DEP, at an appropriate time, provide the Board with an update on how the design-build process worked and a summary of the benefits and challenges of the process. Member Zarrilli asked if the agency had a viewpoint on the best types of projects to include through the use of design-build methods, with Mr. Chan replying in response that DEP had identified several suitable project categories, including wastewater treatment plant upgrades across different functional areas of the plant and roadway construction on landholdings in the City's watershed region.

Upon a motion duly made and seconded, the resolution authorizing an extension of the agreement with Ove Arup Partners was put to the members for a vote. The members in attendance unanimously approved the resolution by a voice vote.

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RESOLUTION

WHEREAS, pursuant to Sections 1045-b and 1045-g of the New York City Municipal Water Finance Authority Act (the "Act"), the New York City Water Board (the "Board") is authorized to enter into contracts and to retain private consultants on a contract basis for the purpose of obtaining professional or technical services to assist the Board in carrying out its responsibilities; and

WHEREAS, the Board's primary duty under the Act is to establish and collect water and wastewater rates and charges in an amount sufficient to place the water supply and wastewater systems of the City of New York on a self-sustaining basis; and

WHEREAS, the safe and reliable operation of the City's water and wastewater system by the New York City Department of Environmental Protection (DEP) is a prerequisite to providing the water and wastewater service that generates the revenues used to fund the system; and

WHEREAS, under the New York City Public Works Investment Act, signed into law on December 31, 2019, and reauthorized and extended in April 2022 until December 31, 2027, DEP received authorization to undertake water and wastewater capital construction projects using a design-build project methodology on a provisional basis; and

WHEREAS, by resolution adopted by the Board at its March 23, 2021 meeting, the Board authorized up to \$1,000,000 of Board funds in connection with retaining a consultant to provide design-build construction advisory services to the Board; and

WHEREAS, by agreement dated November 1, 2021, the Board retained Ove Arup and Partners, P.C. as its design-build consulting advisor, with compensation originally authorized under the agreement not to exceed \$998,267;

and

WHEREAS, the Board at its meeting on September 11, 2023 authorized \$200,000 of additional funding for the consultant, resulting in total Board authorized funding of up to \$1,200,000; and

WHEREAS, the Board has identified six capital construction projects that are well-suited for completion using a design-build project methodology, each of which is anticipated to undergo an RFQ/RFP process overseen by DEP; and

WHEREAS, the extension of the legislation until 2027, the identification of six projects, as compared to the up to five projects originally contemplated, and identification of the need to complete CEQR environmental review prior to awarding final design-build contracts has prompted the need for additional time to complete the agreement's scope of work; it is therefore

RESOLVED, that the Board's officers are hereby authorized and directed to negotiate a time extension to the November 1, 2021 agreement, as amended, in order to effectuate a time extension of the agreement extending the term until a date no later than May 1, 2025, provided that the amount of Board funds spent under the agreement will not exceed the previously authorized not to exceed amount of \$1,200,000.

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Department of Environmental Protection Update on Developments North of the City

Commissioner Aggarwala provided an update on drought conditions in southern New York State including the City's watershed region, referencing the repair work the City was performing on a section of the Delaware Aqueduct. The Commissioner explained the City's decision to suspend work on the Aqueduct repair in November as a decision primarily driven by the objective of ensuring adequate water supply to the City in the event the drought conditions persisted, with the repair work expected to resume in October 2025, noting that construction on the bypass tunnel was

previously completed and the remaining work focused on connecting the bypass tunnel to the main section of the Aqueduct. The Commissioner described some of the communication measures taken by the City during the drought watch and then the drought warning declared during November, and described some of the steps that would be required were a drought emergency to be declared, as well as some of the educational materials the agency makes available. Member Zarrilli asked if DEP refers to the leak forgiveness program as part of the its drought communication strategy. Deputy Commissioner Kramer described recent work by DEP, involving an analysis of customer data focused on identifying several hundred customers receiving leak detection alerts but who had not yet responded to the alerts.

Following on the earlier remarks about communication strategy and informational materials, Member Shaw raised the question of whether changes to the ways in which the public consumes information should prompt changes in how DEP or the Board share information with the public, such as looking beyond traditional channels such as print and broadcast media to consider newer channels like social media and podcasting. Commissioner Aggarwala elaborated on some of the ways the City shares information with the public, noting that drought communications were made available through all three of the City's public service announcement channels, describing part of DEP's media strategy as focused on maximizing the value from existing channels, where the cost of accessing or constructing the channels had already been incurred and further value could be realized from existing channels through the investment of time rather than additional spending, and acknowledging that it could be prudent for the agency to also make additional investments in newer media channels. Member Fernandez-Ketcham described some of the interest she had observed among younger members of the public in obtaining information through social media or other newer categories of media outreach. Member Freed stated that if DEP has updates to share, staff should not need to wait for the next Board meeting to share the update.

Other Business

Member Freed asked for an update regarding the Board's consulting agreement with Paul Herzfeld, noting that the Board had spent approximately \$5,000 with Mr. Herzfeld to date, adding that the Board would value the opportunity to review any updates or work materials. Commissioner Aggarwala offered to check if Mr. Herzfeld should provide a written summary, and Treasurer Nazem noted that Mr. Herzfeld had led small format briefings for Board members on the Water Board's authorities earlier in the year.

Commissioner Aggarwala provided an update on some of the consulting work Sienna College had performed for DEP and the Board, work that included conducting a survey in the City's watershed region. Mr. Aggarwala described the survey's conclusions, which included a finding that the City was well-regarded in the watershed region, and provided comments regarding the perception that the City does not pay a fair share in the watershed region despite bearing a large property tax burden outside of the City. Member Shaw added comments that the public did not always have a clear sense of the water system's purpose and the benefits it provides.

Adjournment

There being no further business to come before the Board, upon motion duly made and seconded, the meeting was adjourned.

/S/
SECRETARY