

**NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF ENGINEERING DESIGN AND CONSTRUCTION  
CROTON FACILITY MONITORING COMMITTEE MEETING MINUTES  
WEDNESDAY, DECEMBER 15, 2010 – 7:00 PM**

The Croton Facility Monitoring Committee (CFMC) met on Wednesday, December 15, 2010 at the DEP Community Office, 3660 Jerome Avenue, Bronx, NY 10467.

Attending - CFMC representatives:

Damian McShane, Chairman, CFMC and Community Board # 8; Paul Foster, Chairman, and Ozzie Brown, Vice Chairman, Community Board #7; Hector Aponte, Bronx Commissioner, Department of Parks & Recreation (DPR); Jessica Noon, and Wilhelm Ronda, Bronx Borough President's Office; George Diaz, office of City Council Member G. Oliver Koppell; Mark Lanaghan, Department of Environmental Protection (DEP); and Ken Parr, Community Board #12. Present were staff of DEP; DEP's construction manager; and members of the public. Attendees who signed in are on *Attachment 1*.

Welcome

Mr. McShane welcomed everyone and called the meeting to order at 7:05 pm. The agenda is *Attachment 2*.

Adoption of CFMC Meeting Minutes

Mr. McShane asked if the FMC representatives would approve October's meeting minutes. A motion was made by Mr. Foster and seconded by Mr. Aponte. By unanimous vote, the minutes were adopted.

Update on Schiavone and Skanska M/WBE Practices

Mr. Lanaghan explained that Schiavone Construction entered into an agreement and paid a \$20 million fine plus investigation costs as a result of findings of fraud in its Minority and Women Business Enterprise (M/WBE) program. The fraud was related to a trucking firm, TM Maintenance, an MBE firm that acted a front for trucking activities performed by non-certified firms. Croton contracts that were investigated were CRO-311 and CRO-313, along with two MTA projects. In 2007, an independent Integrity Monitor funded by DEP but reporting to the Department of Investigation (DOI) started monitoring Croton construction. They participated in the investigations that led to the recent agreement and resulting fines. From newspaper reports, an investigation into Skanska's practices is also on-going and Skanska is fully cooperating with the investigation. While DEP has M/WBE goals for its construction contracts, it does not debar firms nor does it regularly perform M/WBE inspections. Integrity issues including those involving M/WBE fraud are generally tracked through the city's Vendex program.

A discussion, initiated by Mr. McShane, included comments from Mr. Parr; Mr. Foster; Gary Axelbank, area resident who stated that Schiavone Construction were awarded the excavation contract before the Croton Water Treatment Plant was authorized for the Mosholu site; Anne Marie Garti, Jerome Park Conservancy, who suggested that punitive damages be sought in a lawsuit against Schiavone; Michael Gary, representing State

Senator Espada; Richard Barr, Bronx High School of Science Parents Association; Karen Argenti, Bronx Council on Environmental Quality; Mr. Lanaghan; Bernard Daly, DEP; Mr. Aponte; and others. Comments included Mr. Diaz asking that Schiavone Construction be debarred and Mr. Parr saying that the additional costs of the Croton project were caused in part by fraud, and recommending that another audit of all costs be performed. Mr. Foster asked that the penalties received from Schiavone Construction go to the local community for parks improvements and Mr. Ronda said the penalties could, for example, pay for the Pedestrian Bridge over the Major Deegan Expressway that the community seeks. Mr. Foster requested that DEP further explain how it will ensure the state list of certified M/WBE contractors is accurate.

Mr. Daly explained the criteria for selecting a construction contractor. The contract is first competitively bid. After the bids are opened at a pre-determined date and time, a low bidder is determined based on price only. Then a process determines if the low bidder is responsive and responsible. This process involves checking the contractor's past work experience and safety record to see if the contractor can actually do the job, followed by an examination of the contractor's Vendex filing to see if there are any outstanding integrity issues. The contract will only be awarded if all the criteria are satisfied.

Ms. Argenti said the CFMC should receive a presentation on M/WBE and its compliance on the Croton project. Mr. Lanaghan said that in 2009 the CFMC was given a presentation on M/WBE compliance. Mr. McShane requested that at the next CFMC meeting, DEP give a presentation on the procurement process, M/WBE targets, procedures, enforcement and goals.

#### Construction Update/Look-ahead (Attachment 3)

Bernard Daly, P.E., DEP Site Project Manager, provided a 90 day look-ahead construction schedule and the status of the Croton contracts.

The CRO-312 contractors are continuing numerous construction activities at the Van Cortlandt Park (VCP) site. More than 99% of the concrete has been placed. Work has continued on the Arrivals and Receiving Building, Chemical Fill Station and above ground vent/stairway structures. As reported at the previous meeting, most of the construction work is now taking place inside the treatment plant structure. Installation of mechanical, electrical, plumbing and HVAC work continues. Utility work and retaining wall construction at the entrance to the Croton Filter Plant are proceeding. Electric lines for the First Tee golf course will be relocated from the plant entrance road to the Shandler area. Mr. Daly noted that there is still a major amount of electrical work to be completed for the plant.

The architectural work for the DEP above ground buildings and landscaping work for the driving range will be completed by the DEP Croton contractors. The future permanent Golf Course Clubhouse, driving range stalls, and related golf course facilities -- including a new parking area -- will be completed under the supervision of the Department of Design and Construction in the next several years.

The CRO-313 tunnel contractor is continuing to build the Raw Water and Treated Water Shafts at the VCP site.

The CRO-312-OS contractor is working at the Shaft and Meter Chamber at Jerome Park Reservoir (JPR) installing large diameter piping. Intermittent work is continuing on improvements to the Gate Houses. Most of the concrete work for the new ramp in the South Basin has been placed, but completion of the stone work awaits warmer weather. As part of an engineering investigation of JPR, a drill rig was set in the South Basin earlier today. The DEP Asbestos Task Force is removing asbestos from the Microstrainer Building near Gate House No. 6 at the south end of the reservoir. Plywood has been erected on the Microstrainer Building roof to isolate the work.

Contract CRO-315 contractors are now performing punch list work. There is no water in the JPR basins and no chlorine is on site. JPR basins will not be filled, pending work on the New Croton Aqueduct (NCA) under Contract CRO-334. A plug will be inserted into Shaft 21 next year as part of the CRO-334 contract. Ms. Garti requested that up to 10' of water be placed in JPR basins during the first quarter of 2012. She said that the community has waited for a long time to have water visible to the neighborhood. Ms. Argenti and Ms. Garti discussed rehabilitation of the NCA and the needed repairs. Mr. Daly said that on November 18 the CRO-334 contractor had a smoke condition and small fire in the tunnel. The CFMC was notified. Investigation determined that lights remained on when the work crew departed. The situation was made safe immediately, and safety training commenced immediately thereafter to ensure that the problem does not recur.

Mr. Axelbank asked about the status of the force main. Mr. Daly said that CRO 312-FM Contract is still on hold, pending evaluation of several alternate routes. A final route decision is expected to be made by or before the next CFMC meeting. The original route was found to be more complicated than planned when, by analyzing test pits, the contractor located 12,000 feet of trolley tracks in Webster Avenue that would interfere with the installation of the force main, and would consequently have to be removed.

#### Update on Croton Jobs

Mr. Lanaghan reviewed the latest jobs report – see *Attachment 4* - in which 200 Bronx workers or approximately 18% of a total of 1133 are on site. Mr. Lanaghan plans to meet with union locals in January to urge for an increase in the number of Bronx based workers. Following an initial meeting, there may be individual meetings with union officials. Mr. Foster urged that achieving a 20% Bronx based workforce at Croton be the goal. Mr. Lanaghan said that DEP believes the local skilled union workforce should have an opportunity to participate when a union makes site referrals. Mr. Brown asked for the percentage or number of permanent jobs at Croton that will go to Bronx residents. Messrs. Daly and Lanaghan said this has not been decided and an address requirement might not be lawful. Ms. Argenti spoke about Perimeter Security. Mr. Daly responded about the Integrity Monitor's comment and assessment following her earlier questions about the firm. Gregory Faulkner, office of Council Member Cabrera, added that the CFMC was instrumental in getting the contractors to consider Perimeter Security, a

locally-based MBE firm to work on site. Mr. McShane suggested that Ms. Argenti write a letter to the Integrity Monitor requesting the criteria for evaluating and investigating local firms. Ms. Argenti agreed.

Mr. Axelbank requested that the CFMC obtain from DEP a monthly update on cost of the project. For example -- will the alternate route of the force main be more or less costly? Mr. McShane said a cost update will be useful to have on a monthly or quarterly basis. Mr. Daly agreed. He said that the parks improvements costs will not be included, and will continue to be provided by the DPR.

#### Report on Public Access at JPR

Mr. Lanaghan said the JPR public access report is pending Commissioner's approval. He does not have a date for its release. Mr. McShane said he asked State Senator Klein and Assembly Member Dinowitz to write to the DEP Commissioner, seeking the report's release. He said that through Mr. Faulkner, Council Member Cabrera will be asked to make a similar request. Mr. McShane said that Council Member Koppell had or will soon send a similar letter. Mr. Ronda voiced his disappointment that the Bronx Borough President's letter hasn't already resulted in release of the report from DEP.

#### CFMC Discussion

Mr. Barr asked for an update on Harris Playground. Commissioner Aponte explained that play equipment will be installed beginning next week; however the equipment plugs use epoxy and conditions may be too cold for plugs installation at this time. At Fields 5 and 6, the soil is up to grade, with sod planned to be laid in January. This is also a weather dependent activity. Mr. Aponte is awaiting safety surface input and expects to be able to update the CFMC in January about the program. Mr. Brown asked about Regatta Park's \$1.7 million that was allocated and explained the partnership of CB #7 with Columbia School of Architecture. He said he was told that money was taken from this project and moved to Harris Fields. Mr. Aponte explained the funding decisions based on scarce resources and that at Regatta Park similarly contaminated soils are expected to be found, which will need to be remediated. Mr. Brown said that Council Member Cabrera provided clean up funding for the site. Mr. Faulkner said Council Member Cabrera wants a scope of work for Regatta Park and that NYCDOT owns the property. Mr. McShane requested that, in addition to its regular update next month, DPR make a presentation about which projects go forward and why some are put on hold.

The CFMC tentatively set the next meeting for Thursday, January 20th at 7 pm.

Ms. Noon thanked the CFMC and the community for their input and cooperation while she worked for the Bronx Borough President. She said she was relocating to Philadelphia and would be working on that city's green infrastructure program.

Mr. McShane asked for a motion to adjourn, which was made by Mr. Parr. The meeting adjourned at 8:50 pm.

12/15/2010

NYC DEP - CROTON FMC

Attachment 1

<u>Name</u>	<u>Organization / Company</u>	<u>Address</u>	<u>Phone</u>	<u>Fax</u>	<u>E-Mail</u>
Lloyd Douglas	Minority Business Consultant	165 West 127 St. #2J New York NY 10027	(718) 292 3113 x 7550		
Wilhelm Ronda	Bronx Borough President's Office	851 Grand Concourse Bronx NY 10451	(718) 590-8087		wronda@bronxbp.nyc.gov
Gary Axelbank			(718)960-8707	(718)960-6795	gaxinthebronx@gmail.com
Paul Foster	Community Board #7	229A East 204 Street Bronx NY 10458	(718) 933-5650		pfoster@cb.nyc.gov
Ozzie Brown	Community Board #7	229A East 204 Street Bronx NY 10458	(718) 933-5650		
Martha Holstein	Strategic Urban Solutions, Inc.	335 Adams Street Brooklyn, NY 11201	(718) 625-1005 x. 223	(718) 625-1032	mholstein@urbansol.com
Bernard Daly	DEP BEDC Project Manager	3701 Jerome Avenue Bronx, NY 10467	(718) 696-2000	(718) 324 3034	bdaly@dep.nyc.gov
Greg Faulkner	Office of Council Member Cabrera	107 E.Burnside Ave Bronx NY 10453	(347) 590-2874	(347) 590-2878	gfaulkner@council.nyc.gov
Robert Barnes	DEP Community Outreach Office - Croton	3660 Jerome Avenue Bronx, NY 10467	(718) 231-8470	(718) 231-8857	rbarnes@dep.nyc.gov
Jessica Noon	Office of Bronx Borough President Ruben Diaz Jr	851 Grand Concourse Bronx NY 10451	(718) 590-3881	(718) 590-2698	inoon@bronxbp.nyc.gov
Anne Marie Garti	Jerome Park Conservancy	3967 Sedgwick Avenue Bronx NY	(718) 601-1322; (718) 884-7864		annemarie@garti.net
Mark Lanaghan	Asst Comm, Intergov.Affairs DEP	59-17 Junction Blvd. Corona NY 11368	(718) 595-3519	(718) 595-3477	mlanaghan@dep.nyc.gov
Damian McShane	Chairman, Community Board #8	5676 Riverdale Ave Bronx NY 10471	(718) 884 3959		dmcshane@panynj.gov
Richard Barr	Bronx HS of Science Parents Association	203 W 86 Street York NY 10024	(212) 877 2694		richardedbarr@aol.com

<u>Name</u>	<u>Organization /</u>	<u>Address</u>	<u>Phone</u>	<u>Fax</u>	<u>E-Mail</u>
George Diaz	Office of Council Member Konnell	3636 Waldo Avenue Bronx NY 10463	(718) 549 7300	(718) 549-9945	gdiaz@council.nyc.gov
Karen Argenti		P.O. Box 346 Bronx NY 10471	(646) 529 1990		kabx101@gmail.com
Ken Parr	Community Board #12	4101 White Plains Road Bronx NY 10466	(718) 325-4967		kwparr@optonline.net
Adam Wisnieski	Riverdale Press	6155 Broadway Bronx NY	(718) 543 6065		awisnieski@riverdalepress.com
Israel Rodriguez	American Latin Assn of NY, Inc	14 West 170th Street Bronx NY 10452	(347) 590 0285	(347) 862-0286	irodriguez@boomprogram.com
Michael Gary	Representing State Senator Espada	80 Van Cortlandt Park S. Bronx NY 10463	(718) 549 4811		grambafloink@gmail.com

**Agenda**

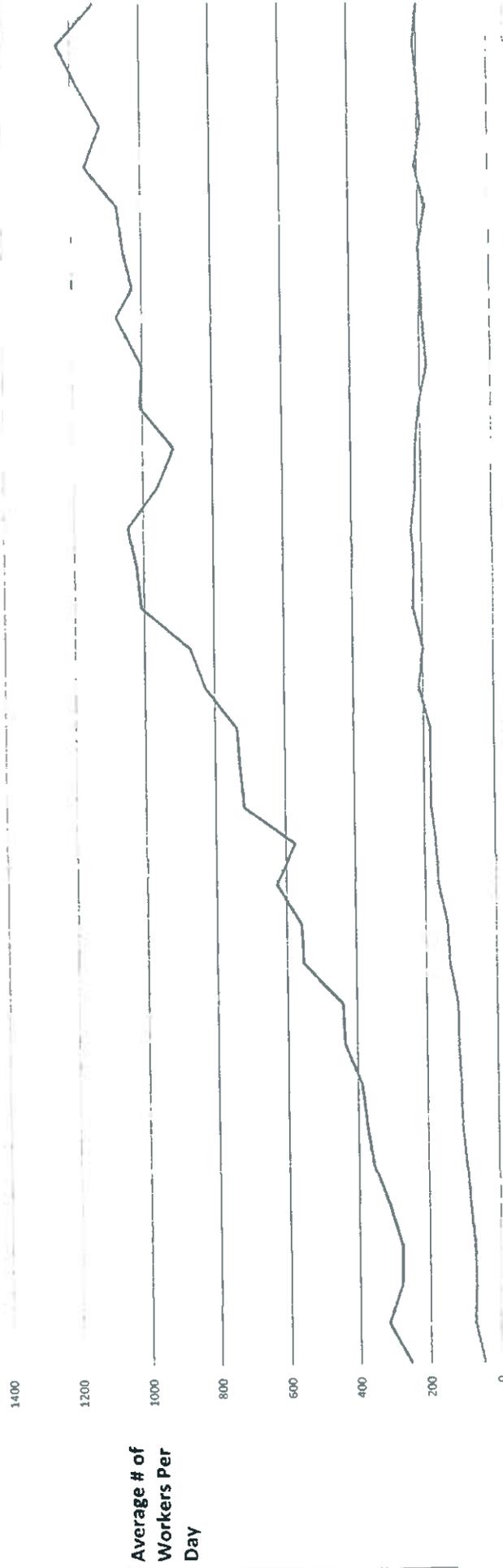
**Croton Facility Monitoring Committee Meeting**

Wednesday, December 15, 2010 – 7:00 PM

DEP Community Office, 3660 Jerome Avenue, Bronx NY 10467

- |  |  |
|--|--|
| <b>I</b> Welcome, Comments about CB #8's Chairing the CFMC and Rotation Next Month to CB #12                         | Damian McShane, Chairman                       |
| <b>II</b> Departing Remarks  | Jessica Noon, Bronx Borough President's Office |
| <b>III</b> Consider, Adopt 10/27/10 Meeting Minutes  | CFMC Representatives                           |
| <b>IV</b> Brief Update on M/WBE subcontracts of Schiavone & Skanska  | Mark Lanaghan, DEP                             |
| <b>V</b> Construction Update and Look-ahead, including recent smoke condition at JPR & status of route of force main | Bernard Daly, DEP                              |
| <b>VI</b> Current Report - Croton Jobs   | Mark Lanaghan                                  |
| <b>VII</b> Jerome Park Reservoir Public Access Report  | Mark Lanaghan                                  |
| <b>VIII</b> CFMC Discussion, Set Next Meeting  | CFMC Representatives                           |
| <b>IX</b> Adjourn  |  |

## CROTON WATER TREATMENT PLANT AND OFFSITE FACILITIES AT JEROME PARK RESERVOIR



Average # of Workers Per Day

	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Jul-10	Aug-10	Sep-10	Oct-10	Nov-10		
Bronx Workers %	18%	23%	25%	26%	27%	26%	27%	27%	25%	25%	24%	25%	26%	29%	25%	25%	25%	26%	23%	22%	22%	22%	23%	23%	24%	20%	18%	18%	19%	19%	17%	18%	17%	17%	17%	17%	18%
Workers Bronx Workers	46	73	70	72	83	91	102	104	110	111	133	139	163	168	180	181	181	212	199	227	224	228	216	216	204	181	193	195	203	181	210	191	200	211	200	211	200
Workers Total Workers	254	317	280	278	312	356	374	387	436	441	553	558	629	573	718	730	738	827	869	1009	1021	1045	959	912	1007	1001	1073	1027	1054	1067	1160	1115	1182	1237	1133	1133	

Total Average Overall= 21% for CRO-312G, CRO-312E1, CRO-312E2, CRO-312H, CRO-312P, CRO-312OS-G and CRO-312OS-E

