

**GREEN BROOK FLOOD CONTROL COMMISSION  
MEETING MINUTES**

LOCATION: Middlesex Library

DATE: June 7, 2017

MEETING CONVENED: 7:30PM

NOTE: Adequate notice of this meeting was provided informing the public of the time and place according to the provisions of the Open Public Meetings Law (Chapter 231, P.L. 1975).

IN ATTENDANCE:

Richard O'Connor - Engineer, GBFCC  
John J. Sweeney . Middlesex Boro  
Paul Woska . Middlesex  
Theodore Bassman . Scotch Plains  
Clare Leveurne  
Robert Greco - USACE  
Rob Zucker . Winning Strategies  
Bill Crosby . North Plainfield

Evan Walter - Middlesex  
Paul Leso . Union County  
Robert Rottando . Middlesex resident  
George Ververides-Middlesex Cty Planning  
Alice Tempel . South Plainfield  
Frank McArdle . North Plainfield

MINUTES

The minutes from the April 5, 2017 meeting were approved. A copy of the approved minutes is available on the GBFCC website.

CORRESPONDENCE

None.

The GBFCC maintains a correspondence file that is available for inspection as may be necessary and upon request.

TREASURER'S REPORT

Bills were reviewed and found to be in order. Bills were paid to Grotto Engineering, Winning Strategies, Tina Totten our Corresponding Secretary. Motion was made for bills to be paid. Motion carried.

Treasurer's report and budget is available on-line and available for inspection upon request.

WINNING STRATEGIES

Rob Zucker reported the following:

As you recall from our last bi-monthly meeting, on our Washington trip we had been seeking \$30 million in the FY18 budget. We were also waiting on the end of the FY17 process which ended on May 5<sup>th</sup>. FY17 appropriation was signed into law by President Trump and included the full \$10 million of the FY17 Energy & Water Appropriation Legislation. That is through the construction account with the US Corp of Army Engineers. Although some cuts were made to the FY17 bills, this project did not have any funding removed. That is a positive thing. As you recall from the visits which Bill & Ray made to Washington, we were seeking aggressive funding

based on a capacity figure of \$30 million, which is reasonable, yet larger than the Hill had heard recently and we had a favorable response from the folks on the Hill.

President Trump released FY18 full budget, as opposed to the skinny budget which we reported on at last meeting. Consistent with the skinny budget it cuts about \$856 million from USACE construction account versus what was approved in the recently enacted FY17 legislation. Even under that substantial cut, this project was put in the USACE work plan for \$20 million. Not as high as the people on Hill had sought on our behalf, but we can be relatively pleased in the scenario as the work plan budget amount has doubled from prior fiscal years. Certainly, we made the case on Capitol Hill that with \$20 million we can get things done, but we can do a lot better with \$30 million, emphasizing that not only would it be done sooner, it would be less money overall, as the activities aren't drawn out over as long a period of time.

There are plenty of people on Capitol Hill whose response, even amongst the same party as the President, were circumspect about the budget overall.

I haven't heard any comments that only related to the Army Corp of Engineers. I do think there has been a general theme in response on Capitol Hill, perhaps unusual in the first year an administration proposes a budget, perhaps a bit unusual, a departure coming from the same party as the President, saying that it's great that the President proposes, but it's we, as Congress, that are going to dispose. As over-sight hearings have begun, as the Federal department and agencies come to defend their budgets, there's been a general theme, even among the Republicans, not necessarily looking to go along with the proposed cuts. Don't want to get ahead of ourselves here, but I am optimistic that the House & the Senate would be inclined to fund things at at least the work plan levels, and potentially at higher level if they are able to restore the proposed cuts. That's \$856 million basically off what was almost \$6 billion last year in FY17. You can get from about \$6 billion down to \$5 billion just to give a general sense. Investigations account was something in the order of \$38 million lower, so it's not only the construction account which is lower among the Corps budget.

We will be working hard. I have already done outreach to Congresswoman Bonnie Watson-Coleman staff asking what happens if the House Appropriation Committee re-opened the process of requests so members of Congress can respond to changes made to the full budget proposal. I do not have confirmation whether a new submission has been made. The initial submission stands.

On the Senate side, slightly different process, where the deadlines for Senate Appropriations Committee will be two weeks from the day that the budget proposal was dropped. So, we didn't have to have the similar back and forth.

We will be working over the summer. The only thing I will preview is that unlike in prior years, we all should be aware, that we are accustomed to seeing the Energy & Water Bill, with its non-partisan nature in general, be marked up in House Appropriations Committee and usually one of the earlier bills to make it to the House floor and then move through what we consider regular order. Because of the late date the full budget dropped, and with today being June 7<sup>th</sup>, there is speculation that the House Appropriations Committee, similar to what the Senate Appropriations Committee did for several years, so it's not unprecedented, would seek to pass all of its twelve bills through committee. Might not be so bold as to think they have the time to get them all through the floor of the House. Sometime before the August recess, all those bills will be packaged into an omnibus bill that would be acted upon by the House of Representatives as a single bill. That is a little bit of a different path for it. Still speculative.

We will be working very hard to make sure that what comes out of committee has the most robust-level of funding possible. We may not see the Energy & Water Bill in House individually

like we have in recent years and we may see it wrapped into what is already a package, a preliminary House Version of an omnibus even before August.

Mr. Sweeney: Rob, Is Rep. Bonnie Watson Coleman on our side? Can we count on her support?

Mr. Zucker: Great point. When dealing with these bills individually, the Energy & Water bill is a relatively less partisan bill and often garners both Democratic alongside Republican support. Bonnie Watson Coleman is not on the Appropriations Committee. If all of these things are packed into one single package, it's possible that she will not have any option except voting on the floor at that preliminary stage on a massive package that funds every department and government agency. Part of speculation is that Republicans will craft that package in such a way some people are familiar with the dynamic, having been on the Health Care Bill for instance, that you have about 40 members of the House Freedom caucus, some of the more conservative wing of the Republican party in the House of Representatives. The same way that they were ~~as~~ as a block no vote on Health Care Bill until they became ~~as~~ as a block yes vote, they might not support a spending bill unless it has dramatic cuts in it. Two scenarios are possible:

- 1) House version of omnibus has such dramatic cuts that no Democrat would support in August.
- 2) It is a more moderated package because the Republican leadership realizes they need the votes of House Democrats also to move it forward.

Can't speculate yet. Only note that because there is going to be this dance, and I don't mean that in a blithe way, but I think there will be a dance between what democrats are asking for programmatically or for their individual projects and their willingness to vote for the bills. Obviously if not put on the floor individually, it forces members, like Congresswoman Bonnie Watson Coleman -- speculating here, not trying to speak on her behalf . not sure what they would do if faced with a substantiated reduction. If you saw that very conservative package, some of the bills not usually affecting us, like the Health & Human Services budget was proposed in the Trump budget at a 19% reduction. I have a hard time believing if presented in that way, that an omnibus will draw support of any Democrats.

Hope that addresses your question. I do think she is trying to be as supportive as she can at each stage. I contrast that with what is happening in Senate, where at least previously in the last two years, where they've had the majority for the first time, there was an attempt to pass all bills through committee clean of these so-called legislative riders, and at levels that would gain bi-partisan support in order to get some bills on the Senate floor.

Only other thing I would note is that it's June 7<sup>th</sup> and in a normal year a budget resolution needs to pass by April 15<sup>th</sup>. After which the House & Senate Appropriation committee can start bringing bills to the floor without a budget resolution having been enacted.

That's fine that they *can* do that, but their work is made more difficult by not having a top line budget number. Allows them to set what they call the 302B levels, which are the allocations that each of the bills, like the Energy & Water, alone would get. So just the work of appropriations is made much more complicated. The optimism I would give over there that again the Energy & Water Bill, unlike some of the other bills, is considered one of the more bi-partisan bills and if anything was to try to be advanced on the earlier side, I'd still give this bill among the best chances right alongside the Military Construction Veteran's Bill.

Mr. Sweeney: Sounds good. Any other specific questions for Rob?

Mr. Bassman: I'd make one comment from being involved with this for a number of years. The House has been passing these Energy & Water Bills clean for a number of years. With that no earmark pledge, which really has neutered the congressman, you wonder if this is going to

breakdown. The other point is that we don't have any money in there for the GRR for the Upper Basin so that pushes this back one more year. If it will take three years for the study, another year to review, are we going to be done with the Bound Brook at that point and then can't do any more on other parts of the Green Brook project because we are waiting on the GRR and hydraulics and everything.

Mr. Greco: We were given direction to keep moving with design. Designs are out for segments up to C2 & H which is far up near library. We need to let another design out on street for C3 to C5. Then have C & D along the Green Brook which we know is effected by whatever we do in the Upper Basin.

We were given direction by the current Colonel, (soon to be previous Colonel) that we are to move ahead with design of C & D and that's what we are going to do. We'll take the risk that we might have to make changes. I want to have design on the table because it takes so long to get the Rights of Entry. To have designs advanced enough so in the future fiscal years we can ask for \$30 million a pop because at that point we would have the real estate.

Mr. Zucker: Bob, I do think that is helpful, but can I just point out the investigations, which is where the GRR next dollar had to come from, not construction, the percentage basis was cut more dramatically than the construction dollars in the FY18 budget. With that level of cut, don't know what is realistic to have hoped for. I wouldn't contest how non-future funding of it would affect it. Except that coming back to investigation side sometimes has a little better ability to be flexible or borrow money one place hoping to get it conducting other activities. Don't want to put words in mouth of the Corp representative, but that has been my experience in past. I do know that in our advocacy, we emphasize construction dollars because we thought there was such a good chance.

Mr. Greco: I can state that our investigations was cut drastically. I don't believe we had one investigations study funded in FY18.

Mr. Zucker: And your point about earmarks is well taken. It makes it harder for members of Congress to fund items that were never requested. One reason we will continue to press for a higher than \$20 million number would be that this money was in work plan. We are making the case that this number is not as high level as we would hope for if the Corp would have given the full amount and unlike other projects, whether investigation or construction, that are out there scrambling a bit more, no matter where in the country, if there were absent from work plan, I'd rather be where we are which is in there, but not at the level we had hoped, because if they restore the money, we have a chance to have it increased.

#### ARMY CORPS OF ENGINEERS

Robert Greco, Project Manager, reported the following:

*Bound Brook* – Since early April meeting, provided an official turn-over letter signed by Col. Caldwell USACE NY district to the NJ DEP officially turning over the Bound Brook portion of the Green Brook project. That portion of the Green Brook project is now included in our inspection of completed works. Each year will have engineers inspect the project along with NJ DEP and if we find any deficiencies, will have to correct. Somerset County is very good in maintaining the project over in the Borough of Bound Brook.

*Middlesex --*

*Segment B2* – By Starlet Drive. Carbro working on the installation of test piles. Going to conduct test pile work. We are reviewing their test pile plans now. Will soon be testing piles to see depth

of rock and how it reacts. Once completed, can start foundation work for floodwall. Quite a bit of activity on Starlet Drive.

*Segment B3* – Reviewing CMS's test pile load plan. As soon as fully approved, they will accelerate work behind Middlesex Borough Hall. Also, will start concrete work for pump station.

*Demolition of 2 Structures* . Both to be done by CMS. The garage on Route 28 and the house on 292 Greenbrook Road. Found asbestos at the house so contractor's price will go up, but they are reasonable. Anticipating permits in place by end of June so can start the demolition and clean up the properties. The garage will be used as additional parking for the American Legion.

*Segment C1, Contract 1* – Pump station and part of levee; this is down by NJ Transit Raritan Valley Line and behind Lincoln Blvd., behind the commercial complex. Anticipate completing design in March 2018. Received the rights of entry from property owners late and that delays our progress forward. Instead of an award in FY17 this had to be pushed to FY18 due to getting those rights of entry late. When we must send multiple letters to property owners, it causes delays. Can't stress enough how getting the rights of entry to the properties is a big hurdle. Keeping HQ and NAD aware of everything going on as there is keen interest in this project. Pump Station expected to award in May 2018.

*Segment C1, Contract 2* – Part of levee and a floodwall. Haven't received all the rights of entry yet. I started knocking on doors two weeks ago. Only found three people home, of those two immediately signed the rights of entry allowing us to enter their property to get a boring rig in there to take the soil sample analysis to assist in putting together designs. We still have a couple rights of entry missing. We will have to come back to those. The contractor moved through with the rig and took as many borings as possible except for property where rights of entry are missing.

*Segment C1, Contract 3* – Pipe Crossings/Culverts under the NJ Transit railroad crossings of the Raritan Valley Line. Have hired an architect/engineer to provide designs and they are engaging NJ Transit. Hopefully all goes according to schedule so we can award that contract in FY18.

In FY18, have Segment C1, Contracts 1, 2, & 3 all to be awarded. If we are receiving only \$20 million we will fall short. We will probably need more money if we can obligate all these contracts. Will find out as soon as I get a detailed schedule from the contractors.

*Segment C2 & H* . An architectural/engineering contract has been awarded to Jacobs Engineering. It is a \$6 million plans and specs contract, a lot of design work and follow-up work during construction. They are currently waiting for E4 Sciences, our boring contractor, to get the GP12 permit from NJ DEP. Hopefully that will come soon so we can get the rig out there by the end of June. Will start taking borings along the C2 alignment all the way up to the high school. Start at C2, and will provide that info to Jacobs as soon as complete. Reason this was delayed, is again due to the delay in getting rights of entry from property owners along the C2 and H alignment which pushes the whole schedule to the right and in turn that affects our obligations.

We need to get all these rights of entry. Then we get the real estate. Once we design the alignment, we identify what the impacts are on each property and then our staff from the Baltimore district will engage with each of the property owners with the appraisals. Assuming we have positive reactions on the appraisals, we can move forward quickly. If we have negative reactions, it will be like Segment B2 which could set us back a year or two. We shall see.

It's a stretch to get all these contracts awarded in FY18 with only \$20 million. I requested from each of our designers to give an estimate of how much money we think we will need in FY18 assuming we get all these contracts out, obligated & ready for award. It's quite a bit.

*Segment C3-C4-C5* - A separate architect engineering contract for this work to another A/E contractor, prior to the fiscal year. Probably going to come in around \$3 to \$4 million as far as design work. That will complete all the A/E contracts up to Segment C5, up near the high school.

Whatever we design up along the Upper Basin effects the design of the C & D levees on the Green Brook. In FY18 we are going to move forward and obligate some funds for the boring work, wetland delineation and survey work along both sides of the alignment of C & D. This a long alignment. Spending some money on gathering boring data and surveys. Eventually, in FY19, will start design work. The risk is that if the Upper Basin study is not completed when we start the design work, or if we don't have at least the H & H data from what is occurring up there, then we might have to take a risk on designing levees and revise if needed. It is a risk we are willing to take to avoid even more delays.

The real estate process can really bog us down. Focusing on advancing the design process as much as possible several fiscal years out. If the funds are made available, we can use them. The Rights of Entry process takes so much time.

Question: Does the Baltimore Real Estate division get involved with respect to the borings?

Mr. Greco: Yes, they do. There is a federal right of entry form that homeowners need to sign. Then the NJ DEP LURP needs a separate form signed by property owner, where the contractor must describe exactly what there are doing & the boring locations. Then that whole package gets submitted to NJ DEP and there is a 30-day clock for them to give us the GP12 permit. Just about to get this permit for C2 up to C5. Once we get that permit, then we schedule the contractor and the boring rig. Sometimes it takes 3 . 4 weeks to get a boring rig out there.

When we put together the design, based on the boring data & the surveys, we identify each of the property impacts, i.e., how much property do we need for a temporary construction easement & a permanent easements for the levee or. Then Baltimore district puts together the appraisal packages. Then go back out to the property owners, for a third time, and hopefully the property owner agrees with our appraisals. If the property owners do not agree, it holds things up.

Question: Where you have had difficulty with the property owners, have you enlisted the assistance of the municipal government?

Mr. Greco: Yes. I've reached out to the mayor of Middlesex Borough, the Green Brook Flood Control Commission and we try as much as we can ourselves. We have updated lists which have been provided to the Mayor's office and will be discussing at our meeting next week. I have a list with three rights of entry which are needed for borings along the alignment here in Middlesex. Should have received these already. One of them is the City of Plainfield. Stefanie has been in contact with them so we should be getting that soon. The other one is a commercial property up in Maywood, NJ. Stefanie has been in touch with them to explain that they are holding up our process and please move it along.

Have a whole series of rights of entry that are required for wetland delineation surveys. Have to identify mitigation impacts. At next meeting will discuss with NJ DEP & the Mayor's office of Middlesex Borough and also with Ray, we have to get these rights of entry. And if we can't, will

find out if NJ DEP will allow us to plot using GIS aerials to fill in gaps within our surveys so we can move forward and if we need to acquire additional mitigation credits at the mitigation bank, then we will do that. It is a cascading thing. Trying my best to get these designs out on the table. Residents tend to be compliant. Commercial property tends to be more challenging. We can discuss more at the coordinator's meeting next week.

*Upper Basin* . Meeting with NAD on April 19<sup>th</sup>. We submitted the draft Upper Basin PMP to NJ DEP, GBFCC, Somerset County & Middlesex County for people to start reviewing. It is for 5 years and a little over \$5 million. Right now, the requirement from HQ USACE is to keep these feasibility studies, which are GI funded, under 3 years and \$3 million maximum. This is very complex because what needs to be done in the Upper Basin is quite a bit of work.

We had meeting with North Atlantic Division and they suggested that we break it up into two parts, with the goal to reduce the GI-funded portion. One part would be a CG-funded validation study, which would look at the existing project as laid out in the 1997 GRR, with updated hydraulics & hydrology and updated property impacts (i.e. if we need to make levees bigger, it will have an additional impact on properties). The other part would be for all the alternatives and would be examined under the GI funded Upper Basin GRR study.

With the help of Alec Peterson in our planning division, we split the tasks up into two groupings, including two separate PMPs and two separate schedules. The team reviewed a draft of all this and I am incorporating their comments into the plans. Now must see what the costs come to by doing this. The CG-funded portion would be shared 75-25. The GI-funded study would be shared 50-50.

Once we are done with these two PMPs will have NJ DEP and North Atlantic Division review and get their buy-in before giving it to the Commission. I would think with the way we broke it out, the DEP should be pleased because the costs would be reduced in the GI-funded portion of the project. Expect to have these completed and turned over to DEP & NAD by June 26<sup>th</sup>. Follow up meeting with NAD in early July. At that point, if no major comments/changes, would release to GBFCC.

Mr. Crosby: I suppose you have received no negative comment from anyone about the proposed review of the four alternates for the Upper Basin.

Mr. Greco: I have not received any comments from the NJ DEP or from the Commission. That's okay because if there is silence, that's positive.

Been busy trying to get all of this put together into a plan where everyone in vertical team is in agreement. Quite a bit of work and it's challenging.

#### QUESTIONS/COMMENTS FROM THE PUBLIC

*Resident Question:* I live close to South Lincoln Ave, I was wondering if you had a map to show what is going to possibly be done. The back of my property goes close to the Green Brook.

Mr. Greco: I don't have a current map with the latest layout with me, but we can use this map to give you a good idea.

Mr. Sweeney: If you step up at the end of meeting we can roll out this map to show you.

*Resident Question:* Couple years ago I got a form letter when they were doing well drillings for access to my property; but I don't recall getting anything recently.

Mr. Greco: After the meeting, we can see where you are situated and look at this list to see if you are one of the property owners. We have been sending out quite a few rights of entry requests.

QUESTIONS / COMMENTS FROM THE COUNTIES

**Somerset County**

None.

**Middlesex County**

George Ververides reported that they are very pleased with relationship with Somerset County in maintaining the levee and pump station. Working out very well.

**Union County**

None.

GBFCC ENGINEER

None.

QUESTIONS / COMMENTS FROM THE COMMISSIONERS

We learned regrettably of the death of Tony Adario. Former Mayor and Councilman in the Borough of Watchung. Longtime member of this commission for well over 30 years, sadly he is with us no longer. Tony was one of the major supporters behind the effort to keep the Upper Basin going for a long period of time. Just wanted to acknowledge for the record his service to GBFCC and our appreciation for his efforts over those many years. We were concerned, back in the eighties, when there was a significant push to split this project in half. Tony was one of people that kept the Northern/Eastern portion of the project together. We drafted a bill for the NJ Legislature at the time because we were so concerned. We wrote the Bill to convert the Commission to the Green Brook Flood Control Authority, which would give us the right to bond so we wouldn't be relying on DEP's budgetary process. Shortly after that was done, Bob Franks took on the big push to keep us together & obtain the additional funding to fund the reexamination of the retention basins on the Green Brook. Tony spear-headed that and we appreciated working together with him and it highlighted the non-partisan nature of this commission. He will be missed.

George Ververides will send an acknowledgement to the family on behalf of the GBFCC.

Mr. Sweeney thanked the Library for their hospitality.

A discussion about possibly changing the date of the August memorial service occurred, but in agreement to keep date the same.

A motion was made and approved to adjourn.

MEETING ADJOURNED: 8:30 PM

Upcoming 2017 GBFCC meeting dates:

**Saturday, August 5 - Memorial Service 9:30 am– \*\*\* UPDATED LOCATION\*\*\* Miller Park at the Green Brook Municipal Building (111 Greenbrook Rd)**

**October 4 – Scotch Plains**

**December 6 - Plainfield**