

**GREEN BROOK FLOOD CONTROL COMMISSION
MEETING MINUTES**

LOCATION: North Plainfield Community Center

DATE: December 6, 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
Rob Zucker – Winning Strategies
John J. Sweeney – Middlesex Boro
Paul Woska – Middlesex
Theodore Bassman – Scotch Plains
Bill Crosby – North Plainfield

George Ververides-Middlesex Cty Planning
Raymond S. Murray – GBFCC Chairman
Frank McArdle – North Plainfield
Paul Leso – Union County

MINUTES

The minutes from the Oct. 4, 2017 meeting were approved, after noting a spelling error which has been subsequently corrected. A copy of the approved minutes is available on the GBFCC website.

CORRESPONDENCE

Nothing to report.

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

TREASURER'S REPORT

Copies of the Statement of Operations were distributed. The Finance Committee reviewed the bills to: Courier News for advertising; Grotto Engineering, Tina Totten and Winning Strategies, which are the typical monthly bills; Alliance for Action dues; and to Raymond Murray for web hosting for five years. Motion was made for bills to be paid. Motion carried.

Motion was made for the budget, which was introduced at the last meeting, to be adopted. Motion carried. Treasurer's report and budget is available on-line and available for inspection upon request.

The Nominating Committee met. There was no response for any new volunteers. The Nominating Committee is submitting for recommendation the sitting officers for this year to remain for next year – Mr. Murray, Mr. Sweeney, Mr. McArdle and Mr. Crosby. Motion made and motion carried.

ARMY CORPS OF ENGINEERS

Robert Greco, Project Manager, is on location in Austin, Texas working on the Hurricane Harvey Temporary Housing Mission until beginning of January. He has been doing his best to keep everyone abreast of progress by distributing updated minutes for the monthly project coordination meetings while he is away. We have been given local points of contact in his absence. Mr. Greco provided Mr. Murray with notes for tonight's meetings.

General Notes:

USACE is providing Hydraulics Modeling (Unsteady Model) to Somerset County as the work progresses. Joe Skupien and his group have been taking a look at the models to try to come up with other ideas for the Upper Basin to provide protection downstream. There is some concern that we will be looking at something for Skytop & Oakway Basins that is not doable and do not want to waste time looking into something if we are not able to physically construct.

NY District office held a meeting with NAD on September 25, 2017 to discuss the Cost Control Board (CCB) documents and reasons for cost increase to the project. In doing the updating to the post-Katrina standards and using real dollars, instead of just inflating the known dollars as had been done in the past, it appears that at the present pace, we would break the authorized cap on project sometime in 2045. We must go in front of CCB to explain why we will go over. That meeting should be in the March / April time frame.

Project Funding for FY2018: awaiting receipt of the \$20 million federal & \$7 million non-federal funds.

NJDEP made a request to the Corps on behalf of the Borough of Bound Brook to what alterations would need to be made to the levees in Bound Brook, NJ in order to incorporate a bike path on the levees for recreational purposes. Since the project in Bound Brook has been turned over to the State of NJ, a Section 408 request would need to be initiated by NJ with plans provided in accordance with EC1165-2-216.

This may not come to be, but it does bring to light that going forward in future, if there are portions of the project that are not on public lands, it may be advantageous to word the easements differently. Different cost sharing obligations are used for recreational purposes.

Construction sequencing:

Follow-up on internal meeting required between USACE, AECOM, JACOBS and NJDEP in order to determine maximum temporary impacts that the project team can accept for structures and land during construction. Follow-up meeting to be held with LURP after.

Below are the current draft construction sequence award dates:

1. Awarded Segment B-3 – Oct 14, 2016 (FY 17)
2. Awarded Segment B-2– Feb 16, 2017 (FY 17)
3. Flood Proofing of Structures in Piscataway Township (By Railroad Tracks) – FY 18
4. Segment C1, Contract 1 (Pump Station/Levee) – Q3 FY 18.
5. Segment C1, Contract 2 (Floodwall) – Aug 18 (FY 18).
6. Segment C1, Contract 3 (Culvert Crossing) – Aug 18 (FY 18).
7. Segment C2 and H occurring at the same time on opposite banks of the Bound Brook tying into South Lincoln Ave through the use of Closure Gates (Note: Bridge Raising is being eliminated since approximately 25 structures would be impacted (FY 19).
8. Non-Structural Flood Proofing of Structures in Piscataway Township. – FY 18
9. Non-Structural Flood Proofing of Structures in Green Brook Township FY 21
10. Segment C3 and C4.-FY 19
11. Segment C5 & B4, plus Segment B-3 Pump Station & Route 28 Closure Gates
12. Segments C & D - opposite banks of the Green Brook. – FY 21 to FY 25.

Above assumes funding in the amount of \$20M to \$30M federal per fiscal year.

Construction status:

Segment B2; floodwall (~500 feet); new contract; FY17

- o Interim raises to ~40-year risk reduction until future segments

- Public meeting held on Tuesday, December 5, 2017 at 7 PM, Middlesex Council Chambers
- Floodwall sections are currently being poured with concrete.

Segment B3 Contract; floodwall, pump station, temp levee tie off

- Asbestos removal complete at auto body shop and 292 Green Brook Rd. 292 Green Brook Road demolition occurred on week of October 1, 2017.
- Placement of concrete floodwall is 100% complete. Contractor working on retaining wall surrounding the pump station. Contractor beginning to install box culvert and drainage chamber under Legion Parking Lot.

Segment B4 – Floodwall Alignment

- 56 Dayton Ave - purchased by USACE Baltimore Real Estate. Structure needs to be demolished and property turned over to NJDEP. District in the process of preparing the plans and specifications for demolition. Col. Asbery anxious to get this done.
- Diner on Rt. 28 adjacent to Bound Brook – Property appraisal obtained from Baltimore Real Estate appraiser was very low. Property owner has opportunity to obtain an independent appraisal.

Segment H

- Segment H borings completed.
- Wetland delineation report in progress. Awaiting utility information for survey.

Segment C-1, Contracts 1, 2 & 3 (Pump Station/Levee/Floodwall/Culverts)

- NY District investigating the closing an existing culvert that was recently discovered and re-routing discharge thru a pipe into the Bound Brook.

Segment C-2 and Segment H, SUR JV/Jacobs Engineering

- A-E Contract awarded on May 1, 2017 to SUR JV. Awaiting P&S schedule from A-E pending receipt from E4 Sciences of all the Borings and Surveys. E4sciences to submit borings logs and appendices on December 11, 2017 and final geotechnical report on December 15, 2017.

Segment C-3 and Segment C-4, Princeton Hydro/HDR

- A-E contract awarded on September 22, 2017 to Princeton Hydro LLC.
- Estimating the Award to take place on July 9, 2019

Flood Proofing (Non-structural) in Piscataway Township and Bridgewater Twp.

- Draft Report scheduled to be completed by E4 Sciences by December 11, 2017.

Upper Basin

- In order to expedite the Federal Cost Share Agreement (FCSA) with NJDEP the plan is to issue a FCSA for \$3 million to be modified later upon agreement of the PMP with NJDEP/NAD/HQUSACE. Amended FCSA will be required subsequent to revision of the PMP.
- The NY District held a conference call with NAD on Oct 4, 2017. NAD proposed that the NY District provide a strategy document for the proposed path forward for the GRR and the Validation Study for upward reporting and proposed acceptance by HQUSACE. The strategy document was subsequently provided to NAD on 18 Oct 2017. NAD provided instructions to the NY District to proceed with the Validation Study in order to confirm whether the authorized plan should be reevaluated. If the authorized plan needs to be

reevaluated the next step would be to proceed with the GRR. N Y District to discuss with NJDEP the status of the Feasibility Cost Sharing Agreement (FCSA) and the path forward with respect to the GRR.

Question: What is the estimated cost of this entire project now?

Mr. Murray: It is about \$1.2 billion. Been working with the USACE on both increasing cap on project and ways to decrease costs. Looks very odd as the original project projection costs were in 1997 dollars with an original authorization of about \$200 million. On pace for a 2047 conclusion but hope to move it along faster if we can.

QUESTIONS / COMMENTS FROM THE COUNTIES

Union County

None.

Somerset County

None.

Middlesex County

Reported that a good cooperative relationship continues with Somerset County. In process of buying some equipment for maintaining the levees, which will handle the slopes of the levees.

RFP RESPONSES

We received responses from our Request for Proposals. We have one response from our existing provider for Professional Government Relations at the existing rate. As for Engineering, we received two proposals: 1) Our existing firm, Grotto Engineering, at a top billing rate of \$135/hour and 2) Suburban Consulting Engineers with a rate that ranged up to \$160/hour. With that said, Mr. Murray made motion to keep the existing providers at the existing rates. Motion carried.

Question/Comment: I'm looking over the minutes from October meeting for first time because I wasn't at last meeting. I'm noticing the Cost / Benefit Ratios. Something sticks in my mind going back a few years. Joe Skupien always said that the Upper Basin had a good cost/benefit ratio, but I don't see that followed through in the minutes.

Mr. Crosby agrees that Joe Skupien was correct in that statement. There is an enhanced benefit because of Bound Brook because of the amount of carnage that occurred in that area. Since that has been apparently resolved, it does seem unfair to take that portion out because it has been completed. It is all one project.

Mr. Murray: They calculate the remaining cost/benefit ratio, but it is not the end-all, be-all of the project. That is good news.

Mr. Crosby reiterated that we worked on an authorized project as a whole back in 1986. My view would be that it is one complete project, whether or not you complete in segments. Should not be a negative to the project today, because we were successful in getting portions resolved previously.

Mr. Murray: And the part completed, is the part that had the best benefit.

Mr. Crosby: Also the part that had the biggest immediate aid.

WINNING STRATEGIES

Rob Zucker reported the following:

We have \$20 million pending in both the House & Senate versions of the Energy & Water Bills. Continuing Resolution has become a bit of a tug of war among different factions within and among Republicans. May recall that in 2011, the Budget Control Act put spending caps in place and if those are not addressed this year, sequestration would get triggered again. There will be a look-back conducted in calendar year 2018 and applied to FY18 bills that have not yet been finalized. Republicans, now that they control the White House, Senate & House, would like to see an uneven increase in the spending caps. In 2011, it was an even split between Defense & Homeland Security and Non-Defense discretionary spending. Republicans would like to see the caps go up for more for Defense and Homeland Security and not an equal amount for Domestic Non-Defense Discretionary.

There's probably about a 20% likelihood these bills will be finalized by end of 2017; 80% chance they will be finalized in January/February 2018 instead. Think we are in good shape, not just because we had \$20 million in the USACE work plan, and not just because we are in both the House and Senate bills, but if you remember the budget proposed in May, it proposed \$861 million in cuts to Army Corps construction accounts. Since neither House or Senate appear to be following through on that, leads me to believe we are in good shape. Even if they cut dramatically out of the restoration of funds, we are in the base work plan. That is a good place to be.

The other thing that we are going to be doing in this time frame is working with our Senators and members of Congress to try get a robust number for next year.

Working through the Cost Control Board issue. It does appear that this is a requirement that the Corps does have to do and as a result on the award reauthorization process, which is due to happen in 2018, seek new language that will accommodate the cost change. Don't want it to affect plans which are intended for years down the road. We are doing the prudent thing by gathering information, and probably talk about a trip to Capitol Hill earlier in 2018 rather than later.

It is a gaudy number, but we need to educate staff that it really is a difference of \$50 million and the bulk of increase has more to do with inflation and not overruns. The other factor accounting for the increased costs is the new environmental regulations and post-Katrina requirements which the Corps and the State of NJ have put in place. It does not have to do with a simple real estate delay, for example. Given that, I think we will get a receptive audience. For the Committees of Jurisdiction over it, they will understand that.

As referenced in our October minutes, we maintain regular conversations with contacts at Congressman Frelinghuysen staff about things that might affect the State of NJ office. We don't want to see anything dramatic happen and the Corps doesn't want to see anything dramatic happen. There is a little bit of concern about what OMB might be use as a pretense for finding a reason to exclude funding on any project across the country.

As in previous years, it will be incumbent on us to get our ducks in a row for the Appropriations process for calendar year 2018 and have an authorizations approach as well.

Question: With the change in Administration at the State level, do we foresee any changes in the direction for the DEP that will affect the Corps work on the Green Brook?

Mr. Murray: We haven't heard anything as of yet. We will certainly keep close monitor on that. Eight years ago, when then Governor-Elect Christie was preparing for office, we actively sought him out because we had stimulus funding. It was a great opportunity to push the project forward, but we needed a local match of funds. Likewise, we will keep close contact with DEP. John Moyle has expressed that the DEP, as it is currently configured, it wouldn't be an issue for them to come up with \$8 million if they had to.

Question: Would it be advisable to contact the transition team at this stage?

Mr. Zucker: May I offer my opinion? Although I am the furthest from a state government relations expert, Middlesex will get clout in this next legislature, gaining a Speaker in the State Assembly. That will be a worthwhile briefing, whether it happens locally at his district or down in Trenton. That person, representing Middlesex, will probably be able to further appreciate at a level for the amount of state resources that have been successfully deployed here and what may need to be deployed in the future. That may be a helpful factor.

My only other observation from the transition team makeup, which I have heard colleagues that are involved talk about, is that many of them have served in prior Democratic administration so I do not believe that you will be having to start from square one to explain the merits of the project.

GBFCC ENGINEER

None.

Mr. Murray thanked the Borough of North Plainfield for hosting, noted that the February 7, 2018 meeting will be held in Green Brook and asked Mr. Sweeney to reach out for the April 4th meeting in Middlesex.

A motion was made and approved to adjourn.
MEETING ADJOURNED: 8:15 PM

Upcoming 2018 GBFCC meeting dates:

February 7 – Green Brook

April 4 - Middlesex