

**GREEN BROOK FLOOD CONTROL COMMISSION
MEETING MINUTES**

LOCATION: Plainfield

DATE: December 5, 2018

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:

Raymond S. Murray . GBFCC Chairman
Richard O'Connor - Engineer, GBFCC
John J. Sweeney - Middlesex
Paul Woska . Middlesex
Alice Tempel . South Plainfield
Frank McArdle - North Plainfield
George Ververides -Middlesex Cty Planning

Rob Zucker . Winning Strategies
Brian Wahler . Piscataway
Pedro Estevez . Plainfield
William Crosby . North Plainfield
Theodore Bassman . Scotch Plains

After the flag salute, Chairman Murray asked everyone to remain standing to pay respect in a moment of silence for both President George H.W. Bush and Charles Defendorf, a long-term project proponent who worked for NJ DEP.

MINUTES

The minutes from the October 2018 meeting were approved. A copy of the approved minutes is available on the GBFCC website.

CORRESPONDENCE

Received a note from Jessica Dunn, Council member in Borough of Dunellen. She is new to the GBFCC, and due to schedule conflicts, has not been able to come to the meetings. Trying to schedule a time to meet during daylight hours. If we can find a time, Joe Skupien has agreed to be part of the meeting. He has the detailed knowledge to explain things about the project work.

Received an email from resident of Second Street in Middlesex. He had read the GBFCC minutes and was trying to understand where each segment referenced is located. Mr. Murray sent a map, which was a bit dated, but does show where some of the upcoming work is to be done. Mr. Murray also extended an invite to tonight's meeting.

Third piece of correspondence. A resident of North Plainfield inquiring about some erosion issues. Mr. Crosby visited. The issue is not something the Corp will be addressing any time soon. We will keep in contact with that family to lend whatever help we can.

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

TREASURER'S REPORT

Mr. Crosby reported that everyone is paid to date. Our bottom line in the new budget will be the same. We moved a few numbers around, but the assessments will stay the same. A proposed 2019 Budget was distributed. Mr. Murray offered an explanation. We are going to use more surplus to accommodate some changes. We adjusted interest income because we negotiated with bank for a much better rate this year, and there is an increase in funding for consulting services due to the Request for Proposals (RFP).

A word about the RFPs before continuing about budget. We advertised for RFPs for both the engineering services and the lobbying services. The only two respondents are our existing providers. In years past, we usually have had additional firms applying. This year we did not. The engineering services are at the same rates as previous year. The lobbying services requested an increase from \$5,500/month to \$6,000/month. They have been at the \$5,500/month for 10 years now and we are getting good results out of them.

The consulting fee changes are reflected in the revised budget; and again, with no impact to the member municipalities or counties contributions. Those numbers have been flat since 2014 budget year.

Motion was made to re-appoint the current two providers. Motion carried.

Jumping back to treasurer report. We have the regular three bills to be paid (consulting engineer Grotto Engineering, our secretary Tina Totten and our public relations firm Winning Strategies) along with The Courier News for advertisement for RFPs and Mr. Murray's second trip to DC to push for additional funding. Motion was made to approve payment of the bills. Motion carried.

Motion was made to approve and adopt the budget. Motion carried.

NOMINATING COMMITTEE

Mr. Crosby reported that they attempted to get new people to accept a nomination but did not make any progress. We have the same officers that we have had for the last few years.

Ray Murray, Chairman

John Sweeney, Vice Chairman

William Crosby, Treasurer

Frank McArdle, Legislative Chairman

Mr. Crosby recommended and nominated the slate. Motion made to approve the committee. Motion carried.

Mr. Murray asked if there were any nominations from the floor. There were none.

Motion made to close the nominations. Motion carried.

Motion made to nominate the slate. All in favor. Motion carried.

Reports:

WINNING STRATEGIES . Rob Zucker

Rob Zucker began by thanking the committee for letting him continue to represent the GBFCC in Washington.

As Ray mentioned, we arranged a trip for him to visit DC on October 22, 2018. We knew at that point we were in good shape with Energy and Water Appropriations legislation had passed including the \$5 million that was in the FY19 budget released by the Trump administration and the Army Corps of Engineers. We were trying our best to take advantage of the overage, which is the money that Congress gave to the construction accounts that was not delineated and couldn't be without violating the ban on earmarks. We estimated in the October minutes that to be about \$85 million, and we may have under estimated based on numbers I have seen since.

We were to meet with both sets of Senators, as well as representatives of Congressman Frelinghuysen office, who is the Chairman of the Appropriations Committee. He has been very receptive and has been trying to work throughout the year with the Corps on formulation of language to be used in legislation. Also met with Congresswoman Bonnie Watson-Coleman's office. I think we had a positive reception everywhere and sensed a willingness to try to do their best to plus things up. I understand that the Senate offices talked to District about what more can be done.

We proposed some options to the Corps to show them we had flexibility. We are very pleased that the day before Thanksgiving, the day the Army Corps of Engineers released their work plan, they included a \$4 million option, a \$10 million option and another \$10 million option. Basically, the Corps gave a \$24 million additional allocation of funds in their FY19 work plan. This was the best-case scenario we could have worked toward on the trip for advocacy of the overage.

Looking back through October's minutes, I think Rob Greco also thought the best-case scenario would be a \$30 million increase. I joked with Ray and the people on Capitol Hill, as I thanked them on behalf of the GCFCC, the problem it sets up is that we need to work with the Corps on what can be done with each of these dollar amounts in FY20. Budget to be released, presumably on schedule, in February. I believe that the Energy and Water provisions and the Corps budget should be more accurate than usual because their funding came on time. It was finalized at end of September in the House and early October in the Senate.

The elections will have profound changes in the NJ Congressional delegations. The NJ Congressional delegation on the one hand will be losing a tremendous advocate, not only for the state, but for this project in Congressman Frelinghuysen who is retiring from the 11th District of NJ. Beyond his retirement, and Congressman LoBiondo's retirement, there were two members defeated in these elections. They were people we previously advocated for, such as Congressman Leonard Lance. Change is a constant in Washington. We are a bi-partisan firm, so we are well-positioned to represent the Commission no matter the partisan break-down of the delegation. Just know that with new members, we must double our efforts to educate them. A lot of them need to be brought to speed for the first time, depending on what committee assignments they receive. The Democrats held leadership elections much later than normal on Nov 28th. We may not know until January which assignment the freshman members will receive.

We will plan another visit down to Washington in early 2019. It also may present an opportunity. If you recall Congresswoman Bonnie Watson-Coleman came out and toured parts of the project. This has been beneficial over time as she saw first-hand.

I would also take this opportunity to note that no matter what happens with the new committee member assignments, at this point, Congresswoman Bonnie Watson-Coleman is seeking to become a member of House Appropriations Committee. She has the support from the vast majority of her colleagues that fall within the region (Virginia, Delaware, New Jersey) that have to make a recommendation to the Democratic steering committee. Not a done deal, but she is optimistic at where that may end up. That could be important for our project.

I would also note, and we contemplated this in our RFP submission, Democrats have talked about it in advance of taking control of the House that they would contemplate bringing back earmarks. Many of you may remember that earmarks were permissible until 2010. What it meant was that even if the Corps asked for a certain dollar amount, Congress was permitted to plus that up. Even though we are successful using direct advocacy through our members, and with your great work to the Corps to get additional money put in the work plan if earmarks were to return, using a hypothetical, there was \$10 million for this project that leaves the opportunity through the legislative process for \$11 or \$12 or \$15 million, again hypothetical numbers. But for those numbers, whatever is asked for by the President doesn't have to be the final number in terms of what would be required. It would no longer violate the rules to do that. We don't know ultimate outcome of that. Have heard different opinions.

Two of the foremost opponents to earmarks are retiring or have been defeated, Sen. Jeff Flake (AZ) and Sen. Claire McCaskill (MO). Also, Sen. McConnell, who is extremely savvy, is a former appropriator himself. Sen. Shelby will remain chair of the Senate Appropriations Committee. The top Democrat on that same Committee has voiced his support. I would note because there hasn't been changes in top of Democratic leadership in the House, Reps. Pelosi, Hoyer, & Clyburn, all former Appropriation Committee members and how it can be done right. If Republicans had retained control, we may have seen a change on their part. People are very frustrated with the Corps in terms of how responsive they are. Although not everyone feels the same way.

The next time we report in February will have more information as the 116th Congress begins January 3, 2019. Heading into next year, we are in a good position because we backed a serious number of dollars which we spent in FY18. The Corps will be pushing to get those contracts out throughout this year and finalized before the end of the fiscal year.

ARMY CORPS OF ENGINEERS - Robert Greco, Project Manager

Robert Greco was not in attendance at the meeting, Mr. Murray read an update from him.

The District provided the Cost Change Control Board (CCCB) slide presentation to North Atlantic Division (NAD) on Nov. 7, 2018. Waiting on a date from NAD for a second CCCB meeting. They are required to do this because they recognize that at some point well in the future they will, even with inflation accounted for, exceed the costs that are approved by Congress. They can look to get authorization changed or have the task of being asked to figure out what they can eliminate from the project to bring the costs more in line with what is authorized by Congress. You can make some valid arguments that the inflator which is used is somewhat unrealistic. As well as a number of environmental constraints and changes to the way the project would be viewed now versus the way it was originally authorized. In addition, there are height requirement changes as a result of Hurricane Katrina, have caused some of these costs to go up. Will keep posted on that.

On project funding, \$2.5 million in federal funds have been received by the NY District office to date since the fiscal year started on October 1. The FY19 work plan has the \$24 million plus up, for a total of \$29 million in Fed funds for FY19. \$7 million in non-fed funds have been received

from NJDEP. As I mentioned earlier, we will have to have a wait and see attitude. We will be talking with NJDEP next week at the project meeting to see if getting that additional \$2.7 million will be a problem. On one hand, we can play the calendar because of the overlap of the fiscal years, with state ending on June 30th and the federal ending on September 30th. We will check with DEP next week and see if we need to do some advocating at the state level to get that number increased, we will. Mayor Wahler and Mayor DiMura have offered to give a hand in that as well as. We can also reach out to our consultants and perhaps others we know at the freeholder and state levels.

Segment B2 (500 feet of floodwall)

- 2017 contract. Carbro (contractor) has submitted final as-builts, they are under final review by Construction Division.

Segment B3 (behind municipal building and library by Legion in Middlesex)

- Playground equipment has been installed and certified. Modifications for the catwalk to be added and completed in December.

Segment B4 (floodwall alignment)

- Mountain View Diner has been closed. Demolition commenced; 30% complete.

FY 2019 Plans & Spec Development:

- Segment C-1, Contract 1 (floodwall) and Contract 2 (pump station/levee/culvert to be combined into one construction contract with the addition of the \$24 million fed funds. The \$4 million will be used for an option in the contract that was already received. The contract awarded for C-2 had a base contract and two options. They awarded the first of those two options. Having this additional funding will allow them to award the second of the two options. With the other \$20 million, will put what was formerly two projects together to make one project and hope to get more bang for the buck with a larger project.

Non-Structural Flood Proofing

- USACE is negotiating a task order with E4Sciences to produce the Design Build . RFP Package, including plans, specs, cost estimate and design, for the five structures in Piscataway to receive flood-proofing.

Bridgewater Township & Green Brook Township

- Held meeting on Nov. 26, 2018 with property owners from Bridgewater Township to discuss non-structural options. Green Brook Township property owners were invited but did not attend.

Upper Basin

- Project Management Plan and schedule are being revised to complete the study in FY19 within a \$1 million budget.
- Depending on the results of the Validation Study we have two possible paths:
 - 1) If the Validation Study concludes the Upper Basin Recommended Plan segments are feasible, the PDT will finalize the Validation Report and the Upper Basin Recommend Plan segments would be sequenced into the construction schedule.
 - 2) If the Validation Study concludes the Upper Basin Recommended plan segments are infeasible, the PDT will finalize the Validation Report and a General Reevaluation Study

would be recommended to investigate the feasibility of unauthorized alternatives within the Upper Basin.

GRR - (GI funded cost shared 50% Fed / 50% non-Fed)

- The purpose of the General Reevaluation Study is to evaluate the engineering, environmental and economic feasibility of the flood risk management alternatives for the Upper Basin, including the effects downstream. This effort is on hold pending the results of the Validation Study.

QUESTIONS / COMMENTS FROM THE COUNTIES

Union County

None.

Somerset County

None.

Middlesex County

None.

GBFCC ENGINEER

None.

QUESTIONS FROM PUBLIC

None.

Mr. Murray thanked the Plainfield Library for their hospitality.

MEETING ADJOURNED: 8:05 PM

Upcoming 2019 GBFCC meeting dates:

Wed., Feb. 6, 2019 - 7:30 PM

Green Brook Municipal Bldg., 111 Greenbrook Rd, Green Brook

Wed., April 3, 2019 - 7:30 PM

Middlesex Public Library, 1300 Mountain Ave., Middlesex

Wed., June 5, 2019 - 7:30 PM

North Plainfield Community Center, 614 Greenbrook Rd, N Plainfield