

**GREEN BROOK FLOOD CONTROL COMMISSION
MEETING MINUTES**

LOCATION: Green Brook

DATE: February 6, 2019

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
Tom Forsythe . Bridgewater
John Ferguson . South Plainfield
Paul Woska . Middlesex
John J. Sweeney - Middlesex
Stacy Narvesen - Dunellen
Theodore Bassman . Scotch Plains
Leo Geib . Green Brook
Robert Bennekamper . Green Brook
Jerry Searfoss . Green Brook
Alice Tempel . South Plainfield

Frank McArdle - North Plainfield
Paul Leso . Union County
Robert Greco . USACE NY District
George Ververides -Middlesex Cty Planning
Rob Zucker . Winning Strategies
Pedro Estevez . Plainfield
Mark Kranz . Middlesex
Adrian Mapp - Plainfield
William Crosby . North Plainfield
Ashley Davis . Plainfield

MINUTES

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

CORRESPONDENCE

Several correspondence items from various communities with their new appointments of representatives as is customary at the beginning of the new year, specifically from South Plainfield, Bridgewater Township and North Plainfield.

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

TREASURER'S REPORT. Mr. Crosby

The bills have all been sent out and miraculously a number of the municipalities, as well as Somerset County, have all paid for the year.

We have four bills to be paid:

- 1) Grotto Engineering, our consulting engineer
- 2) Alliance for Action, a group we belong to as a unit which helps us out on the state level
- 3) Tina Totten for mailing out our meeting notices
- 4) Winning Strategies, our consulting federal government relations firm

The bills have been reviewed and found to be in order. A motion was made to approve payment of the bills. Motion carried.

Reports:

ARMY CORPS OF ENGINEERS - Robert Greco, Project Manager

Mr. Greco points to a map throughout his report.

The project is now called the Green Brook Flood Risk Management Project. It used to be called the Green Brook Flood Control Project. Out of \$29 million federal dollars we are supposed to receive in FY19 to date we have received, \$10.5 million. There is still a balance remaining of about \$18.5 million. I am being fed the money quarterly and they expect me to obligate, or expend it, in that quarter. I am restricted on how much money I can ask for. On the non-fed side, out of \$9.7 million (25% cost share) I have received \$7 million from the State of New Jersey, leaving a balance of \$2.7 million. I am expecting that balance sometime in July 2019. I need it before I can award the Segment C-1 contract. I have been using the non-fed funds for real estate acquisitions of any property we need along the alignment. I am supposed to use non-fed funds solely for real estate, that is a requirement.

To date, we have completed Segment B-1 in Green Brook, and Segment B-2 floodwall was just completed. Right now, the people right behind the floodwall/levee segment are receiving up to a forty-year level of protection. We also completed behind Middlesex Borough hall and library, off Mountain Ave., a portion of levee / floodwall and the foundation for a pump station (segment B-3). You are probably thinking why are we not building this in a continuous straight line? Unfortunately, we can't do that, and we are building like swiss cheese. What happens is when you try to close it off and provide additional protection to some people, you will induce flooding on the opposite bank. You cannot do that. If a flood were to come through and this project is not completed, and you have only put a floodwall system on one side, you will push flood waters to the opposite bank. NJ DEP Regulatory Land Use will not allow that or fund that.

Awarded in September 2018, C-2 contract 1 . strictly a floodwall. Along South Lincoln Avenue. The contractor has two rigs out there now. Drilling for the micro piles. Along Cap Lane. Next step is to go across the road and knock down about six houses. As soon as those houses are knocked down, they are going to continue with the micro piling along South Lincoln.

We have \$3.8 million in funds now for C-2, contract 2. We could not award this in Sept 2018, because all the real estate was not in place. Additional real estate has been acquired and now we can award that to Carbro. It was awarded in advance. Had several questions as to why I was asking for money in advance. The reason for that, is to be able to award C-2 option 2 in the next couple weeks.

Looking forward for FY19 . we have the C-1 contract to be awarded, consisting of a pump station, levee, culvert through the NJ Transit Raritan Valley Line, and a floodwall behind Lee Drive in Middlesex Borough. I was out there speaking to property owners along Lee Drive. One resident was asking me when we expect to put in the floodwall. When we award the C-1 contract, we are not going to award the whole contract. Part of it, we will hold back as an option because we need an opening in here of about 550 linear feet, until we award the opposite bank. If we close that completely, there will be induced flooding on opposite bank. What will happen here essentially is, this gap will remain open for approximately two years. That is provided we obtain funding in fiscal year 2020 for Segment H on the opposite bank.

In order to close this gap, we have to demonstrate to NJ DEP LURP that we are building or initiating the levee on the opposite bank. Looking at 2020, or early 2021. Need to keep momentum moving.

The non-structural improvements in Piscataway Township are voluntary, which may include adding a ring wall or a floodwall around commercial structures or elevating homes. We have about 10 . 12 structures, quite a few are commercial. About five property owners want the non-structural flood-proofing, including raising homes, elevating the utilities and/or eliminating the basement. Looking to award that construction, probably less than a \$1 million, in FY19.

What is critical here is the award of this large contract C-1, which will be about \$16 - \$17 million.

In FY20, assuming we obtain the \$20 million federal & \$10 million non-fed funding, we can award a portion of Segment H, which is mostly a levee and a small piece of floodwall, along Lincoln Blvd where it dead ends into a commercial yard / warehouse. About \$25-28 million will be used for construction and the balance for in-house labor for design services for architect-engineering contacts.

FY21, would be the balance of Segment C, C-2 & H. This is the land fill area, we will leave that for last. In the landfill area, adjacent to Middlesex Borough Hall Municipal Building, we need to have that land fill cleaned up. Right now, Middlesex Borough and USEPA are in process of putting a study together to determine the quantity of the material to be removed. I was told this area should be clean by FY20-21. In order for us to perform any work in here, we need to have this site completely clean. I will get an update from Middlesex Borough on that with respect to the coordination with USEPA. That area will be last. The terrain there is high enough that when we model this area, even if we push additional flood water up against that area, we will be within the limits set by DEP.

FY22, we will address C-3 & C-4 This area is a work in progress and subject to change depending on funding and of course whatever induced flooding effects we model as we move along. We might have to leave other gaps as we move along and then come back and close the gaps afterwards. Right now, the way I envision it, FY22 will have quite a large contract . could be about \$35 million . won't know until we get closer.

Right now, the way the map is shown, it is laid out showing \$30 million increments up to a point, then a \$35 million increment. Over the next few years, we will also be approaching property owners to determine if they are interested in the non-structural program. Once we complete parts of the project, we will be inducing flooding in some areas so those property owners effected will not have a choice . either agree to the non-structural changes or they may have to sign some sort of documentation that they accept the additional induced flooding on their property if they do not want to proceed with the non-structural program.

A large portion of Segment C levee on the Middlesex Borough side, about a mile or two from Dunellen High School down to the Dunellen border, and the North section is on the Green Brook Township side. This area has two pumps stations and a bridge to be raised. I did not break it up into construction contracts; I looked at this conservatively in small increments of \$20 million each, and then following along with larger packages, then we could complete construction in Middlesex Borough by 2029.

Segment B-4 floodwall. This area is already designed. Diner has been removed. Properties have been purchased, but owners still there and will be moving out. Some spots are very tight.

Again, this is a document subject to revisions based on future funding and real estate acquisitions, but this is the best snap shot I can put together for right now.

Plans & Spec Development:

We are planning to award Plans & Specs for C-1 in August 2019. Right now, we have it as two contracts, might possibly combine into one. Our engineering folks and the architect engineers involved are looking at the schedules for this to see if combining the contracts makes sense. Don't want to cause a delay by combining.

Once this gets awarded it will be quite a bit of construction activity for the next year and a half. Then will be awarding another piece, a culvert by the railroad, and will entail taking out NJ Raritan Valley rail service for a weekend. It is an open cut. Will bus people, at project cost, from the Borough of Dunellen over to Bound Brook Borough for that weekend.

Question: Has the design work for the culvert been completed?

Mr. Greco: Essentially 90% complete and we are reviewing it now. We are further behind with the floodwall. That's why we might leave as two contracts.

Question: Any issues with NJ Transit?

Mr. Greco: No, so far, they have been very cooperative.

Upper Basin

As we are building this project, we are reexamining the Upper Basin. Putting together a validation study to be completed in September 2019. The purpose of the validation study is to look at the two detention sites in the Upper Basin, at the Borough of Watchung and over by the Connell Corporate site plus channel modifications along the Plainfield / North Plainfield area. Looking to determine if those detention basins are still engineeringly feasible, environmentally acceptable and economically justified. If any part of the project presents a problem, we need to document it in the validation report and then will have to look at other alternatives in the Upper Basin.

Then we must receive a separate pot of money to put together a second General Reevaluation Study and that would be part of the General Investigation (GI) program to be funded based on cost share at 50% Fed / 50% non-Fed. Different than the cost share split for the Construction General program which is cost shared 75% fed /25% non-Fed. Then we will have to put in request for GI funds in fiscal year 2021 for a general reevaluation study. Will look thoroughly at each remaining area and the effects each has on the surrounding areas.

The remainder of this project might look different from what it looks today based on the findings of the validation study.

Question: Are you saying that the Stonybrook portion would have to be examined in the new GRR, as opposed to being contained in the existing one?

Discussions continued about whether the Stonybrook portion would be included in the existing study or the new study, with ideas about the possible scenarios. Without getting into design talks, Mr. Murray assures all towns, especially Mayor Mapp, that Plainfield would not be forgotten.

Mr. Murray also points out the reality is we are talking about a \$1.4 billion project, that we are getting money from state and federal government, and it takes a very long time to get that funding.

Mr. Murray adds, for the benefit of people in Green Brook & Middlesex, in the area of Segment B & C, the rigs have mobilized, and work is being done along that area. Need borings and soil samples, surveys, etc to understand the area. Started last week, will probably continue for another few weeks. Just so you know when you see people walking around that area.

Mr. Bassman questions: Is our funding at risk?

Mr. Murray talked about the government shutdown. The Corps funding is not subject to the government shutdown. They worked the entire 35 days the government was shutdown. We are subject to annual funding. To the extent that we can keep that number high, that is great. To the extent that we have problems awarding contracts, whether it is driven by design issues or real estate issues, when we don't spend the money we have been given, they hold it against us going forward. The Corps sends requests up through Division up to Headquarters and the Commission on the other side, travels to Washington to ask the Congressional representatives to fight for funding, especially if they are on a committee that might have particular impact. We state our case to several in D.C.

This project was only slated in the President's budget for \$5 million for this fiscal year, but because the Corps was saying we could use a lot more money since we have design work nearly finished, Congress was able to plus-up the number that the President had for this type of project. We were able to do the same on our side, stating our case to our Congressional representatives, and the \$5 million federal was plussed by \$24 million. The State now needs to come up with more money to make their share of it. The State budget starts in July so might need to wait until then for that \$2.7 million. USACE budget starts in October. Playing a bit of a numbers game to get the State share up to where it needs to be this year.

Knowing full well, and putting the DEP on notice, that they are designing based on trying to spend \$40 million a year. The State will need to step up its game and come up with a larger number next year. If we can keep the project moving along, we can spend at \$40 million each year. If we run into real estate issues, or other delays, and we don't spend what we are given, they will stop giving us the money. We have seen that in the past. Just two years ago, we did not spend everything we had and had to carry money over to the next fiscal year.

Mr. Bassman: Ray, you did not answer my question. What happens if the President declares an emergency and impounds funds? What risk do we have there?

Mr. Murray: We have that risk. Our Congressional delegation is aware of that risk. If the President declares an Emergency, anything that is not already obligated, all bets are off on that and it is the same throughout the country. It would definitely impact the Corps budget.

WINNING STRATEGIES . Rob Zucker

Just a question before I give the overall story. Mr. Greco, you already obligated \$10.5 million of the \$29 million of FY19 funding that will flow to the project. Correct?

Mr. Greco: Yes, \$10.5 million out of the \$29 million has been obligated.

Mr. Zucker: Then a partial answer to your question is the risk is whatever the delta is, that \$18.5 million in this project and in every other project across the country, that was not spoken for and is considered unobligated funds.

The reason is more than just the lack of obligation. My understanding, if we recall last year in his FY19 budget, the President asked for about half of the prior year's dollars for construction all across the US for every Corps project. When Congress made that construction account whole, it came back in much more at the level of \$800 million or there about. Because with the moratorium on earmarks, Congress couldn't delineate to this project beyond the \$5 million that was in the budget. It couldn't line item and make that specific to our project, but during that allocation of the overage, we received the additional \$24 million.

I only say that because as soon as we caught wind of the President talking about how he would spend money on a Southern border wall, and him thinking about where he could reasonable take funds from anything. Our understanding would be that the Corp funds could be at risk. We immediately went into action to talk to people in Capitol Hill to first, share that intel and second, to have them raise that alarm. All I can tell you is that it is a reasonable question to wonder how much we are at risk. I would just say to you that because we are in the same boat as so many other projects around the county, the reaction on Capitol Hill was very bi-partisan. It would affect project in all districts/states. It was a strong and negative reaction. Doesn't mean that the President doesn't have all sorts of tools and authority, as the Executive Branch, to potentially disrupt programs but it does show you that nothing is sacred, and part of those projects that could be at risk even included disaster funding.

I am expecting possibly as soon as tomorrow, we may see a resolution, even though the USACE funding was finalized before the end of FY18. We are expecting to see a package coming out of the Committee regarding the government shutdown and trying to negotiate what bill would come before the House & Senate, whether or not the President vetoes or not, who knows. I will be very curious on how this will play out as there has been pushback on the emergency declaration. Because from a partisan standpoint, there is worry about what happens when a future President who is a Democrat uses the emergency authority. There are people on Capitol Hill cautioning the President on using that tool. I will be very interested to see that unlike other spending bills, if there are provisions that Congress writes in there, that will attempt to bar the re-programming of dollars in a way that you would not normally see written explicitly into a spending bill because of the perceived threats. Hope that answers questions here, and in the communities. We don't want any surprises.

FY20 budget has been postponed, although the numbers are hypothetical until the FY19 budget is released. Normally under statute, should have been this past Monday. Because of the ongoing uncertainty, the actual people that would have been writing it were furloughed. So we are expecting a budget release about March 11th at a high level and more detailed budget with tables, etc about a week later. Typically, the Corps releases more detailed information a couple days after that. After that, I will have a better sense of what is happening with our own particular project. Ray & I have been working on language. On one hand it has been great to update members of the congressional delegation, which we have been doing in this period of time, to talk of that overage coming our way and that was good news. On the other hand, we had to scurry to show all that we would do in our project in FY20, with the additional funding. Hoping to see reinforcement on Capitol Hill of all that could be done in utilizing that funding.

We speculated in December, but now have clarity, that Congresswoman Bonnie Watson Coleman, whose district includes part of our project, and who has toured the project personally, has gotten assigned to the Appropriations Committee which is auspicious. She is the only member of New Jersey congressional delegation sitting on the Appropriations Committee now with the retirement of Congressman Rodney Frelinghuysen. Obviously, she is much more junior, as there is no way to compare a new member of a committee, to a former committee chairman, but that is the hand we are dealt. I think her familiarity with the project is a good thing. She has

had a change in staff, who we have worked with. Although we will have to do some re-education, not starting from square one by any means.

Ray & I have already talked, that we need to approach Congressman Malinowski, as we want him to see early on in his tenure, the positive impact of our development. The hope for us in that regard, is that the next best thing to being on the Appropriations Committee is that Malinowski has been assigned to the committee that oversees the Army Corps of Engineers, the Transportation and Infrastructure Committee, where he will be third member of the Committee from NJ. Will have new people to talk to there this year. I am excited because he hired a legislative director to work on these issues, who previously worked as a fellow for Senator Menedez. She has prior exposure with New Jersey congressional delegation and think that will be beneficial. We are working on the date for a meeting some time in February or March.

Another thing I want to report on, in 2010 when House Republicans took over the House majority, they placed a moratorium on earmarks. In some way earmarks haven't been as critical to this project, but you can imagine in a world with earmarks, you wouldn't have to fight for the overage. If in a year where we got \$5 million, but we know we could use \$10 million, if earmarks return and we can work with our congressional delegation, it can be written into that law instead of waiting and working for that overage. I think last year we were aggressive and yielded good benefits. We will do the same this year.

News regarding our firm which I was not able to share in December is that we were fortunate to hire Nancy Fox, a long-time staffer for Congressman Frelinghuysen, not just in his personal office but recently she was the staff director for the House Appropriations Committee for the last two years. Those deep roots in the appropriations process will be a benefit.

QUESTIONS / COMMENTS FROM THE COUNTIES

Union County

None.

Middlesex County

None.

Somerset County

Not represented at meeting.

GBFCC ENGINEER

None.

QUESTIONS FROM COMMISSIONERS & PUBLIC

None.

Mr. Murray thanked Green Brook for their hospitality. He asked each of the town representatives to confirm the availability of the venues for the upcoming meetings.

MEETING ADJOURNED: 8:35 PM

Upcoming 2019 GBFCC meeting dates:

Wednesday, April 3, 2019 - 7:30 PM

Middlesex Public Library, 1300 Mountain Ave., Middlesex

Wednesday, June 5, 2019 - 7:30 PM

North Plainfield Community Center, 614 Greenbrook Rd, N Plainfield

Saturday, August 3, 2019

Memorial Service - American Legion in Middlesex

Wednesday, October 2, 2019 – 7:30 PM

Scotch Plains

Wednesday, December 4, 2019 – 7:30 PM

Plainfield Public Library