

GREEN BROOK FLOOD CONTROL COMMISSION

MEETING MINUTES

LOCATION: Virtual Meeting

DATE: June 3, 2020

MEETING CONVENEED: 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:

Rich O'Connor - Engineer, GBFCC
Raymond Murray . GBFCC Chairman
Rob Zucker . Winning Strategies
John J. Sweeney - Middlesex
John Ferguson . South Plainfield
George Ververides -Middlesex Cty Planning
William Crosby . GBFCC Treasurer

Stacy Narvesen . Dunellen
Alice Tempel . South Plainfield
Aimee Corzo . North Plainfield
Theodore Bassman . Scotch Plains
Alek Peterson . USACE NY District
Tom Slowinski . NJDEP
Jessica Dunne - Dunellen

MINUTES:

The February 2020 minutes were approved. There was not an April 2020 meeting. A copy of the approved minutes is available on the GBFCC website.

CORRESPONDENCE:

Two pieces of external correspondence to relate, both dated from February. First, the NJ Alliance for Action sent a thank you for continued support through our 2020 membership. Second, a letter from Middlesex County, informing us that Mr. Doug Greenfield has been appointed the new Director of Planning effective immediately. He will be attending future meetings.

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

TREASURER'S REPORT

Mr. Murray presented the report. It is on the commission website for review. All dues for the year have been received, except for Union County. A reminder was sent to them.

Bills presented this month were reviewed and found to be in order. A motion was made to approve payment of the bills. Motion carried.

Reports:

ARMY CORPS OF ENGINEERS . Alek Peterson, Project Manager

Mr. Peterson gives an overview:

- We have been building Segments C, H, B, D in the Borough of Middlesex.
- Segment B-1. Area by Sebrings Mill Road; behind Route 22. Completed a floodwall, levee and pump station and reworking bridge.
- Segment B-2. Completed a 500-foot floodwall.
- Segment B-3. Consisting of a floodwall and pump station with a platform behind Municipal building in Middlesex has been completed. Waiting for a future contract to install the generator and pumps due to warranty on parts.
- Just provided completion reports on B-2 & B-3 and those are being closed out.
- Contractor has been working in the Borough of Middlesex on Segment C-2; Contract 1. Floodwall west of South Lincoln Ave has been completed. The portion of the floodwall to the east of South Lincoln Ave has been completed for the base contract. The only work that remains is finishing work. The contractor is sanding, staining, and putting an anti-graffiti coat on that portion of the wall and grading & seeding. The water main in that location has been relocated for the culvert through the wall where a future pump station will go in a future contract.
- Moving along down the line, the right bank of Bound Brook to the north and now looking at numbers 1 & 2 if you are looking at the map. Contractor was awarded a contract with a Notice to Proceed for Segment C-1 base contract. About 155 piles scheduled to go in for that area. About 7 have been placed to date. They are on schedule.
- The Segment C-1 options were not awarded with the base contract. Those options are in number 4. It consists of a short piece of floodwall, a levee, a pump station & a culvert under railroad track. Property is needed for completion of some of those elements. Notably 207 Pond Ave is being condemned. A condemnation package is being worked on at the Division level.
- In order to build the culvert under the railroad tracks, a permit from NJ Transit is needed. We are working with NJDEP to get that permit.
- Looking at the future year with a bold outline, based on the fact that we need to acquire real estate for future areas and the need to coordinate and make our processes efficient, we have combined number 6 & 7 on the map. Number 6 is Segment C-2 contract 2 & Segment H contract 1 area. Number 7 is Segment C-2 contract 3 and Segment H contract 2.
- We would look to award a small base contract in FY21 possibly for the two closure gates across South Lincoln Avenue. We want to keep the cost of that base contract low so that if matching funding is an issue for 2021, we want enough funds in reserve so that we can build in that combined area of C-2 & H contract. That is the levee across from where the C-1 options are. Must coordinate contracts to avoid induced flooding.

- Any options within that total combined contract that don't get awarded in 2021, would carry into FY22 hopefully to be awarded along with C-3 & C-4 which are also levees & floodwalls (number 8 & 9 on map).
- We are looking to award a design contract for Contract C-5 (number 10 on the map). Levee on right bank of Bound Brook.

That is overview of what we are looking to do. Our capability is such that if we acquire all the real estate in the areas and if we have all the matching funding, we could build all of the remaining C-2 & H areas. If funding is limited, we just exercise those options for which we have the money. The base & options will be divided where there is risky real estate. Properties that need condemnation go into the options.

Ms. Tempel: You were talking about segments being completed on the map and it shows it all in red, which says unconstructed. Is it that the map has not been updated?

Mr. Peterson: This map does need to be updated. Based on us combining areas 6 & 7, this map will be revised to reflect that. Regarding what has been completed, the contractor has been working since we awarded the contract for C-2 contract 1 (area number 1 & 2) so that is scheduled to be completed in the Fall. Then in area 3, work has begun, and work is actively in progress there.

Ms. Tempel: Frankly, I had trouble following you. All the nomenclature is difficult if you are not familiar. For instance, the segments in the baby blue bubbles, are red. Are those finished?

Mr. Peterson: The little bubbles which you are referring to, or outside them, those denote the locations of pump stations or future pump stations.

Ms. Tempel: Right, but the bubbles that are ellipses?

Mr. Peterson: Oh, numbers 8 & 9 & 10?

Ms. Tempel: Yes

Mr. Peterson: Number 8 is Segment C-3 a floodwall. Number 9 is Segment C-4 a levee. Number 10 is Segment B-4 is a floodwall of the West bank. Segment C-5 is a levee on the right bank. And the PS indicates a pump station.

Ms. Tempel: And are those planned, or have they been constructed?

Mr. Peterson: Those are planned. On the map, for each segment, you can find a date below for the fiscal year.

Ms. Tempel: Okay, I see that. Is this map up to date in terms of the color coding? The areas that are green . the linear areas of the floodwalls and levees - that are colored green have been completed and the areas that are red, have not been finished. Is that correct?

Mr. Peterson: Yes. That is correct. Mr. Peterson continues to summarize the job status for each segment.

Mr. Murray: To be helpful, the red ellipse and the two yellow ellipses, on the North side of the Bound Brook, are under construction and pretty far along. The two orange ellipses would be looking to go next; followed by the green ellipses after that. If we are working along the Bound Brook near the Piscataway border back towards the Green Brook. The blue ellipses (behind Middlesex Borough Hall) some of that work was started, but we could not tie it into Route 28, because we do not want to induce flooding. As we work our way back, those areas will be closed in.

Ms. Tempel: That helps a great deal by explaining the colors! Thank you.

Mr. Murray: One thing I will add that we did not touch on is that yesterday we had a call with the apartment owners right at Route 28, opposite Borough Hall. They had concerns about the placement of the levees and floodwalls in the area and some other features. We had a conference call with some people from the engineering firm designing that portion, along with the Army Corps, a couple attorneys from Division along with myself. We were all on phone for about an hour. We listened to their concerns. We explained why some features were designed this way and why they are located where they are. We took notes. There are a few things we will go look at to see if we can accommodate any of their requests. Its always better to have a true partner in what you are doing instead of an adversary that you have to go a condemnation route with. I was very happy with the phone call. I think folks had a better understanding of why things were designed the way they were. There was a great deal of reasonableness with the requests and we will see what can be done to accommodate, without impacting other things already designed.

Mr. Peterson: I would second your sentiments on the meeting yesterday. I also thought it went well. We are considering internally the things mentioned at the meeting.

Mr. Bassman: What is the status of the Upper Basin?

Mr. Peterson: There has been no change. The validation report was approved by our Division and Headquarters. It recommends a GRR (General Reevaluation Report) for the Upper Basin and Stony Brook to look at alternative flood risk management solutions. As soon as we can get funding for that, it will be done 50/50 with NJDEP as a GI study effort. We did a site visit. We observed quite a bit of erosion and we will take that into our new study. Hoping we get funding so we can move forward.

There was an interruption with the recording. While waiting for that to resolve, there was some discussion about recent rain and inquiries about any flooding.

WINNING STRATEGIES (WSW) . Rob Zucker

Washington has been the focal point of so much tension since February. The highlights of the federal advocacy that has taken place, regardless of the coronavirus pandemic progressing throughout the country, is focused on the both annual appropriations and on the Water Resources Development Act processes. As it relates to the annual appropriations, the important things that have happened in the last four months are focused on polling through and getting Congress to appropriate the \$157 million that Army Corps of Engineers has requested in its FY21 budget. The ways that we have been doing that in conjunction with the Commission have been to submit all required paperwork in month of March, and went before the members of Congress and ultimately the professional Committees that will be considering those requests. Justifying them and making sure they were in order and match the information that was

required. On those fronts, all things have been as planned. The offices where we shared the appropriations information were all receptive and advanced them to the best of our knowledge.

The obvious distinction between a normal year and what we are all going through, is the need for large scale coronavirus relief legislation working its way through the House & Senate and into law. For a period of time, it has pushed aside almost any other legislative agenda item, including, consideration of the FY21 appropriation bills which normally we would see considerably more progress at this point. To date, none of the appropriations bills have worked their way through the House & Senate Appropriation Committees. Our best understanding at this point, is that it has been logistically difficult as the members of House & Senate have been socially distant and have limited travel during these last few months. To the extent that votes have occurred, it has been limited. A very small number of hearings. There have been no mark-ups in the House or Senate Appropriations Committees. All the bills which did pass were expedited negotiations.

We expect by the end of this month, the House Appropriations Committee, will have finalized drafting their legislation and will have devised ways of marking it up and bringing it to the floor. We do not have insight on any order of those bills being considered. I would not be surprised if there are ways in which the bills are merged in order to expedite the debate and consideration process. I think at this stage we have not yet heard to expect lower funding levels than last year. I think the pressure to reduce funding levels may come in further years. One of the reasons that might be important is that Congress is reluctant to slash federal programs when the economy is experiencing tremendous stress. To the extent that it would be taking away further demand by reducing spending would be generally considered a mistake. One of the hurdles towards full funding of these bills this year has been the growth in the VA Healthcare Program. It appears there is probably consensus by Senate Republicans and House Democrats to designate that money as emergency money. That would basically free up about \$11 billion that would otherwise have resulted in cuts to non-defense discretionary spending which in theory could have affected the Energy and Water Bill. To the extent that the Energy & Water Bill, as requested, including our very large line item, is still below FY20 funding levels, even if there are some cuts to the Energy & Water Bill, we can still reasonable hope to be fully funded at the very large level that was requested.

It is also worth saying, there is a lot up in the air and I think people appreciate that. The uncertainty at this point, is more about how Congress conducts its work, rather than whether it conducts its work. Even in what might be considered a worst-case scenario, of a long-term continuing resolution, arguably since the FY20 was at a higher level than what was requested in FY21, there could still be the capacity for spending at the levels needed to fund our project for FY21.

Alongside the annual appropriations process, but distinctly from it, what Congress has gotten back to doing is bi-annual Water Resources Development Act (WRDA) renewal/reauthorization legislation. I believe it has been done successfully every two years since 2014. There was a 2016, 2018 and now there are attempting to do a 2020 WRDA. That is the legislation that authorizes, rather than directly funds, through the appropriations process, the activities of the Army Corps of Engineers. In conjunction with the Commission and in very close consultation with the NY District, we have asked, as part of the reauthorization process, for an increase in the funding cap for our project. We understand, based on the way the Corps does its calculations, it would be necessary to make sure that we remain on track with the rules and procedures of the Corps. To the best of our understanding, it is not because of any cost overruns to date, but rather due to increases in cost on more stringent environmental measures,

post-Katrina standards and simply the fact that the amount of time over which the money is being spent and that inflation erodes the buying power of the dollar. At a point, many years hence, I think we are talking 15 years out, based on a projection the Corps needs to make, on when we would exceed our cost cap to take certain measures sooner. We have been doing that in close consultation with the members of the House delegation because that indication of exceeding the cap had come after the Senate had already released its WRDA blueprint. We have been working with Congressman Malinowski's and Congresswoman Bonnie Watson-Coleman's office to submit the proper expansion of the cost cap for the project. There has been no action yet on the WRDA process. The requests were due May 1 in the House of Representatives to the Transportation Infrastructure Committee, that has jurisdiction over the Water Reauthorization Development process. Both those members have submitted what we believe is the required language. We have not received any feedback further. I do not have an update on the timeline, but we have been assured that remote hearings and, in some fashion, markups will begin this month. The Water Bill is a good candidate for early action; but at the same time, they could decide to go with a large-scale transportation highway reauthorization bill which also expires September of this year. Just earlier today, it does not deal with Water Development or anything else that we encounter but it is something that the committee can hope to work on in the interim.

Mr. Murray asked if there were any questions for Mr. Zucker and there was none.

Mr. Murray: We had back and forth conversation with the Corps, so we had a full understanding. Rob, I think you short sold the window, it is more like the mid 2040's. It is more like 25 years out, instead of 15 years out. At the \$30-\$40 million per year spending level, we would be finishing in 2047 and would break the spending cap in 2045, or something thereabouts. Quite a way off. That said, if we actually get the full \$157 million that is in the budget for FY21, and the people in Trenton can get us the match to go with it, or something a heck of a lot more than what they have so far on an annual basis, we could expedite the process quite a bit. It is probably unrealistic for the state to come up with six-fold the money. To the extent we can get Alek to keep things moving at a quicker than \$30 . 40 million pace, it would finish the project faster and provide the protection faster and save some money by not having it go out as many years. Look forward to trying to keep that \$157 million and working with the State to try to get their annual percent up.

Mr. Zucker: Not to get too much into how the sausage is made, the interval of time between the when we receive the word from the Corps and when the WRDA request had to be in was rather narrow too and we were able to move quickly because of the long standing good relationship we have enjoyed with the Corps, but also because the staff for those members were very receptive. That is a function of having briefed them consistently over several years about our project.

GBFCC ENGINEER . Rich O'Connor

No comment.

Mr. Murray outlined the upcoming meeting dates. There will not be an issue with the 25-person limit on outside services for the August service. Beyond that, it is to be determined on whether in person meeting will be allowed to take place.

Mr. Bassman: We have not acknowledged the passing of Frank McArdle.

Mr. Murray: Thank you for bringing it up. It happened quite a while ago. We asked Tina to send notice to everyone. Not sure who saw it.

Mr. Bassman said he did not receive it.

Mr. Murray: I did not receive it either, but when Tina forwarded me the copy of the email correspondence, I was indeed included on it, so not sure what happened, perhaps a spam folder.

Frank was a founding commissioner member and served for many years on the Executive Board, mostly notably as the legislative liaison, keeping us all up to date on any activities legislatively that we needed to be concerned with. Frank was a great resource for the Corps because of his many years working with the train system here in New Jersey. Whether it was reaching out to NJ Transit or Conrail when we just were not getting anywhere, Frank was a great resource for the Counties and the Corps so we can keep the project moving along. We do certainly appreciate all his efforts over the years. Thank you, Ted, for reminding me. It has been a fog these past few months.

Mr. Slowinski: Our last physical meeting in March for the product delivery team, Ray did make the announcement about Frank and we had a moment of silence. He was surely well respected.

Mr. Crosby: Frank and I go way back together. We lived two doors apart when the first flood came in 1971. Frank's passing happened very rapidly and by his request there were no services or ceremonies. His family acquiesced to his wishes. That was one of the reasons that many people did not receive notice. It was not that we were overlooking Frank, but at his own request.

Mr. Murray: Certainly, his many years of service to the Commission are very much appreciated. The Upper Basin was Frank's focus. If we do nothing else from now until 2047, we need to make sure work gets done on the Stony Brook and in the Upper Basin portion because nothing would be a better tribute to all of Frank's work over the years for his beloved North Plainfield.

Mr. Ververides . Would it be appropriate to have a resolution by the Board sent to the family?

Mr. Murray: It certainly would George and I will take that as a motion on your part. Aimee Corzo from North Plainfield seconded the motion. Motion passed.

Mr. Murray thanked everyone for joining the call. He encouraged everyone to join the ceremony in August, noting there was only one time over all the years since the Commission was formed when there was not an annual outside service.

MEETING ADJOURNED: 8:25 PM

Saturday, August 1, 2020 – Annual Memorial Service 9:30 am

Middlesex Borough Pavilion by American Legion at 707 Legion Place, Middlesex

Wednesday, Oct 7, 2020 – 7:30 PM

Scotch Plains

Wednesday, December 2, 2020 – 7:30 PM

Plainfield Library