

**GREEN BROOK FLOOD CONTROL COMMISSION  
MEETING MINUTES**

LOCATION: Virtual Meeting

DATE: February 3, 2021

MEETING CONVENED: 7:30PM

Chairman Murray opened the meeting and took role call along with leading the Pledge of Allegiance. He recited compliance with the Open Public Meeting Act.

IN ATTENDANCE:

Raymond Murray . GBFCC Chairman	Stacy Narvesen . Dunellen
John J. Sweeney - Middlesex	Jerry Searfoss . Green Brook
William Crosby . GBFCC Treasurer	Paul Woska - Middlesex
Rich O'Connor - Engineer, GBFCC	Theodore Bassman . Scotch Plains
Rob Zucker . Winning Strategies	John Ferguson . South Plainfield
Alek Peterson . USACE NY District	Alice Tempel . South Plainfield
Tom Slowinski - NJDEP	Daryl Eisenberg Knegten . Watchung
Doug Greenfield . Middlesex County	Freddie Hayeck . Watchung
Valerie Bogart . Somerset County	Wendy Robinson . Watchung
Bob Fazen . Bound Brook	Ed Zielanski

Chairman Murray explained the meeting format. The reading of correspondence followed by the treasurer's report and bill list. In months where appropriate, those items would be followed by the budget presentation, nominating committee. Next would be reports by USACE, NJDEP, the Counties, the Commission's consulting engineer and lobbyist. Each report would be followed by questions of the commissioners and then the public, and the meeting would close by opening to the commissioners and then the public for general comments.

MINUTES

The December 2020 minutes were approved. A copy of the approved minutes is available on the GBFCC website.

CORRESPONDENCE

Chairman Murray announced received letters and e-mails from various entities, announcing appointments for 2021. He reported on a hand written letter received by former Middlesex County Planner George Ververides, who retired after 59 years of service. Chairman Murray read paragraph from the letter, where Mr. Ververides recounted fond memories of prior commissioners, and further commented on the satisfaction that he experienced watching the years of planning progress into implementation.

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

BILLS

Treasurer Crosby commented that dues had been received by several entities, and that the bills had been reviewed and found to be in order. Mr. Crosby made a motion to pay the bills, which was seconded by Commissioner Temple and approved without dissent (abstention Commissioner Greenfield).

**Borough of Middlesex** (Segments C, H, B, D).

- Completed: Segments B-1, B-2 & B-3
- B-4 is schedule for future years and B-5 is not built yet.
- Currently on-going we have two active construction sites:
  - *Segment C-2 Contract 1* - basically completed, with a few small elements to do. Floodwall completed. Grading, seeding, grass is done. Only activity left for this contract is acquiring residential property at 174 South Lincoln Ave. In negotiations with the homeowner. Once acquired, Carbro Contractors will demolish and then we will grade & seed that area. Touch up grading & seeding is all that needs to be done.
  - *Segment C-1* - In September 2019 NY District of the Corps awarded a base contract for Segment C-1 which consists of a base floodwall (900-feet). That has been placed. The remaining 390 feet remains open with no monolith. The hydraulic gap is open to avoid inducing flooding on the opposite bank. Just finishing fencing work for Lee Drive residents in their backyards. The area has been largely graded & seeded. Come warmer weather, Carbro will do the staining & anti-graffiti coating of the floodwall.
    - The options for C-1 consist of 125-feet of additional floodwall, a levee, a pump station and the pump-chamber generator building and fuel cell, a curved wall and bridge culvert through the NJ Transit railroad embankment. As discussed before, closing the C-1 base gap & the Segment H levee in a construction contract, we are looking to design right now & achieve permits for. Those two areas need to be closed off in tandem. The levee, pump station & culvert can be placed without any negative hydraulic impact. The culvert was awarded to Carbro for construction in August of 2020. It has been pre-formed. The concrete has been placed. It is a double-barrel culvert about 50 feet long, 30 feet wide. Right now, it is curing on site. About 2/3 through the process. Permits have been received from NJ Transit to move the culverts into place. Carbo has a sub-contractor to do that which specializes in this type of operation. Coordinating to identify a weekend to do the work to minimize impact to rail service. Possibly may happened in March.
    - The remaining options are the levee, optional floodwall & pump station. Currently coordinating to award basically all the remaining options, except the 125 feet of floodwall, that would consist of levee, pump chamber, generator building & fuel cell. There are terms in the award, that if the Corps does not have real estate in place by June of 2021, any options can be deleted without cost. (The property in question which we are trying to acquire is 207 Pond Ave. Although construction would not begin there, they could begin with the constructing the pump chamber and the curved wall, which is not on 207 Pond.) Hoping to award this month.
- The next award we are working on is Segment C-2 & H. Currently working to finish design and apply & receive NJDEP Land Use Regulatory Permits which are necessary to build it, as well as real estate. We would look to award it as a base with options.
  - The base contract consists of two closure gates across South Lincoln on both the north & south and any accompanying monoliths to support the closure gates. Acquired all the real estate in base area. Priority option would be the Segment H levee, east of South Lincoln. Constructing that levee, and the C-1 base gap floodwall and the optional floodwall are hydraulically dependent on one another.

- Coordinating to acquire real estate interests in a couple properties within the segment H levee. Hoping to do that by the time we have base award. Targeting July of 2021. Currently assessing design & permitting risks to the schedule.
- Any remaining options on C-2 & H, west of South Lincoln, would likely be awarded in FY22, assuming we have the real estate & sufficient funds. Several properties are owned by Middlesex and we are working to clear title in that area.
- Also, in FY22, from a design, permitting & real estate perspective, we anticipate we would be ready to build C-3 & C-4 (floodwall & levee) If we have funds.
- Next, B-4, C-5 & a pumping station. B-4 is at 90% plans & specs. Would like to award a contract to a design firm this year. In January 2021, we awarded a design contract for Segment C-5 on the opposite side of the Bound Brook. Those two pieces are meant to be constructed in tandem.

Regarding funding, we have carry-over from FY20 . a little under \$30 million. We anticipate \$30.9 million in the Federal budget. NJ DEP has indicated they would have at least an \$8 million match. We have good funding to continue construction this year . about \$60 to \$70 million depending on the match.

### **Upper Basin**

As you know, we completed a Validation report and Directors report and forwarded them through our Division levels to Headquarters. Our argument was that we should continue construction in the lower basin & Stony Brook without needing to reauthorize Stony Brook. Waiting for HQ to get back to us. The Validation report & Directors report also recommended that we proceed with a General Reevaluation Report (GRR) for flood risk alternatives the Upper Basin since it was determined that M, O & S are not implementable. We missed getting the conclusions of the studies into the Water Resources Development Act (WRDA 202). Going to try for the next WRDA 2022. For funding the GRR for Upper Basin, we don't have to wait for WRDA, it could potentially be funded through an appropriations bill.

The FY22 Presidents Budget has not been released yet. Hopefully soon so we can discuss.

There were no questions for Mr. Peterson.

NJ DEP . Tom Slowinski

As a reminder, our biggest hurdles are permits & real estate. It was October 2018 when we sat in Newark with NJ Transit with a design proposal and finally, almost two & half years later, we have the Transit permit which will allow us to install the double-barrel culvert under the tracks. It is quite an undertaking. C-1 is a very complex segment involving three Army Corps Districts - New York, Buffalo & Philadelphia and two consulting engineering firms . AECOM & Urbantech. To combine all this together has been quite a remarkable undertaking and it is moving along quite well. I am impressed driving down Lincoln Ave, looking at the C-2 segment leading to C-1.

Want to thank Middlesex County for getting their share in. We are earmarked at \$8 million for 2021. Frankly, I'm surprised we are getting that. Wanted to shoot for \$10.2 million but We are just glad to get the \$8 million.

There were no questions for Mr. Slowinski.

*Mr. Murray:* When you mentioned all the people involved with the design, we must add the Baltimore office doing real estate. So, it was really four Army Corps offices working in this area to move our project forward.

*Mr. Slowinski:* Absolutely. Neglected to mention that. It was Bernie Moore, many years ago, that cut the deal to say the state would be the non-federal sponsor, but we would not do the real estate. That's when the Baltimore district got involved with real estate. Also, Middlesex Borough & Piscataway working together to get the South Avenue piece of this C-1 working. It was a collaborative effort. Thank You.

#### COMMENTS FROM THE COUNTIES

##### **Middlesex County – Mr. Greenfield**

No specific comments, but I would like to schedule some time with someone to get a deeper understanding of the project, both the engineering & financial prospective. I'm not sure who would be the best person.

*Mr. Murray* suggested Alec is probably the best person to start with, as well as Somerset County for the maintenance prospective and NJDEP too. The monthly project meetings are also a great source of information. From there, the biggest hurdle to face will be understanding all the acronyms that the Army Corps uses!

##### **Somerset County – Valerie Bogart**

None.

##### GBFCC ENGINEER . Rich O'Connor

None.

##### WINNING STRATEGIES (WSW) . Rob Zucker

It has been an active period & I'd try to walk you through what I think are the key aspects are.

As Alec mentioned, Congress passed the Water Resources Development Act (WRDA) of 2020. It did not include provisions specific for the Stony Brook. It did have provision for the GRR. We had previously looked at adjusting the cost cap & this bill did not address it in terms of the what the Corps believes is advisable under its cost containment protocols. That is something we don't run up against immediately, but we thought we could take advantage of opportunity with the Directors report being not completed yet, it was not included. The WRDA bill was wrapped into the extremely large end-of-year appropriations bill / COVID rescue that was passed by the House & Senate and signed into law on Dec. 27, 2020. In the Bill, the Energy & Water Appropriations in FY221 was \$30.9 million for the Green Brook project. That is significantly lower than what was in budget at \$157 million for both House & Senate versions. That is a level of concern. I know earlier in the process we expressed gratitude, but still a little surprised at the very larger number included in the budget and appropriated. We have been messaging to our folks on the Hill both gratitude, but also trying to discern why the change. I don't think they have much feedback yet. I do believe that \$30.9 million is the largest single appropriation for this project in its history. I know we spoke internally that it may have been difficult to process the original budget amount immediately. Looking at it from a very competitive process, that it is always better to have money on hand than to have to ask for more.

Nevertheless, we had been doing outreach on the Stony Brook and the feedback on the Directors report about the headquarters inclination/preference to look at Stony Brook as a separate system and trying to remove it from the scope of the authorization. In December, I meet individually with key Hill staff for the Senators and members of Congress that represent the area effected, I had the chance brief them. Then in January, Ray joined me with another chance to brief them collectively. We talked about the importance of the Stony Brook being indivisible - no other part of the project has been looked on separate system. We believe it should be regarded as part of the larger system as a whole, especially when you look at prior risk to human life. They are receptive. They were going to seek more guidance from EPW (Environment & Public Works) & TNI (Transportation & Infrastructure) Committees as well as Army Corps. I don't know if that has occurred or not, but we would seek to pick up the baton from where those conversations left off.

*Mr. Murray added* to that point that they expressed concern over looking at individual segments in a vacuum. This project is a complete system & you can't start lopping off parts of it in favor of another. Thinking strategically, if you ignored the hydraulic perspective, naturally we tried to build the parts where we could get the most benefit first, so we would have diminishing returns as we move through the project. Then you might be tempted to stop and say, "ok we did all the good parts . let's stop here". That is not what Congress approved in 1986 & we want the whole thing to be looked at as a whole project. The other thing we discussed is the concern with Director's report, that the Army Corps district office was pushing up a plan that included the Stony Brook and for some reason, Headquarters was saying "let's take this part out". Trying to get a greater understanding of why they want to take that part out. To the credit of the NY District office, they are not taking that lying down. They are fighting back to keep it an all-in-one process. The report specifically went through detail in pointing out that the project is viewed as a life-saving project, as opposed to a cost-benefit type of process. In what was sent in the report, they went to the extreme detail of actually noting where physically in the basin where the 6 deaths in the early 1970's occurred. In great detail, on the map, noting where bodies were found, and it was all a result of the Stony Brook. So, we really want to know why Headquarters is pushing to re-look at Stony Brook.

With the advent of the 117<sup>th</sup> Congress, NJ members are taking on different roles. It was announced yesterday, Sen. Booker as gone off EPW and has a new Chief of Staff, Veronica Duron. She had been the Legislative Director. She came to Senator Booker's office four years ago from Senator Schumer's office. Matt Klapper, the previous Chief of Staff, is moving over to the Department of Justice to become Chief of Staff to the Attorney General. Sen. Booker has gone to Agriculture, which seems to be in line with his desire to be active in that. We spent time making sure that they understood we have large scale projects with USACE underway and Sen. Booker's role on EPW was helpful. They reiterated their commitment to playing a leadership role in support of those.

Congresswoman Bonnie Watson Coleman has joined the Energy & Water Appropriations sub-committee which is the committee which funds USACE. I believe that will be of great utility to any entity interacting with the Corps in New Jersey, but especially because this project is inclusive of the geography of her district, it would seem very relevant to her own service on the panel.

Senators are 1 of 100. They can have an impact on any policy they choose to be involved with. Members of Congress on the House side have the opportunity to be even more influential on the panels they are directly overseeing. There are now four members of the Congressional delegation serving on the TNI committee - Congressman Malinowski, Congressman Van Drew,

Congressman Payne & Congressman Sires. The sub-committee directly fund the Corps. Having worked for an appropriator, Congressman Rothman, I can tell you that I think the federal departments & agencies pay particular attention to the sub-committee members. I think that will be auspicious.

If I may take just two more minutes, as you are probably reading in the papers, President Biden is trying to advance his American Rescue plan. It is part of a two-step process. He wants a first package of \$1.9 trillion to be directly related to COVID and a second package related to economic recovery due to the downturn, also that has resulted from COVID.

Congress is just moving forward a Budget Resolution that would allow for a budget reconciliation, which is a process for expeditious consideration for large scale revenue producing or reducing legislation but can also include provisions outside of that as long as there is broad agreement. There has been talk of 10 Republican Senators that may join Democrats and more bipartisan things that may not require reconciliation. Democrats are basically saying that's fine, we'll keep talking to you on that track, but we are going to take the steps necessary towards moving a reconciliation measure & basically gets around the filibuster by only requiring 50 votes plus 1, the tiebreaker in this case being the Vice President in the Senate. Those are the parallel tracks which large scale recovery is being talked about. Infrastructure would be a large part under the President's plan of more of the economic stimulus rather than directly COVID-related. If they go big on Infrastructure, they would not just be talking about roads & bridges, but water infrastructure as well. Last time around, this project was appropriately able to portray itself as shovel-ready to receive additional money and did in fact get allocated a large tranch of money back in 2009 through American Recovery & Reinvestment Act. Doing our best to position this project now to be able to participate in any large-scale infrastructure investment that should come down the pike this year or at any point during the Biden Administration.

#### QUESTIONS / COMMENTS

None from Commissioners.

None from Public.

Mr. Murray thanked everyone for joining. Next meeting will be April 7<sup>th</sup>. The link for meeting is always available on the GBFCC website. Our secretary, Tina Totten, will send out a reminder email about 10 days before the next meeting. If you are not included on that email and would like to be, email Ray Murray.

MEETING ADJOURNED: 8:20 PM

#### **Upcoming 2021 GBFCC meeting dates:**

Wednesday, April 7, 2021, 7:30 pm

Wednesday, June 2, 2021, 7:30 pm

Saturday, August 7, 2021, 9:30 am at American Legion Pavilion· 707 Legion Place, Middlesex

Wednesday, October 6, 2021, 7:30 pm

Wednesday, December 1, 2021, 7:30 pm