

**GREEN BROOK FLOOD CONTROL COMMISSION
MEETING MINUTES**

LOCATION: Virtual Meeting

DATE: October 4, 2023

MEETING CONVENEED: 7:30 PM

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 - GB	Bill Picard . Scotch Plains
Paul Woska . GBFCC Vice-Chair-Middlesex	Alice Temple . South Plainfield
Nate Wales . USACE NY District	John Ferguson . South Plainfield
Tom Slowinski . NJDEP	Christine Ead . Watchung
Joe Skupien . Somerset County	Jeff Varnerin . Berkeley Heights
Rich O'Connor . Engineer, GBFCC	Ed Hardina . Berkeley Heights (Free Acres)
Rob Zucker . Winning Strategies	Clare Levourne . Middlesex
Jerry Searfoss . Green Brook	Kevin Redzinski . Middlesex
Mark Kranz . Middlesex	Andy
Robert Dessino . Middlesex	Linda
Michael La Place . Middlesex	Natalie Chin/Angus Chen
Oren Dabney . Plainfield	Alvaro Mederios

MINUTES

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

CORRESPONDENCE

The Commission was served with legal papers regarding the NJ Transit train that became stuck on the tracks during TS Ida. The Commission engaged legal counsel to try to have the Commission removed from the litigation, by explaining that the Commission has no control over any portion of the project operation or maintenance. The plaintiff's attorney was not willing to remove the Commission from the suit, so the Commission's attorney filed a response with the Court asking to be released from the suit, and for the award of legal fees, as our inclusion in the suit amounts to a frivolous lawsuit.

TREASURER'S REPORT

Mr. Crosby is not at the meeting tonight so Mr. Murray is giving the Treasurer's report.

Two of the usually three bills are up to be paid . Tina Totten & Winning Strategies. Additionally, bills for the Courier News for legal advertisements and DiFrancesco, Bateman for legal services were also presented. Motion to pay the bills carried.

2024 BUDGET

The budget is posted on the Commission website and will be voted at the December meeting. Expenses are in line with projections. We have been using the surplus over the past couple of years, so the budget includes a 2% increase for the members and municipalities.

NOMINATIONS FOR EXECUTIVE BOARD

The Commission is always looking for involvement as part of the Executive Team. Anyone interested, please reach out and we will get you on the ballot to be voted on in December.

In the past we had four positions: Chairman, Vice Chairman, Treasurer, & a Legislative Liaison. Frank McArdle filled that Legislative Liaison position for many years, but that position has not been filled since his passing. We pride ourselves in working together to get the job done. We are not partisan and that has served us well in working with both parties.

ARMY CORPS OF ENGINEERS . Nate Wales, Project Planner

Lower Basin:

Segment U-R-T: Bound Brook is complete. State of NJ DEP maintains now.

Segment C-H-B-D: Middlesex Borough.

Segment C1 - the contract has been extended in large part because we have yet to acquire the 207 Pond Ave property. Working through the eminent domain process. This property is needed for a floodwall.

Segment C2 & H . Work began a few weeks ago and is on. going. Consisting of a few hundred feet of flood wall and two closure gates across South Lincoln Avenue.

Segment C3 & C4 . To be awarded Spring/Summer 2024.

Segment C5 & B4 . To be awarded in 2025.

Segment C6, C7 & D – Completed surveys.

Segment I-J-K . Green Brook Township, Dunellen & Plainfield. Doing surveys now to prepare for the design. Running through sequencing plans. Before we can implement C6, C7 & D we need to construct a good deal of Segment I-J-K. Must be certain we do not induce any flooding in any areas, or else the State will not issue permits.

Mr. Murray: The first step in the construction process in Segment C2 is to drive steel piles into the ground, deep into bedrock and fill it with concrete. They need to cure. Once cured, they can test to be sure it can handle the weight of the floodwall.

Question: How long is the curing process?

Mr. Wales: I will check with our Project Engineer & follow up.

We have received \$496 million under the Disaster Relief Supplemental Appropriations Act 2022 (DRSA) after TS Ida, all of which is Federally funded, not cost-shared with non-federal sponsor. Working internally within USACE to draft a cooperation agreement to amend the cost share.

Upper Basin:

General Reevaluation is ongoing. Three alternatives are being analyzed for Flood Risk Management instead of detention basins at Oakway & Skytop.

- 1) At the request of the Commission & NJ DEP, we are looking into a detention basin at New Providence Gorge
- 2) Comprehensive Non-Structural plan . elevate homes, add ring walls, etc.
- 3) Combination Plan . non-structural measures plus floodwalls, levees, channel modifications, possibly small check basins.

Currently we are formulating those alternatives and weighing the cost & benefits. We are estimating that we will be able to make a tentative selection around February 1, 2024. A delay from what we previously thought because the H & H modeling is quite complex.

My team, as well as regional USACE leadership, will come up with a strong and well-justified tentative plan. We will draft a feasibility report, a national environmental policy act document and an environmental impact statement. Our goal would be to get those out for public review around April 2024.

In meantime, we are currently drafting scoping documents and plan to have a 30-day scoping meeting sometime this fall. We will keep the Commission & DEP informed. Likely will have at least one public meeting for feedback from assorted stakeholders as well as various permitting agencies.

Currently this study is fully funded Federally at approximately \$3 million plus a few hundred thousand for external reviews. Our assumption is that we will be able to stay within that budget, if the project does not include a detention basin in New Providence gorge. If it does include that detention basin, additional money from the Federal budgeting process via Energy & Water Appropriations would be needed and probably a cost share arrangement made with DEP.

Last comment is that the Upper Basin Study and the support to Alec Peterson, Project Engineer for the Lower Basin, will be transitioning to a new group within the USACE but I cannot announce yet. I am taking on a new position within USACE and will still be available, but this will likely be my last Commission meeting.

Mr. Murray: Before questions for the USACE, just wanted to note for the sake of correspondence that over the past couple weeks, there has been communication and renewed interest by people from Berkley Heights in the project, especially as it relates to the Upper Basin. Additionally, some outreach from the Free Acres area of Berkley Heights, which is to the north of Route 78. They have had some damage there. Confirmed that the area of the Green Brook would be part of the study area. It would be an area where measures put in place would be considered part of the overall basin plan.

Mr. Wales: Our team would like to set up a meeting with the Free Acres Association and those experiencing flooding in Berkley Heights to understand so we can see if there is anything to be done.

Mr. Murray: Expressed appreciation on behalf of the Commission for help and leadership on the project. You jumped in and helped us keep the project moving forward and we are thankful for that.

QUESTIONS FOR USACE:

Mr. Kevin Redzinski, Resident of Middlesex Borough: I am astounded that we are an hour into this and there has been no mention of Heather Lane. We have houses ready to fall into the brook. There was news coverage just yesterday. There is work and a lot of talk as to how this project is going to help, but I have not seen any improvement in preventing flooding. Don't see how any of the areas are any less vulnerable to flooding than when you started 50 years ago. The flooding in Bound Brook that happened during Ida was the result of a tree falling on the tracks and blocking the train, and gates couldn't close. Rendered the entire project impotent.

Mr. Murray: I strongly disagree with that statement. While the tree did fall on the tracks, there were hundreds of people that did not experience flooding on the East side of Bound Brook because of it. Those that did have flooding experienced it to a much lesser extent. If not for the tree & the timing of the train, flooding wouldn't have happened at all. Furthermore, I don't know what news stories are being picked up elsewhere, but the reason we aren't talking about Heather Lane is that the Project Engineers from USACE presented data to the municipality that erosion that happened at Heather Lane would have happened with the project or without the project. The Borough is in the process of absorbing that information and reviewing it with their engineers. USACE has offered to speak with the Borough and go through the data so the Borough Engineers can better understand the project and its lack of impact on the Heather Lane area erosion.

There have been several of meetings about this, including a meeting several weeks ago with USACE, various folks at NJDEP, the Borough's elected officials and staff, along with staff from Congresswoman Bonnie Watson-Coleman office and State Senator Bramnick's office. At that meeting, there was a request for the USACE study and that was provided, and the Borough is reviewing it with their engineers.

There was an extended ongoing discussion between Mr. Redzinski and Mr. Murray of the causes of the flooding, the efficacy of the project and its impact on flooding and erosion, as well as the Flood Commission roles.

Mr. Murray and Mr. Redzinski clearly expressed differing of opinions on the circumstances which have led to the Heather Lane erosion and the responsibilities of USACE, Middlesex Borough, Green Brook Township, and the State of New Jersey in developing a path forward.

It was reiterated by Mr. Murray that the ball is in Middlesex Borough's hands. The Borough needs to do some engineering research and come up with a temporary plan to prevent future erosion, come up with a permanent fix, and how to pay for it.

For its part, the USACE has offered to look at whatever plans the Borough comes up with and make suggestions. NJ DEP has promised that if they get a permit application together, for either a temporary or permanent repair, they will expeditiously review it so that work can be done right away. Right now, it's in the hands of the Borough to figure out the best engineering solution and how to move forward.

Mr. Wales: We do have a meeting set with Middlesex Borough staff with the USACE Engineering staff on Oct. 12th. Your concerns are ones we will raise. The other key thing to keep in mind is even if the homes do go into the Brook and they dam up, and there is flooding upstream, the question becomes is that flooding within the area that the USACE has a Federally authorized project for construction.

One last comment in general. You are right that Bound Brook did experience some flooding during Ida in part because the project did not work as intended. Ray is absolutely right that without this project, the flooding would have been much worse. It is important to keep in mind when we talk about a project that it is a misnomer to say the USACE prevents flooding. We don't. USACE helps manage the risk; we seek to reduce damages from what it might have been. We make it so that smaller events don't cause flooding, but there will always, always be the possibility for an event that may exceed what we are able to do. Looking at how we provide flood risk management from that point of view, I would say that our project in Bound Brook has been a success.

Mr. Ed Hardina, Berkeley Heights (Free Acres) asked about the points of contact for Free Acres. Contact information was confirmed/exchanged. Mr. Wales confirmed that USACE would be in touch with folks from Free Acres to see what is currently happening there and what can be done for the community.

NJ DEP . Tom Slowinski

We have been in touch with the Elm Group out of Princeton, an environmental resource. They will be doing remediation work soon on the unprotected side of R2 which is south of NJ Transit trestle, where the train stalled due to debris breaking the air line on the train, down to the mouth of the Middle Brook confluence with the Raritan. There is remediation work going on in future. They have been down there for a while doing samples, borings, studies and remediation will start soon. Will reach out to Andre to be sure it doesn't influence our modeling, don't expect that but more to be determined.

Kudos to Somerset County, in particular Mr. Billy Wise, who retired after 38 years, and he was 23 years dedicated to the flood project in Bound Brook. He was the designated Somerset County Coordinator for Operation and Maintenance of Segment U . R . T, which includes two pump stations, two road closure gates, a railroad swing gate and a railroad stop log gate. He procured robotic lawn mowers to cut the levees safely. He always did a great job and will be sorely missed . Congratulations on retirement!

Joe Lesik is taking over and is well-versed. His first task will be to assemble the stop log structure in the rail yard. It was only done once before by Bill. Unfortunately, with the events of Ida, they were not able to get to it and it was damaged. It has since been repaired and he has been in touch with Conrail & Transit. We will have flag men out. We will have people that are not familiar with stop log structures to watch and get a sense of how many man hours it consumes. It is not an easy task.

Some properties in Bound Brook, about 26-27, have finally been transitioned by name from Federal Government to State of New Jersey. There was about 7-8 in Middlesex. These are both fee & easement properties that USACE procured on the State's behalf. The original plan was to have these properties revert to each County, but it has to be approved by the State House Commission, and I don't think that will happen in my lifetime.

COMMENTS FROM THE COUNTIES

Somerset County – Joseph Skupien . We will miss Bill! No matter what needed to be done, or when it needed to be done, he got it done. We know the USACE is beginning to fix the damage from Ida along the Raritan & Middle Brook. Continuing to work with the USACE & DEP on the Upper Basin.

Middlesex County – No representative present.

Union County – No representative present.

GBFCC ENGINEER . Rich O'Connor
Nothing to report.

WINNING STRATEGIES . Rob Zucker

During this time period we had incoming interest from the Congresswoman's office regarding Heather Lane. We conducted internal calls to provide information on the situation to them and then they worked to include State Senator Bramnick and his top staff, which led to additional conversation facilitated by Mr. Murray with the USACE & NJDEP. Recognizing that the USACE has told us that Heather Lane property falls outside the scope of the project, the Commission has been working really hard to be sure the homeowners' situation was taken seriously. And also, to explore any way that they can be assisted. Discussions are ongoing with all the parties to see how they can be helped and avert a problem, within the law.

ADDITIONAL QUESTIONS / COMMENTS

Mr. Redzinski had some additional questions/clarifications on which Congress members had been out to visit the Heather Lane property and who does the surveys and modeling for the USACE.

Mr. Bill Pichard, Scotch Plains thanked Nate for this time & work on the Upper Basin.

Mr. Ed Hardina . inquired about where to find information about access to the Green Brook & what is allowed to be done within the Brook itself. Mr. Murray suggests a good starting point is the Township Engineer for Berkeley Heights as he would know what permits are needed.

MEETING ADJOURNED: 8:20 pm

Upcoming GBFCC meeting dates:

Wednesday, December 6, 2023, 7:30 pm . via Zoom

February 7, 2024, 7:30 pm . via Zoom

April 3, 2024, 7:30 pm . via Zoom

June 5, 2024, 7:30 pm . via Zoom

August 3, 2024, In person Memorial Service in Middlesex Borough

October 9, 2024, 7:30 pm . via Zoom

December 4, 2024, 7:30 pm . via Zoom