

**GREEN BROOK FLOOD CONTROL COMMISSION
MEETING MINUTES**

LOCATION: Virtual Meeting

DATE: October 9, 2024

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
Paul Woska . GBFCC Vice-Chair-Middlesex
Edward Wrocenski . USACE NY District
Thomas Slowinski . NJDEP
Rich O'Connor . Engineer, GBFCC
Rob Zucker . Winning Strategies
Mark Kranz . Middlesex

Oren Dabney . Plainfield
Skip Stabile . North Plainfield
John Ferguson . South Plainfield
Christine Ead . Watchung

Roy Messaros
Margaret Illis . Berkeley Heights

MINUTES

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

TREASURER'S REPORT

The Treasurer's report can be found on the GBFCC website. Chairman Murray advised that all member Municipalities & Counties have paid their dues for the year. Bills from Tina Totten for meeting notifications & Winning Strategies were approved to be paid.

CORRESPONDENCE

The Commission just had some internal emails.

ARMY CORPS OF ENGINEERS . Edward Wrocenski, Project Manager

Mr. Wrocenski reported the PPA amendment was signed in August, giving access to the \$500 million of the DRSA funding which we had been waiting on. Initial allotment of dollars was requested and received in September. We will look to spend that and move the project along as best we can.

First order of business is regarding the project inducing flooding. Our engineering staff is doing modeling work to see what segments we can continue to build in order to move the project forward. After that modeling is done, we plan to meet with NJDEP to assess risk and consider where to build next.

The big outstanding item is getting the 207 Pond property. Negotiations on this have not been successful, so we are probably moving towards condemnation. When we do obtain the property, it will allow us to fill in the holes that have been left in some segments.

Mr. Mark Kranz - Middlesex Borough got notice from Middlesex County that the owners of 207 Pond have applied to open a paint recycling business at 207 Pond. Some inconsistency with the application so they may need to reapply.

Mr. Murray . USACE is not asking for property near the building itself. They are not looking to purchase the whole property, just a portion nearest to the stream. It would be nice if the Borough could encourage the owner to reenter negotiations, but if not, we just keep moving forward with condemnation. I spoke with Paul Woska about this earlier today.

Mr. Kranz . I will keep speaking with the Mayor and Council and let me know if there is anything else that can be done to keep it moving forward.

Mr. Murray . There are segments that have been awarded but simply cannot be executed because we do not have that real estate. Once we get that real estate, whether by negotiation or condemnation, we will get the segments done so the residents get protection sooner rather than later.

Mr. Tom Slowinski, NJDEP – While you are talking to the Mayor, I am told from the contractor that they are parking trucks on the Clay Avenue Right of Way that was never abandoned. It is right next to the piling that we put in. The guy is taking advantage of excess property with tractor trailers.

Mr. Wrocenski continues .

Working on Segment C2 & H at South Lincoln Ave. We were delayed because utility lines had to be replaced, but now they are replaced, and construction is continuing. Floodwalls have been poured. Working on the abutment to the gates right now. The contractor does not want to take delivery of the gates in advance because they are huge and heavy. Wants to be able to lift off truck & right into place. Scheduled for late October/early November to put the gates in place. A simple gas line to hook up, and then repaving right after that. We will have the schedule by the end of the calendar year and that road will be paved and opened after so people can start using.

Mr. Roy Messaros – My question is about 207 Pond and relating to paying the contractor to keep the contract open. My understanding is that involves large sums of money. As the work for Segment C1 progresses, now that it's been a number of years, there will be cost escalations. Trying to understand the negotiations with the property owner at 207 Pond. I am wondering if anyone is looking at the cost to the Federal Government with this delay. I am trying to understand what you are offering 207 Pond owners versus what the cost escalation is from the delay.

Mr. Wrocenski – Yes, Roy, we are looking at that. It is costing us to keep the contract open. Our real estate expert, Bill Shockty, had been hopeful about the negotiations but unfortunately there hasn't even been a response from the owner. If the owner had come back with a counteroffer, there might be a way to analyze that and balance out the costs to consider possibilities. Unfortunately, that wasn't the response.

Mr. Messaros – Thank you for that explanation. My second comment is about hydraulic modeling. In any hydraulic modeling, there is uncertainty, or freeboard. Because this is a flood risk management project, managing the risk is what I think about. I was involved with hydraulic modeling. If we are looking at an additional increase because the flood panels for Segment C1 were not constructed, if we are talking about an extra 3 inches of inundation, that is really within the model of uncertainty. If you call it three inches of additional flooding anywhere in this project, it may not have any real meaning because it is within the uncertainty. That kind of value gets lost in the uncertainty.

Mr. Wrocenski – Roy, you hit the nail right on the head, that is the exact discussion we want to have. At today's meeting our Chief of Engineers made that same point, if we are inducing three inches in one area versus saving three feet or ten feet in another area, then it's worth pursuing. That is what we are looking to narrow down.

Mr. Murray . And just for some added context, the Condemnation package made it all the way up to Headquarters, it was returned with some comments. It is unfortunate it is taking this long, but the Corps assures us they will get it back up to Headquarters and over to the DOJ. The Commission has offered our willingness to speak on behalf of NY District or lend any support as may be helpful.

Mr. Murray asked about status on design on some of the other segments, for example Segment I-J-K. It would be good to try to get preliminary design and borings and get things going so we can then work on real estate, and super charge our efforts with the goal of spending the money sooner rather than later.

Mr. Wrocenski – Engineering will be working on getting out the task orders for borings for Segment I-J-K. Segment I-J-K would have come after B4 & C5 but planning for that within two to three years, instead of three to four years.

Mr. Murray asked for a revised timeline.

Mr. Wrocenski also said he wanted to get back on schedule with the external meetings; but right now, October will be just internal. Plan is to get an external meeting on schedule for early to mid-November.

Mr. Murray mentioned the Annual League of Municipalities Convention is week of November 19.

Mr. Wrocenski gave an update for Upper Basin – We have reached our tentatively selected plan. It will be non-structural. Had a call this week with Commission, NJDEP, and some County & Municipality representations. Ran through the study and where things are at. Looking to schedule a meeting with higher Headquarters at end of October / beginning of November. We can release the draft report 60 days after that. Next step would be the Agency Decision Milestone around April 2025, transmit to our Headquarters in January 2026, with an end goal of our Chief's Report in May 2026.

Mr. Murray . One of my biggest takeaways from the call is that this will primarily be a non-structural plan with about 50 structures that would be flood proofed in some fashion. The Corps is still looking to see if that number warrants being increased, possibly up to 150 properties so that more property owners are getting protection, while the project would still have a positive benefit to cost ratio.

Mr. Slowinski - On the upper reach, we asked some locals to identify choke points along the streams so the Corps can put some emphasis in the design of what can possibly be done in terms of making it more accessible and easier to maintain or initially riprap better or whatever else can be done. We need to know the choke points.

Mr. Murray – Skip, just for your benefit, both Dave Hollod and Dave Testa were on the call and are aware. Dave Testa had made the request where there is a tremendous amount of silt build up now, not only would it provide more storage, but it would make for better flow going forward if

there could be some modifications within the project to get the areas cleaned out and increase the flow.

Mr. Stabile - Dave Hollod filled me in on this.

Mr. Messaros – I'm curious about mitigation credits so that there are no constraints or delays in awarding future contracts or options. Are there mitigation credits available in a mitigation credit bank to keep things moving forward once the money is available?

Mr. Wrocenski - Yes, we have met with Fish & Wildlife regarding future segments.

Mr. Messaros – A question for NJDEP . In the past, the USACE had their money, but we needed the match from NJDEP. Is there any issue with this?

Mr. Wrocenski – The DRSA money is 100% Federal funds. There will be some spending on the New Jersey side, perhaps on real estate, but it is no longer 75%/25% cost shared.

Mr. Murray . When we get to the approvals for the Upper Basin portion, that will return to a cost shared scenario, but we have a long way to go before that. The Chief's report is expected May 2026, and then Congressional approval in the WRDA Bill, and modifications to our authorization on cost exceedance on the Lower portions of project. Once we have those approvals going forward it would be a 65%/35% cost split on new money for the project.

Mr. O'Connor, Mr. Stabile & Mr. Murray discussed having Ed Wrocenski or a different representative of the Corps and/or someone for GBFCC attend a North Plainfield Council meeting to brief the Council. Meeting can be on zoom to accommodate and possibly target November 12.

NJ DEP - Thomas Slowinski

Regarding the 207 Pond property, it is disheartening. We started in 2018. There was a contamination issue at the site. It wasn't on the track that we needed but was part of the track on the Clay Ave Right of Way. We also need access down his driveway to get to the pump station that will be on that levee. Real estate is typically our hold up, but also permitting and utilities are hard to coordinate. We saw this on South Lincoln Ave. Work is behind, but hopefully that road will be open by the end of year. It is good that work is progressing and Carbro is doing a good job.

COMMENTS FROM THE COUNTIES

Middlesex County – No representative present.

Somerset County – **Valerie Bogart** . No representative present.

Union County – No representative present.

GBFCC ENGINEER . Rich O'Connor
No report.

WINNING STRATEGIES . Rob Zucker

The main thing to communicate has already been discussed by Mr. Murray. We have engaged with the Corps to see what additional actions could be taken to accelerate the two-track process . condemnation vs negotiation - but that has already been addressed. We are encouraged by what we have heard from the Corps. We have a plan for Ray to spend a day on Capitol Hill within the month of October doing both some educating and updating on project, and if there is any additional outreach that members of Congress or Senators can make to help expediate matters or decision making on the real estate. There is limited optimism that this will lead to a settlement, and condemnation can be done in what we hope is a much more expeditious way.

Also in the upcoming period, we are heading into the November election, and not that the Commission takes any action, but we will have a new Senator from New Jersey. The priorities for the Commission will be to get the newly elected Senator up to speed on the project, and hopefully invite him to come view it. Optimistic at what the future holds and the continued support of the delegation to move the project forward in an expeditious way, both to get protection sooner and save money on the project because work done sooner is not subject to the inflationary costs of inaction.

Other Questions

None.

Mr. Murray –

RFP: We will be posting our RFPs for Professionals for next year in the coming days and those will be due back before our December meeting, and we will look to appoint at the December meeting.

Budget: Our proposed 2025 Budget is posted on the GBFCC website. It includes a 2% increase to our member Municipalities. We were under our budget last year, but we had anticipated using a hefty amount of budget surplus. The increase in dues will allow us to use less of the surplus going forward. Although we have a small fund the State gave us years ago in case someone does not pay dues timely, we do not want to dip into that \$90,000 fund. Any questions let us know. We will look to approve the budget at the December meeting.

MEETING ADJOURNED: The meeting was adjourned at 8:00 pm.

Upcoming GBFCC meeting dates:

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