

MINUTES
Morris County - Flood Mitigation Committee (FMC)
30 Schuyler Place - 4th Floor, Morristown, New Jersey
August 20, 2012

The meeting was called to order at 5:37 p.m. by the FMC Chair, Louise Davis.

Members present:

Julie Baron
Paula Danchuk
Louise Davis
Ted Eppel
Laura Szwak

Also attending:

Deena Cybulski, Director, Morris County Department of Planning & Development
Ray Chang, Director, Morris County Preservation Trust
Jennifer McCulloch, Flood Mitigation Program Coordinator, Morris County Preservation Trust
Barbara Murray, Open Space Program Coordinator, Morris County Preservation Trust
Tina Boyer, Program Assistant, Preservation Trust
John Napolitano, Esq., Special Counsel to Flood Mitigation Program

OPEN PUBLIC MEETING STATEMENT

Chair Davis announced that in accordance with the Open Public Meetings Act, adequate notice of this meeting had been provided and filed with the Town of Morristown, the Morris County Clerk, the Daily Record and the Star Ledger.

PUBLIC COMMENT

There were no members of the public present.

APPROVAL OF MINUTES

The Minutes for the June meeting are not yet available.

PROGRAM UPDATE

Ms. McCulloch introduced Tina Boyer, who was hired in June of this year by the Preservation Trust as a Program Assistant. Tina will be working with the Program Administrators for all 4 branches of the Trust, including Flood Mitigation. Tina has worked for Morris County continuously for 9 years, beginning as a high school intern with Planning and Development. Tina has already proven to be a critical resource in website development, creation of the brochure, project management, and application processing/review.

Rules & Regulations

The recommended changes to the FMP Rules and Regulations were approved by the Board of Chosen Freeholders (BCF) at their June 27, 2012 meeting. As decided at the June FMC meeting, Ms. McCulloch drafted language which added a new rule in Section 6.10, 'Ineligible Activities' regarding post-preservation land use restrictions. She also added two rules regarding soft cost reimbursement and future development to Section 6.14, 'Acquisition Strategies and Criteria'. These changes were reviewed and approved by the FMC via e-mail due to the cancellation of the July FMC meeting.

These suggested revisions were approved by the BCF at their July 25, 2012 meeting (doc. A) - changes are highlighted in yellow) and are as follows:

6.8 Application Process

8. Preservation – a permanent deed restriction will be placed on the land at the time of closing and it will be held in perpetuity by the Municipality as preserved open space. Properties may be used for active or passive recreation. There shall be no impediment to the retention and absorption of flood waters – see Section 6.10.

6.10 Ineligible Activities

3. Post-Preservation Land Use Restrictions – Restrictive covenants shall be included and conveyed in the deed to any property acquired through this program. The County shall develop model deed restrictions for grantee’s use. Said restrictions are similar to those approved by FEMA in 44 CFR Chapter 1, Section 206.434, item (e).

- i. The property shall be dedicated and maintained in perpetuity for uses compatible with open space, recreation or wetlands management
- ii. No new structures will be built, except as indicated below:
 - a. a public facility that is open on all sides and functionally related to a designated open space or recreational use
 - b. a rest room
- iii. In general, allowable open space, recreational, and wetland management uses include parks for outdoor recreational activities, nature reserves, cultivation, grazing, unimproved parking lots, and buffer zones.

6.14 Acquisition Strategies and Criteria

16. Soft Cost Reimbursement is available, at the same percentage as the acquisition cost, on closed projects only.
17. The FMC discourages future development or the expansion of current homes, in flood prone areas. Recent development of this type will be a factor considered by the Committee in their review of applications.

Municipal Outreach Campaign was launched on July 24th. It was two-prong effort:

- 1) an e-mail was sent to all municipal Mayors, Governing Bodies and Administrators (doc. B)
- 2) a letter with copies of the brochure were sent to the same individuals (doc. C)

This communication also serves as a notification that the Flood Mitigation Program website has been added to the Department of Planning and Development website as well as the Preservation Trust Division’s website at MorrisPreservation.org.

Ms. Danchuk, as a Borough of Mount Arlington Council Member, confirmed that she received both the e-mail and the letter/brochure.

Webpage – Ms. McCulloch took the FMC through the entire Flood Mitigation website:

- ***‘Home’*** page, found by clicking Flood Mitigation icon on www.MorrisPreservation.org
 - Brief overview of program
 - Contact information
 - List of additional resources: MC-OEM, MC Disaster Recovery Group, NJS-OEM, NJ-DEP Blue Acres Program, FEMA
- ***‘Program Information’***
 - Flooding in New Jersey
 - Morris County’s Mission
 - How Flood Mitigation Works
 - What is Eligible?
- ***‘How to Apply’***
 - Application and Process with links to:
 - MATCH Program - application details (no application form required)
 - CORE Program – application details, application form, discussion of Flood Acquisition Plan (FLAP) elements
 - Funding Tracks – links to MATCH and CORE program pages
- ***‘FAQ’***- list of frequently asked questions and their answers
- ***‘Rules and Regulations’***- links to:
 - MC Preservation Trust Rules and Regulations
 - Flood Mitigation Program Rules and Regulations
- ***Committee***
 - Meetings/Agendas
 - Minutes
 - Organization
 - Members

Benefit-Cost Analysis (BCA) – Ms. McCulloch provided a ‘Crash Course’ on this topic (doc. D). The *benefit* to the community for purchasing a flood-prone home must at least equal the *cost* of the home’s acquisition to receive approval. Discussion included:

- ***Overview*** – Benefit Cost Ratio (BCR) must be at least 1:1. Morris County staff will be utilizing FEMA’s BCA computer model to analyze applications, this model automatically calculates a wide array of variables: OEM costs, debris removal, home rebuild, etc.
- ***Natural Environment*** – location of home, nearby river’s characteristics and hydrology, topography, etc.
- ***Home Construction*** – considers the physical elements of the structure (foundation type, year constructed, etc), elevation components (natural elevation, location of doors, etc), and the Cost to Rebuild.

- ***History of Flooding/Flood Loss*** – sources of information include: FEMA’s Loss Data (Repetitive and Severe Repetitive Loss properties) and National Disaster List, as well as National Flood Insurance Program claims data

Procedural Letter – Ms. McCulloch is working with John Napolitano to develop a “procedural letter” for our municipal applicants as they progress towards closing on these projects. This letter will cover what due diligence and documents are required, and what the exact process for obtaining Final Approval and the release of funds is. Once this letter is developed, it will be included with the initial ‘Congratulations’ letter sent to communities receiving Preliminary Approval, so they will know exactly what the steps to closing projects are.

CLOSED SESSION

At 6:03 p.m., on a motion by Julie Baron, seconded by Ted Eppel the FMC closed the open portion of the meeting pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act, and per the Committee’s standard resolution language voted to conduct a closed session.

RETURN TO OPEN SESSION

At 6:41 p.m., on a motion by Paula Danchuk, seconded by Ted Eppel the FMC returned to open session by unanimous vote.

- **Resolution 2012-07: Riverdale – Harrison Road** – Flood Acquisition Plan (FLAP) and CORE Application for \$779,625, with an estimated match of \$236,250 from NJDEP Green Acres, for 6 properties in all. At 6:42 p.m., on a motion by Julie Baron, seconded by Laura Szwak, the committee granted Preliminary Approval of this FLAP and application by unanimous roll call vote.
- **Resolution 2012-08: Riverdale – Riverview Terrace** – Flood Acquisition Plan (FLAP) and CORE Application for \$90,750, with an estimated match of \$27,500 from NJDEP Green Acres, for 1 property. At 6:43 p.m., on a motion by Julie Baron, seconded by Laura Szwak, the committee granted Preliminary Approval of this FLAP and application by unanimous roll call vote.
- **Resolution 2012-09: Pequannock – Pequannock Avenue** – Flood Acquisition Plan (FLAP) and CORE Application for \$234,300, with an estimated match of \$284,000 from NJDEP Green Acres, for 2 properties in all. At 6:44 p.m., on a motion by Julie Baron, seconded by Ted Eppel, the committee granted Preliminary Approval of this FLAP and application by unanimous roll call vote.
- **Resolution 2012-10: Pequannock – Harrison Road** – Flood Acquisition Plan (FLAP) and CORE Application for \$234,300, with an estimated match of \$284,000 from NJDEP Green Acres, for 2 properties in all. At 6:45 p.m., on a motion by Paula Dancuk, seconded by Laura Szwak, the committee granted Preliminary Approval of this FLAP and application by unanimous roll call vote.

CORRESPONDENCE

There was no correspondence to review.

NEW BUSINESS

There was no new business to discuss.

ADJOURNMENT

On a motion by Julie Baron, seconded by Ted Eppel, the meeting was unanimously adjourned at 6:46 P.M.

NEXT MEETING DATE

The next regular meeting is scheduled for Monday, September 10th at 5:30 p.m. in the 4th Floor Conference Room of the Offices of Planning & Development, located at 30 Schuyler Place, Schuyler Annex Building, in Morristown, New Jersey

Respectfully submitted,

Jennifer N. McCulloch