

MINUTES
Morris County - Flood Mitigation Committee (FMC)
30 Schuyler Place - 4th Floor, Morristown, New Jersey
October 21, 2013

The meeting was called to order at 5:31 p.m. by FMC Chair, Louise Davis.

Members present:

Julie Baron
Paula Danchuk
Louise Davis
Ted Eppel
Laura Szwak

Also attending:

Deena Leary, Director, Morris County Department of Planning and Development
Ray Chang, Director, Morris County Preservation Trust
Jennifer McCulloch, Flood Mitigation Program Coordinator, Morris County 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.

MINUTES

The Minutes of the September 16, 2013 meeting were reviewed and on a motion by Julie Baron, which was seconded by Ted Eppel, the Committee unanimously approved said Minutes.

PROGRAM UPDATE

Rules and Regulations – The Rules and Regulations revisions discussed in our September meeting concerning appraisal methodology for foreclosed properties, and staggered terms for the Flood Mitigation Committee, were recommended to the Freeholders and adopted at their October 9th meeting.

NJ Association of Floodplain Management Conference (NJAFM) – This conference took place last week in Atlantic City, the presentation of our program was well-received. Ms. McCulloch noted that the overall theme in the sessions, including the plenary speeches, was: 1) acquisition as the most effective, permanent solution for flood-prone communities; 2) the importance of planning a disaster response pre-event; and 3) the effects of the Biggert-Waters Act, which is becoming evident as families receive their new, increased flood insurance rates and premiums. FEMA staff, who were scheduled to present in multiple sessions, were unable to

attend due to the government shutdown that was in effect.

Additionally, Morris County received the 2013 NJAFM award for “Outstanding Floodplain Management” for “working most effectively with local, state and federal partners to buyout flood-prone residential properties and create open space”. Our program was nominated by a member of the NJAFM Executive Committee; this is not a self-nominated award.

Director Leary stated that Morris County’s presentation at the national ASFPM (Association of Floodplain Managers) Conference in October, and the program’s inclusion as a model flood-buyout acquisition program in the ASFPM national ‘toolkit’ most likely gave the program the visibility which led to this award nomination.

Charitable Conservancy–Information Session – will be held on November 7th. Ten (10) land conservancies have been invited; it is our goal to include any conservancy that may be interested in learning about this program.

Preservation Trust - Strategic Analysis & Report – was kicked off on October 15th. Morris County will be working with consultancy Brandstetter Carroll on this project. The goal is a thorough, objective analysis of projects completed since the founding of the Preservation Trust, and dual determination of the needs in these programs going forward, and the best use of these grant funds.

Planning & Development Department - Re-organization – This topic was thoroughly discussed at the recent Open Space Committee meeting. Director Leary reiterated that effective December 1st, when Steve Hammond (County Engineer) retires, the departments of Planning & Development and Public Works will be merging; Director Leary will be the Director of this merged entity.

CLOSED SESSION

At 5:42 p.m., on a motion by Julie Baron, seconded by Paula Danchuk, 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 wherein the subject of real property acquisition shall be discussed.

RETURN TO OPEN SESSION

At 6:10 p.m., on a motion by Julie Baron, seconded by Paula Danchuk, the FMC returned to open session by unanimous vote.

The following actions were taken, as a result of Closed Session deliberations.

- **Resolution 2013-36: Borough of Lincoln Park - Central Project Area** – CORE Application for \$990,064 with an estimated match of \$286,975 derived from homeowner’s donation of value. At 6:11 p.m., on a motion by Paula Danchuk, seconded by Ted Eppel, the committee granted Preliminary Approval of this CORE application by unanimous roll call vote.
- **Resolution 2013-37: Borough of Lincoln Park - North Project Area** – CORE Application for \$1,425,195 with an estimated match of \$413,100 derived from

homeowner's donation of value. At 6:12 p.m., on a motion by Julie Baron, seconded by Paula Danchuk, the committee granted Preliminary Approval of this CORE application by unanimous roll call vote.

- **Resolution 2013-38: Borough of Lincoln Park - South Project Area** – CORE Application for \$1,219,834 with an estimated match of \$353,575 derived from homeowner's donation of value. At 6:13 p.m., on a motion by Ted Eppel, seconded by Laura Szwak, the committee granted Preliminary Approval of this CORE application by unanimous roll call vote.

CORRESPONDENCE

There was no correspondence to review.

NEW BUSINESS

Ms. McCulloch informed the FMC of the following:

- River de-snagging grants - Morris County's Planning Division is working with a number of municipalities on river de-snagging grants that have recently become available. This is another well-accepted method of flood mitigation; unimpeded river flow mitigates potential over-flooding of riverbanks.
- NJ Supreme Court decision - "Town of Harvey Cedars vs. Karans" - The Town of Harvey Cedars (Long Beach Island area) worked with the Army Corps of Engineers to increase their dune heights from 16 feet to 22 feet. Homeowners were made offers for the easement allowing this increase; the Karans rejected that offer and the Town was forced to utilize condemnation.

After the dune was built, the Karans sued Harvey Cedars for the loss of value to their home; they were awarded \$375,000. In the wake of Hurricane Sandy, the Karans home survived with no damage because of the enhanced dune built in front of their home by the town. Harvey Cedars appealed the previous court award. The NJ Supreme Court ruled in favor of Harvey Cedars, stating that "protection value must be considered, not just the value of the viewshed lost". The Karans' previous award of \$375,000 was reduced to \$1.

ADJOURNMENT

On a motion by Julie Baron, seconded by Ted Eppel, the meeting was unanimously adjourned at 6:20 p.m.

NEXT MEETING DATE

The next regular meeting is scheduled for Monday, December 16th 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