

MINUTES
Morris County - Flood Mitigation Committee (FMC)
30 Schuyler Place - 4th Floor, Morristown, New Jersey
December 16, 2013

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

Members present:

Paula Danchuk
Louise Davis
Ted Eppel
Laura Szwak

Members with an excused absence

Julie Baron

Also attending:

Deena Leary, Director, Department of Planning and Public Works
Jennifer McCulloch, Flood Mitigation Program Coordinator, Division of Planning & Preservation
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 October 16, 2013 meeting were reviewed and on a motion by Paula Danchuk, which was seconded by Laura Szwak, the Committee unanimously approved said Minutes.

PROGRAM UPDATE

Charitable Conservancy–Information Session – was held on November 7th. Ten (10) land conservancies were invited; four sent representatives: NJ Conservation Foundation, Trust for Public Land, Great Swamp Watershed Association (GSWA) and The Land Conservancy of NJ. The meeting went well. There were some questions, but nothing unexpected. The GSWA is forming a consortium of municipalities interested in lowering their Community Rating System (CRS) rating. The lower the CRS rating for a town, the lower the cost of flood insurance is to its homeowners. There may some synergy here, with Morris County referring interested communities.

Chair Davis, who attended the Information Session, relayed that the charitable conservancies asked County staff to define the conservancy's role in this program; they were advised to work

that out on their own. It is not the County's responsibility to create a role or function, nor provide financial benefits for an outside organization. She reiterated the value of what the Flood Mitigation Program is trying to do, while keeping in mind that we can't help everyone. The charitable conservancies requested more disclosure on the Flood Acquisition Plans (FLAPs) and active project details. Chair Davis stated that it is incumbent on staff and committee members to exercise the utmost discretion. Ms. McCulloch agreed and stated that there is much interest in seeing the FLAPs, especially the mapping. Since the FLAP is the proprietary information of the specific municipality, the county would never release this information.

FEMA – BCA Waiver Policy – the formal name of this policy is “Cost-Effectiveness Determination in SFHA’s using Pre-calculated Benefits”; but it is commonly referred to as the BCA Waiver Policy. Within FEMA regions 1 through 10 (Northeast corridor), it has been determined by FEMA that any structure, located in a Special Flood Hazard Area (SFHA), that costs \$276,000 or less is automatically considered cost effective (BCA of 1:1). This is true for properties with multiple structures as well.

Additionally, if the First Floor Elevation (FFE) is lower than the Base Flood Elevation (BFE) then the property is automatically considered cost effective. The goal of this policy is to reduce the time and resources needed to analyze and rank properties in a disaster situation. Please see Document A for details.

Director Leary inquired if Morris County should consider following suit in its CORE Program. Ms. McCulloch recommended that we continue running the Benefit Cost Analysis (BCA) Model for CORE projects; to assure that they are consistently and uniformly analyzed. This new FEMA policy is very helpful to our communities in the event of another disaster, and Ms. McCulloch wanted to make sure that the Committee was aware of it. The Committee concurred with the continuation of doing individual BCA's on all Morris County CORE projects.

Changes to NJ-DEP Blue Acres Requirements – in an effort to streamline the acquisition process, NJ-DEP has made the following changes to their requirements for Flood Acquisition projects:

- Appraisal Report - One, General Purpose Report
(formerly: 2 summary appraisal reports)
- Surveys
 - “cluster” plats of contiguous parcels allowed (formerly individual parcels)
 - individual Metes & Bounds Description still required
- Soft Cost Reimbursement - Up to 50% reimbursement on soft costs, will take into account reimbursements from other sources (i.e. Morris County)
(formerly: required Municipal OS tax usage to reach 50% threshold)
- Appraisal Review/Certification - *Morris County-specific*
 - Accepts original appraisal report and Morris County Appraisal Review Report
 - Result: expedited certification process

This last change (appraisal certification) is for Morris County only, and is in recognition of the exceptional work done by our review appraiser, Robert Schwarz. Mr. Schwarz reviewed 22 appraisal reports, which were then sent to the NJ-DEP for certification. The DEP's Head

Appraiser confirmed Mr. Schwarz's valuation in every case, finding no issues with his review reports.

Bergen County – Blue Acres Program – a recent voter referendum to create a “Blue Acres” flood acquisition program was passed by a 2/3rds majority. Their program structure mirrors ours; Morris County staff has shared all of our program materials, with the exception of FLAPs.

Recent news articles – Ms. McCulloch shared some recent articles that appeared in the Sunday Star Ledger and NJ. Com hailing the Morris County program as “the best in the state” based on our recent award from the NJ Association of Floodplain Managers.

2013 – Year in Review - Ms. McCulloch gave the following snapshot of the program's progress in 2013:

- Rules and Regulations:
 - Created Appraisal Policy, including appraisal review and certification standards
 - Amended Flood Mitigation Committee membership policy
 - Foreclosed property policy created
- Reviewed 40 CORE applications - 10 new Project Areas in 4 towns, *first* application based on a previously-targeted FLAP property (Pequannock – Route 23)
- Flood Acquisition Plans - *approved*
 - Lincoln Park
 - Long Hill
 - Parsippany
- Flood Acquisition Plans – *in progress*
 - East Hanover
 - Boonton Twp
- Preliminary Approval - 38 CORE applications/5 towns - \$7.763 million encumbered (\$288,000 more than last year)
 - Pequannock
 - Parsippany
 - Lincoln Park
 - Long Hill
- Closings – 35 closings (not including 4 from last year)
- Active Projects Pending – 78 projects in 6 towns
- Total Encumbered - \$16.455 million (94% of total allotted, including 2013 tax allocation)
 - New 2013 encumbrances: \$ 8.981 (\$1.42 mil more than last year)
- Amount Remaining: \$1.105 million

- Project Distribution – MATCH Program – 62 projects, CORE Program – 55 projects
- 2013 NJ AFM Award for “Outstanding Floodplain Management”
- Model Acquisition Program – in national toolkit of Assoc. of State Floodplain Managers

CLOSED SESSION

At 5:52 p.m., on a motion by Paula Danchuk, 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 wherein the subject of real property acquisition shall be discussed.

RETURN TO OPEN SESSION

At 6:38 p.m., on a motion by Paula Danchuk, seconded by Ted Eppel, the FMC returned to open session by unanimous vote.

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

- A motion was made that the Flood Mitigation Committee confirm the Accepted Market Value (AMV) determined by Morris County’s Review Appraiser as being in accordance with the Flood Mitigation Program’s Rules and Regulations for **56 Harrison Street** in the **Harrison Street Project Area, Town of Boonton**. At 6:39, on a motion by Ted Eppel, seconded by Laura Szwak, the committee unanimously approved this confirmation of value.
- **Resolution 2013-40: Town of Boonton - Harrison Street Project Area – 60 Harrison Street** – CORE acquisition funding in the amount of \$232,500 to cover Morris County’s 75% cost-share and a recommendation that the corresponding Grant Agreement with Boonton be executed. At 6:40 p.m., on a motion by Ted Eppel, seconded by Laura Szwak, the committee granted Final Approval by unanimous roll call vote.
- **Resolution 2013-41: Township of Pequannock – Pequannock-4021 Project Area – 51 Marlin Avenue** – FAST TRACK acquisition funding in the amount of \$27,562.03 to cover Morris County’s 25% cost-share and a recommendation that the corresponding Grant Agreement with Pequannock be executed. At 6:41 p.m., on a motion by Paula Danchuk, seconded by Laura Szwak, the committee granted Final Approval 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 Paula Danchuk, seconded by Laura Szwak, the meeting was unanimously adjourned at 6:45 p.m.

NEXT MEETING DATE

The next regular meeting is scheduled for *Tuesday*, January 21st 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