

**MINUTES**  
**Morris County - Flood Mitigation Committee (FMC)**  
**30 Schuyler Place - 4th Floor, Morristown, New Jersey**  
**September 15, 2014**

The meeting was called to order at 6:15 p.m. by FMC Vice Chair Laura Szwak.

Members present:

Julie Baron  
Paula Danchuk  
Ted Eppel  
Thomas Pepe  
Laura Szwak

Members with excused absences:

Louise Davis  
Gary Large

Also attending:

Deena Leary, Director, Morris County Department of Planning & Public Works  
Christine Marion, Director, Planning & Preservation Division  
Jennifer McCulloch, Flood Mitigation Program Coordinator, Planning & Preservation Division  
John Napolitano, Esq., Special Counsel to Flood Mitigation Program

**OPEN PUBLIC MEETING STATEMENT**

Vice Chair Szwak 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 of the July 7, 2014 meeting were reviewed and on a motion by Julie Baron, which was seconded by Tom Pepe, the Committee approved said Minutes.

**PROGRAM UPDATE**

- **NJ-DEP meeting** – Ms. McCulloch updated the FMC on a meeting held in July with Fawn McGee, Head of Acquisitions for NJ-DEP Green Acres & Blue Acres to assure that Morris County and the NJ-DEP continue to work collaboratively within Morris County on flood acquisitions. Given the current focus on resilience and planning ahead, NJ-DEP is very pleased with the Flood Acquisition Plans (FLAPs) being developed for Morris County municipalities to assess their flood risk. The foreclosure issue was discussed and Ms. McGee made introductions to their banking/foreclosure expert for future help with these situations. Post-preservation plantings and site restoration are not funded by NJ-DEP.

- **Preservation Trust Strategic Report (PTSR)** – The PTSR summary page [doc. A] was given to the FMC. The Board of Chosen Freeholders reviewed the results of the PTSR and the recommendations made by Brandstetter Carroll Inc., and have placed a public question regarding the use of the Morris County Open Space Tax for trail development on the November ballot. All other recommendations have been tabled.
- **Rules and Regulations – proposed amendment** – [Doc. B] – Ms. McCulloch recommended that Morris County consider instituting a rule, similar to FEMA’s which sets up a 3-year limit on encumbered funds. The goal of this rule change is to avoid tying up valuable funding that could be used elsewhere. Thus a Project Area receiving Preliminary Approval, which triggers the encumbrance of FMP funding, would have three years to close. If there are demonstrated challenging circumstances, a six-month extension can be granted up to two times.

Deena Leary recommended that if the Freeholders choose to make this amendment to the Rules & Regulations, we send a letter to each municipality participating in the FMP, along with a list of affected properties, and clearly delineated funding expiration dates along with encouragement that this information be shared with homeowners. Laura Szwak suggested that we add a one year wait time before an “expired” property can be considered for FMP funding again. The only exemption to this rule would be a bank-related or third-party issue (i.e. foreclosure or estate issue) that previously prevented the project from closing. On a motion by Paula Danchuk, which was seconded by Tom Pepe, the Committee approved this Rules and Regulation change recommendation to the Freeholders.

- **Association of New Jersey Environmental Commissions (ANJEC)–Environmental Congress** – Ms. McCulloch informed the FMC that she will be a Workshop Presenter at ANJEC annual conference on the topic of “Trends in Local Open Space Preservation”.

#### **CLOSED SESSION**

At 6:42 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 7:28 p.m., on a motion by Tom Pepe, 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:

- **Borough of Lincoln Park – North Project Area – 6 President St – AMV determination** - at 7:29 pm, on a motion by Tom Pepe, seconded by Ted Eppel, the FMC unanimously agreed to invoke the FMP Appraisal Policy provision which allows the Morris County Review Appraiser to do his own analysis and derive an Accepted Market Value (AMV) on that basis.

- **Resolution 2014-10 – Pequannock-4021 – 47 Pequannock Ave – Final Approval -** MATCH acquisition funding in the amount of \$35,019.90 to cover Morris County’s 25% cost-share and a recommendation that the corresponding Grant Agreement with Pequannock be executed. At 7:30 p.m., on a motion by Julie Baron, seconded by Tom Pepe, the committee granted Final Approval by unanimous roll call vote.

## **CORRESPONDENCE**

There was no correspondence to review.

## **NEW BUSINESS**

- **Closed Project Analysis** [doc. C] – Ms. McCulloch presented a new report she has created to track the financial details of closed projects. It analyzes items such as: final Duplication of Benefits (DOB) amounts, total Morris County cost of acquisition, Final Offers as a percentage of the appraised value, DOB as a percentage of appraised values and Soft Costs as a percentage of Morris County’s acquisition cost.

This spreadsheet has been populated with both Denville Project Areas (4021 and Riverside Drive; Denville is the first municipality to request soft cost reimbursement. This analysis indicates the following (as compared to appraised values): DOB was 11%, Soft Costs were 1.3 %, and the final offers to homeowners were 86% (in all cases there was 3% homeowner donation of value).

Ms. McCulloch will continue to analyze closed Project Area as the program matures and more Project Areas are completed.

## **ADJOURNMENT**

On a motion by Tom Pepe, seconded by Paula Danchuk, the meeting was unanimously adjourned at 7:34 p.m.

## **NEXT MEETING DATE**

The next regular meeting is scheduled for Monday, October 20th at 6:15 pm in the 4<sup>th</sup> Floor Conference Room of the Offices of Planning & Public Works, located at 30 Schuyler Place, Schuyler Annex Building, in Morristown, New Jersey.

Respectfully submitted,

Jennifer N. McCulloch