

MINUTES
Morris County Flood Mitigation Committee (FMC)
30 Schuyler Place - 4th Floor, Morristown, New Jersey
May 21, 2012

The meeting was called to order at 5:33 p.m. by Chair Louise Davis.

Members present:

Julie Baron
Louise Davis
Ted Eppel

Also attending:

Deena Cybulski, Director, Morris County Department of Planning & Development
Jennifer McCulloch, Flood Mitigation Program (FMP) Coordinator, Morris County Preservation Trust
John Napolitano, Esq., Special Counsel, Morris County Open Space Trust Fund (arrived 5:50 p.m.)

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 of the April 16, 2012 meeting were reviewed and on a motion by Julie Baron, which was seconded by Ted Eppel the committee unanimously approved said Minutes.

PROGRAM UPDATE

- A new Member Roster was distributed reflecting the officer elections from the previous meeting. (document A).
- Ms. McCulloch presented updates to the Flood Mitigation Program (document B)
 - Creation of two distinct funding tracks: the Match Program and the CORE Program
 - Development of CORE application process
 - Further refinement of CORE Application form, Priority Factors and Flood Acquisition Plans (FLAPs) structure

CLOSED SESSION

At 5:50 p.m., on a motion by Julie Baron, seconded by Ted Eppel the FMC moved into closed session by unanimous vote.

RETURN TO OPEN SESSION

At 6:17 p.m., on a motion by Julie Baron, seconded by Ted Eppel the FMC returned to open session by unanimous vote.

- **Resolution 2012-05: Parsippany - 4021** – Fast Track Application for \$1,700,000 to match FEMA funding for Hurricane Irene, 26 properties in all. At 6:18 p.m., on a motion by Julie Baron, seconded by Ted Eppel, the committee granted Preliminary Approval of this application by unanimous roll call vote.
- **Resolution 2012-06: Denville – Riverside Drive - CORE** Application for \$1,181,000 to preserve up to 5 properties not covered by FEMA funding for Hurricane Irene. The residence on 25 Riverside Drive is included in this application as well as Fast Track Resolution 2012-03, in a mutually exclusive manner. At 6:25 p.m., on a motion by Julie Baron, seconded by Ted Eppel, the committee granted Preliminary Approval of this application by unanimous roll call vote.

CORRESPONDENCE

Deena Cybulski invited FMC members to attend the Volunteer Reception being held on May 29th from 5:30 p.m. to 7:30 p.m. at the Frelinghuysen Arboretum in honor of the County's volunteer board members.

NEW BUSINESS

Jennifer McCulloch presented the following proposed revisions to the FMP Rules and Regulations:

- Section 6.8, item 8 – Preservation – the term “conservation easement” to be replaced with “deed restriction”
- Section 6.15 – FAST TRACK Applications – the following phrase in *italics* to be added for clarification on County cost share participation: “Morris County will endeavor to provide *up to 25%* match funding to coincide.....”

Additionally, FMC member Laura Szwak raised two issues via e-mail (dated May 8, 2012) for the FMC's consideration as well:

- Section 6.9 – Requirement for Matching Funds – could a town's match for a particular property include value donated by the owner, such as an agreement to a bargain sale? John Napolitano and FMC members agreed that this option is allowed and appropriate.
- Section 6.10 – Ineligible Activities – suggested addition: *Item 3 - Improvements constructed after January 1, 2012*. This rule would disallow the use of county flood funding to acquire structures built after the initiation of this program (FMP). The goal would be to provide a disincentive to landowners and planning boards to build on flood-prone properties.

John Napolitano provided legal input. The FMC members present agreed with the intent of Ms. Szwak's suggestion, but after discussion did not view this addition to the Rules and Regulations as necessary. Zoning does not fall within Morris County's purview, additionally it was agreed that the current "300 ft rule" restricting development addresses this issue. There was concern that being too restrictive now could limit the program's flexibility and responsiveness in the long term. An example given was a future dam wall breach that creates a serious flood event similar to Lake Hiawatha. FMC members reiterated that since each application will be reviewed thoroughly, any unwise development occurring after the creation of the FMP would be taken into consideration.

ADJOURNMENT

On a motion by Julie Baron, seconded by Ted Eppel, the meeting was unanimously adjourned at 6:31 P.M.

NEXT MEETING DATE

The next regular meeting is scheduled for Monday, June 18th 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