

MINUTES
Morris County - Flood Mitigation Committee (FMC)
30 Schuyler Place - 4th Floor, Morristown, New Jersey
October 20, 2014

The meeting was called to order at 6:17 p.m. by FMC Chair Louise Davis.

Members present:

Julie Baron
Paula Danchuk
Louise Davis
Gary Large
Thomas Pepe
Laura Szwak

Members with excused absences:

Ted Eppel

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

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 September 15, 2014 meeting were reviewed and on a motion by Julie Baron, which was seconded by Laura Szwak, the Committee unanimously approved said Minutes.

PROGRAM UPDATE

- **Rules and Regulations – proposed amendment** – [Doc. A] – Ms. McCulloch reminded the FMC that when this program was founded, the rules and regulations were created to be in compliance with FEMA and NJ-DEP Blue Acres, including our appraisal policy. At that time it was Blue Acres policy to assess project's current market value; FEMA's policy has always been to assess value at pre-flood condition. Morris County's appraisal policy considers the pre-flood condition of the home at today's market value; a blending of FEMA and NJ-DEP rules.

Blue Acres has since changed its appraisal policy to match FEMA's; the agency now assesses using pre-flood values as well. As a result, Morris County's policy is no longer in compliance with NJ-DEP's appraisal policy. Since so many Morris County's projects are co-funded by NJ-DEP Blue Acres, inconsistency with the State's appraisal policy will yield conflicting values and require applicants to procure two different appraisal reports. This dilemma has been discussed with staff, our review appraiser and counsel, who recommend that we continue with the program's original intent to mirror federal and state programs and revise our appraisal policy to match theirs; establishing a pre-flood 'as-of date' as the valuation methodology.

To further ensure that our program is in compliance with NJ-DEP Appraisal Policy, Ms. McCulloch recommended that Morris County's Appraisal Policy (Section 6.13 of the Rules & Regulations) refer applicants and their appraisers directly to the NJ-DEP "Appraisal Scope of Work" for appraisal requirements.

Additionally, Ms. McCulloch recommended that Morris County consider instituting a rule, similar to FEMA's, which sets up a three (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, the Committee can grant a six-month extension up to two times.

As recommended at the Committee's September 15th meeting, Ms McCulloch stated that the draft rules now include a one year wait period 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.

The appraisal policy revision regarding the "as of date" would be applied to active projects utilizing NJ-DEP funding and all other projects going forward. The revision creating an expiration date would apply to all pending and future projects. These recommended revisions to the program Rules & Regulations are highlighted in yellow in the document provided. [Doc A]

If the Freeholders choose to make these amendments to the Rules & Regulations, we will send a letter to each municipality participating in the FMP, along with a list of affected properties and clearly delineated funding expiration dates. Staff will encourage the municipalities to share the impending expiration dates with homeowners. On a motion by Julie Baron, which was seconded by Paula Danchuk, the Committee unanimously approved recommending these revisions to the Rules & Regulations to the Freeholders.

- **NJ-Association for Floodplain Management** – Ms. McCulloch attended this two (2)-day annual conference on October 15-16th. Ms. McCulloch provided a written report to the FMC [Doc B].
- **ANJEC Environmental Congress** – Ms. McCulloch gave a workshop presentation on "Trends in Local Open Space Preservation"; the Flood Mitigation Program was a case study. The presentation was well received; some local environmental commissions requested additional program information.

- **Morris County Hazard Mitigation Plan** – Deena Leary discussed the Department of Planning and Preservation’s role in updating Morris County’s Hazard Mitigation Plan; Steering Committee members include Ms. Leary, Christine Marion and Jennifer McCulloch. Ms. Leary attended a meeting today with local municipal OEM officials to gather their input for this plan; this participation ensures that the municipality will be eligible to apply for disaster relief funding in the future. Ms. Leary encouraged the FMC members to get involved and provide input given their high level of expertise in this matter. Christine Marion stated that for the past two years, county and local planners have been asked to weigh in on these hazard mitigation plans and as well as flood mitigation measures; in the past their input was not sought.

CLOSED SESSION

At 6:36 p.m., on a motion by Julie Baron, seconded by Thomas Pepe, 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 6:51 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:

- **Resolution 2014-12 – Pequannock-4021 – 26 Oakwood Ave – Final Approval - MATCH** acquisition funding in the amount of \$47,000 to cover Morris County’s 25% cost-share and a recommendation that the corresponding Grant Agreement with Pequannock be executed. On a motion by Julie Baron, seconded by Laura Szwak, the committee granted Final Approval by unanimous roll call vote.
- **Resolution 2014-13 – Pequannock-4021 – 21 Lyman Ave – Final Approval - MATCH** acquisition funding in the amount of \$57,000 to cover Morris County’s 25% cost-share and a recommendation that the corresponding Grant Agreement with Pequannock be executed. On a motion by Julie Baron, seconded by Paula Danchuk, 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 Tom Pepe, seconded by Paula Danchuk, the meeting was unanimously adjourned at 6:54 p.m.

NEXT MEETING DATE

The next regular meeting is scheduled for Monday, November 17th at 6:15 pm in the 4th 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