

# BOROUGH OF WESTWOOD

Mayor John Birkner, Jr.



TELEPHONE (201) 664-7100 EXT. 106 • FAX (201) 664-5340 • 101 WASHINGTON AVENUE • WESTWOOD, NJ 07675  
EMAIL: JBIRKNER@WESTWOODNJ.GOV • WEBSITE: WWW.WESTWOODNJ.GOV

April 4, 2012

Honorable Sen. Paul A. Sarlo  
207 Hackensack St. – 2<sup>nd</sup> Floor  
Wood-Ridge, NJ 07075

Re: Borough of Westwood Hurricane Irene 25% Match FEMA -4021 DR-NJ  
Hazard Mitigation Grant Program Project Number 4021 – NJ -0012

Dear Senator Sarlo:

On Thursday, March 29<sup>th</sup>, the Borough of Westwood received its information packet from both FEMA and State Office of Emergency Management (OEM) officials during the HMGP Project # 4021 kickoff meeting which was held at the Morris County Court House Complex. It was stated at the meeting that FEMA had transferred funds to the State of New Jersey on March 12<sup>th</sup>. Those funds were confirmed and there was a letter in the packet dated March 19<sup>th</sup> which outlined the grant award. (copy attached)

The Borough of Westwood understands that the 25% matching portion for the FEMA grant is \$517,014 and will come from the State of New Jersey Green Acres Program. The Borough's concern is that even though FEMA states that there will be a \$517,014 match from the State of New Jersey, funds have not yet been appropriated. Based on the Public Contracts Law, the Borough must introduce an ordinance so that the grant money can be accepted from the State and then used to purchase properties. It is the Borough's understanding that the properties cannot be purchased unless the total amount of grant funding is available. It is also the Borough's understanding that the properties cannot be purchased using only FEMA funding. We must have the full funding amount in place in order to move forward towards the purchase of each property that has been identified as eligible.

On behalf of the residents who are adversely affected, and in several cases displaced from their homes due to the extensive damages, we urge you to expeditiously take the necessary steps to insure that the State of New Jersey identifies and transfers funds to cover this obligation. The Borough is concerned that if the State does not identify and transfer the funds quickly and Westwood begins the process of acquisition under the direction of FEMA and the State Office of Emergency Management (OEM) then the Borough will be responsible for up to \$517,014 as well as related unanticipated costs.

Your assistance is greatly appreciated. On behalf of the Borough I look forward to working together to insure that our residents are able to participate in this worthwhile program.

Please do not hesitate to contact me if you should have any questions or require additional information.

Sincerely,

Borough of Westwood

A handwritten signature in black ink, appearing to read "John Birkner, Jr.", written over a faint circular stamp or watermark.

John Birkner, Jr. - Mayor

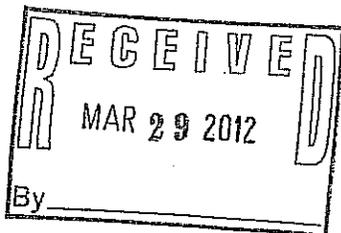
Encls.

cc. Westwood Councilmembers  
Senator Gerald Cardinale  
Assemblywoman Holly Schepisi  
Assemblyman Robert Schroeder  
Borough Administrator Hoffmann  
Borough Clerk Hughes  
Borough CFO Herr

U.S. Department of Homeland Security  
FEMA Region II  
Jacob K. Javits Federal Office Building  
26 Federal Plaza, Room 1337  
New York, New York 10278-0002



FEMA



March 19, 2012

Mr. Lou Goetting  
Governor's Authorized Representative  
New Jersey Office of the Governor  
P.O. Box 0001  
Trenton, NJ 08625

RE: FEMA-4021-DR-NJ  
Hazard Mitigation Grant Program  
Project Number 4021-NJ-0012  
Borough of Westwood

Dear Mr. Goetting:

Please be informed that approval is granted for the Borough of Westwood's Hazard Mitigation Grant Program (HMGP) project number 4021-NJ-0012 for Property Acquisition. Hereinafter the Borough of Westwood is referred to as the "Subgrantee".

Based upon the information provided within the application, a March 01, 2015 project completion deadline has been established for this project. This deadline provides ample time for the Subgrantee to complete all activities identified within the approved scope of work, and to address any potential delays that may arise due to permitting requirements, weather conditions, or other unforeseen circumstances. It also includes sufficient time for the New Jersey Office of Emergency Management (NJOEM), hereinafter referred to as the "Grantee", to conclude its administrative contract requirements after the project is completed.

Funding will be made available in an amount not to exceed the total project cost of \$2,068,057 with a Federal share of \$1,551,043 and the required 25 percent non-Federal matching share of \$517,014. The necessary costs of requesting, obtaining, and administering Federal disaster assistance sub-grants will *only* be covered by an allowance as defined in 44 C.F.R. §206.439 (b)(1).

Any change to the approved scope of work must be submitted to FEMA Region II for consideration and approval prior to implementation. Implementation of any modifications to the approved scope of work prior to receipt of FEMA Region II's approval would jeopardize grant reimbursement.

March 19, 2012  
Mr. Lou Goetting  
Page 2 of 2

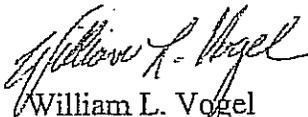
Our approval is contingent upon fulfillment of all conditions as identified in the attached Conditions of Approval.

We would suggest that your office immediately notify the Subgrantee of our approval. We urge your office to meet with representatives of the Subgrantee to review each of the required project conditions. This would also afford the Grantee the opportunity to establish a follow-up schedule/expectation of project implementation, monthly reports information, and fiscal documentation requirements. Copies of all contracts entered into through this project shall be provided to, and maintained by, the Grantee.

Once the project is completed, the Subgrantee shall perform all necessary maintenance and annual inspections to ensure the effectiveness of the project. Record of maintenance and inspection activities shall be documented and maintained by the Subgrantee, since this documentation would be essential in determining the eligibility of Federal funding for any future damages occurring at the site.

FEMA Region II staff is available to meet with the Subgrantee and provide technical assistance as requested. Should you have any questions, please contact Michael P. Foley at (212) 680-3634.

Sincerely,



William L. Vogel  
Federal Coordinating Officer/  
Disaster Recovery Manager

**CONDITIONS OF APPROVAL**  
**FEMA-4021-DR-NJ**  
**HMGP Project # 4021-NJ-00012**  
**Borough of Westwood**

---

FEMA Region II approval is contingent upon fulfillment of all of the following conditions:

1. *Approved Scope of Work*

Program approval is granted for the Borough of Westwood's Hazard Mitigation Grant Program (HMGP) acquisition application. The approved scope of work is for the voluntary acquisition of 9 properties located in the Borough of Westwood. The scope of work for this project includes property acquisition, demolition and removal of all structures on the property, site restoration, and deed restriction of the acquired property. The following properties comprise this application:

19 Nugent Place	Block 103	Lot 21
23 Nugent Place	Block 104	Lot 2
27 Nugent Place	Block 104	Lot 3
31 Nugent Place	Block 104	Lot 4
42 Harding Avenue	Block 103	Lot 9
44 Harding Avenue	Block 103	Lot 10
46 Harding Avenue	Block 103	Lot 11
55 Harding Avenue	Block 106	Lot 16
60 Harding Avenue	Block 104	Lot 1

2. *Deed Restrictions*

As described in 44 C.F.R. 206.434, we require that the Subgrantee must enter into an agreement with the FEMA Regional Director that adheres to property acquisition requirements whereby deed restrictions are placed on the property to be acquired. As part of this agreement, the acquired property shall be dedicated and maintained in perpetuity for uses compatible with open space, recreational, or wetlands management practices. No new structure(s) will be built on the property except for a public facility open on all sides that is functionally related to a designated open space or recreational use, a rest room, or a structure that is compatible with open space, recreational, or wetlands management uses which the Regional Director approves in writing prior to construction. Once accomplished, a copy of the deed restriction must be provided to this office for our records.

The Subgrantee is required to conduct a survey of the parcel to be acquired prior to closing. The parcel to be acquired shall be surveyed by a professional Surveyor licensed by the State of New Jersey. The Surveyor shall prepare a property description and a plot plan to be included in the deed (a reduced copy of the plot is acceptable). An existing survey and plot plan are acceptable as long as they reflect the current property boundaries.

**CONDITIONS OF APPROVAL**

FEMA-4021-DR-NJ

HMGP Project # 4021-NJ-00012

Borough of Westwood

---

*3. Appraisal Process*

The Borough of Westwood is required to initiate the process of appraisals in conformance with any guidelines established by New Jersey. This includes instances where second appraisals (at property owner's discretion, not eligible for reimbursement) and third appraisals are required. All property acquisition offers need to be coordinated with your office prior to being made to the property owner. The entire appraisal process, including final establishment of fair market value should be completed no later than 120 days from the date of this letter. Once completed, the property owner has 30 days to inform the Subgrantee in writing as to whether they accept the offer price and wish to proceed with their voluntary participation in the acquisition of the property.

Concurrent with the appraisal process, NJOEM is responsible for ensuring that the property acquisition agreement between the Subgrantee and FEMA is signed by all parties prior to any acquisition transactions. Once all parties sign the property acquisition agreement, requested amendments, including project completion extensions; then the written concurrence of the Regional Director is required.

*4. Duplication of Benefits*

Any salvage value from the demolition or selling of the existing structures or their components by the Subgrantee is considered "project income" and is required to be deducted from the total expenditures of this project.

*5. Uniform Relocation Assistance and Real Property Acquisition Policies Act*

Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), displaced tenants who must relocate as a result of this acquisition are entitled to benefits (such as moving expenses, replacement housing rental payments, and relocation assistance advisory services), regardless of the owner's voluntary participation. Within this application, costs associated for "relocation payments to individuals and businesses" are accounted for in the budget information form (FEMA Form 20-15). Tenants occupying the premises 90 days prior to time of application are entitled to URA assistance once closings have occurred on the structure. The amount of assistance the community must pay to displaced tenants is derived from 49 C.F.R. Part 24, Subpart C. The proper information to determine the costs for such assistance should be documented and provided to your office for your records. For further information on URA, you can visit the following website:

<http://www.hud.gov/offices/cpd/library/relocation/lawsandregs/finalrule/index.cfm>

*6. National Flood Insurance Program*

**CONDITIONS OF APPROVAL**  
FEMA-4021-DR-NJ  
HMGP Project # 4021-NJ-00012  
Borough of Westwood

---

The Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 mandate the purchase of Flood Insurance as a condition of Federal or Federally related financial assistance for acquisition and/or construction of buildings in Special Flood Hazard Areas (SFHAs) of any community.

Once a property is acquired, Flood Insurance can be canceled and a refund issued, in certain circumstances since the entire premium is fully earned on the first day of the policy term. Premiums will be refunded on a pro-rata basis when the policy holder no longer owns or has an insurable interest in the insured property, provided no claim has been paid or is pending. There are other limited cancellation provisions for the refunding of premium. To discuss cancellation criteria and procedures, policy holders should contact the insurance agent who wrote the policy or call the NFIP toll-free at 1-800-427-4661.

*7. Regulatory Compliance*

7.1 Permitting

Prior to the commencement of work, the Subgrantee is responsible for obtaining all Federal, State, and/or local permits that are required. The Subgrantee shall consult with the local floodplain administrator and obtain any necessary floodplain development permits prior to the implementation of this project. A copy of all permits must be submitted to and maintained by NJOEM. Failure of the Subgrantee to obtain all required permits associated with the approved scope of work violates the condition of this project approval, and could result in a determination that no Federal funding is eligible to be reimbursed for this project.

7.2 National Historic Preservation Act Requirement

In consultation with the New Jersey State Historic Preservation Office, FEMA has determined that the locations are not eligible for listing in the New Jersey and National Registers of Historic Places. NJSHPO has concurred with these determinations, as per their correspondence of February 14, 2012 unless additional resources are discovered during project implementation pursuant to 35 CFR 800.13. Any change in the approved scope of work must be submitted to FEMA for reevaluation prior to commencement of work.

In consultation with the New Jersey State Historic Preservation Office (NJSHPO), FEMA has determined the following conditions to be incorporated into the project plans and specifications for the demolition of structures on the parcels in question in order to avoid and/or minimize potential impacts to archaeological resources.

**CONDITIONS OF APPROVAL**  
FEMA-4021-DR-NJ  
HMGP Project # 4021-NJ-00012  
Borough of Westwood

---

- 7.2.1 If prehistoric properties are encountered during project implementation, the contractor shall cease all ground-disturbing activities and contact FEMA and the Historic Preservation Office.
- 7.2.2 If potential human burials or human skeletal remains are encountered, all ground disturbing activities in the vicinity shall cease immediately. The potential burials shall be left in place unless imminently threatened by human or natural displacement. Reversible actions such as careful obscuring and/or securing the burial(s) through backfilling of soils or other means shall be undertaken. FEMA and SHPO shall be contacted immediately.
- 7.2.3 During the demolition phase, foundations of structures to be demolished will be pushed in below grade and basements will be backfilled using clean fill from an existing off-site material borrow source. Slabs, walkways, driveways, concrete stair footings, and similar appurtenances may also be removed. Ground disturbance will be limited to the immediate area of the demolished structures. Construction equipment will be operated within existing driveways and the perimeters of structures to limit ground disturbance. The applicant will include these conditions in instructions to the demolition contractor.
- 7.2.4 Where appropriate, FEMA will implement a deconstruction and salvage plan that shall ensure that demolition activities will not occur at or below grade in order to avoid affecting unevaluated archaeological resources.

The NJSHPO has concurred with these determinations, as per their correspondence of February 14, 2012 unless additional resources are discovered during project implementation pursuant to 35 CFR 800.13. Any change in the approved scope of work should be submitted to FEMA for reevaluation prior to commencement of work.

7.3 National Environmental Policy Act Compliance

FEMA has determined that the approved scope of work qualifies for categorical exclusion under 44 C.F.R. § 10.8 and that the project will not, of itself, have an adverse effect on the quality of the human environment. Therefore, no environmental assessment or environmental impact statement will be prepared. Any change in the approved scope of work should be submitted to FEMA for reevaluation prior to commencement of construction.

7.4 Endangered Species Act Compliance

In consultation with United States Fish and Wildlife, FEMA has determined that there is the potential for the presence of federally-listed species in the project area and that all effects are insignificant and/or discountable. No conditions are required. The USF&W has concurred with this determination, as per their correspondence of February 27, 2012. Any

**CONDITIONS OF APPROVAL**  
FEMA-4021-DR-NJ  
HMGP Project # 4021-NJ-00012  
Borough of Westwood

---

change in the approved scope of work should be submitted to FEMA for reevaluation prior to commencement of construction.

**7.5 Other Regulatory Requirements**

As part of our approval, the Subgrantee is required to adhere to all applicable Federal regulations including the following: 44 C.F.R.: Subchapter A - General (Part 13 – Uniform administrative requirements for grants and cooperative agreements to State and local governments, and Part 14 – Administration of grants: Audits of State and local governments), Subchapter B - Insurance and Hazard Mitigation (National Flood Insurance Program), Subchapter B - Part 80 Property Acquisition and Relocation for Open Space, and Subchapter D – Disaster Assistance (Subpart N – Hazard Mitigation Grant Program).

**8. *Period of Performance Extensions***

In order for the Subgrantee to be considered for a period of performance extension, NJOEM must submit a formal written request to the FEMA Regional Director. The request must be made no later than 60 days prior to the expiration of the period of performance and must include: (1) a justification for the extension (reason(s) for the delay); (2) demonstration that work is in progress and that it will be completed within the requested extension period (including a description of measures necessary to complete the project, and a summary of remaining funds available for completion of these measures); (3) a revised budget information form (regardless of whether or not there are changes to the budget); (4) copies of any contracts entered into between the Subgrantee and any vendors; (5) percentage of all work completed to-date; and, (6) a description of all work completed to-date. Extensions may not be considered for projects that are a result of delays in project initiation and implementation.

**9. *Reporting Requirements***

Once funding has been obligated, in accordance with 44 C.F.R. 206.438 (d), the Governor's Authorized Representative is required to submit a claim to FEMA Region II for reimbursement of allowable costs prior to the drawing down of those funds. These submitted claims must also certify that reported costs were incurred in the performance of eligible work, that the approved work was completed, and that the mitigation measure complies with the provisions of the FEMA-State Agreement.

Quarterly progress reports are required in accordance with 44 C.F.R. 206.438 (c). These reports should reflect the status and completion date for the project being funded. Any problems or circumstances affecting the completion date, scope of work, project cost, or which could be expected to result in noncompliance with the approved grant conditions are to be described in these quarterly progress reports. Requests for additional project time extensions would only be considered in instances where the Subgrantee has provided the Grantee with accurate quarterly status reports.