

## Wendt, James

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**From:** Garrett, Jonathan <jonathan.garrett@fema.dhs.gov>  
**Sent:** Thursday, June 24, 2021 2:24 PM  
**To:** Wendt, James; Harrigan, Emmeline  
**Cc:** Ifkovic, Diane; Sweeney, Daisy; Kaput, Molly; Reed, Shawn; Girardi, James; First Selectwoman; Grace, John; Bremer, Tom; Baldwin, James  
**Subject:** RE: NFIP Concerns regarding Penfield Pavilion

Jim,

Perfect. I will get the invites for both meetings out before the end of the week.

Look forward to discussing further,

Jon Garrett

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**From:** Wendt, James <JWendt@fairfieldct.org>  
**Sent:** Thursday, June 24, 2021 9:20 AM  
**To:** Garrett, Jonathan <jonathan.garrett@fema.dhs.gov>; Harrigan, Emmeline <EHarrigan@fairfieldct.org>  
**Cc:** Ifkovic, Diane <Diane.Ifkovic@ct.gov>; Sweeney, Daisy <Daisy.Sweeney@fema.dhs.gov>; Kaput, Molly <Molly.Kaput@fema.dhs.gov>; Reed, Shawn <SReed@fairfieldct.org>; Girardi, James <JGirardi@fairfieldct.org>; First Selectwoman <firstselectwoman@fairfieldct.org>; Grace, John <John.Grace@fema.dhs.gov>  
**Subject:** RE: NFIP Concerns regarding Penfield Pavilion

Jon: Firstly, please schedule the conference call for Penfield at 1:00 on Thursday July 1. Secondly, we can July 20 in the afternoon for the CAC.

Jim Wendt

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**From:** Garrett, Jonathan <jonathan.garrett@fema.dhs.gov>  
**Sent:** Thursday, June 24, 2021 8:55 AM  
**To:** Wendt, James <JWendt@fairfieldct.org>; Harrigan, Emmeline <EHarrigan@fairfieldct.org>  
**Cc:** Ifkovic, Diane <Diane.Ifkovic@ct.gov>; Sweeney, Daisy <Daisy.Sweeney@fema.dhs.gov>; Kaput, Molly <Molly.Kaput@fema.dhs.gov>; Reed, Shawn <SReed@fairfieldct.org>; Girardi, James <JGirardi@fairfieldct.org>; First Selectwoman <firstselectwoman@fairfieldct.org>; Grace, John <John.Grace@fema.dhs.gov>  
**Subject:** RE: NFIP Concerns regarding Penfield Pavilion

Jim,

I wanted to follow-up with a correction regarding scheduling: we have essential staff in a training on July 21/22, and on leave July 23<sup>rd</sup>. For this reason we would ask if it is possible to have the CAC meeting either Monday July 19<sup>th</sup> or Tuesday July 20<sup>th</sup>. Apologies for any confusion.

With regard to the Penfield meeting I would amend our preferred time to anytime after noon on Thursday, July 1<sup>st</sup>.

Thank you,

Jon Garrett

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**From:** Garrett, Jonathan  
**Sent:** Tuesday, June 22, 2021 11:02 AM

**To:** Wendt, James <[JWendt@fairfieldct.org](mailto:JWendt@fairfieldct.org)>; Harrigan, Emmeline <[EHarrigan@fairfieldct.org](mailto:EHarrigan@fairfieldct.org)>  
**Cc:** Ifkovic, Diane <[Diane.Ifkovic@ct.gov](mailto:Diane.Ifkovic@ct.gov)>; Sweeney, Daisy <[Daisy.Sweeney@fema.dhs.gov](mailto:Daisy.Sweeney@fema.dhs.gov)>; Kaput, Molly <[Molly.Kaput@fema.dhs.gov](mailto:Molly.Kaput@fema.dhs.gov)>; Reed, Shawn <[SReed@fairfieldct.org](mailto:SReed@fairfieldct.org)>; Girardi, James <[JGirardi@fairfieldct.org](mailto:JGirardi@fairfieldct.org)>; First Selectwoman <[firstselectwoman@fairfieldct.org](mailto:firstselectwoman@fairfieldct.org)>; Grace, John <[John.Grace@fema.dhs.gov](mailto:John.Grace@fema.dhs.gov)>  
**Subject:** RE: NFIP Concerns regarding Penfield Pavilion

James,

Thank you for reaching out regarding scheduling. For the Penfield call, part of our staff will be at a conference June 28-30, so I would propose Thursday July 1<sup>st</sup>, anytime after 11am. We could also shoot for Friday 7/2, but that may not be optimal if people have leave scheduled around the holiday weekend. As mentioned before, this would be a 90 minute meeting, so if there is a time-slot which works best for your staff please let us know.

For the CAC, July 22<sup>nd</sup> is great. For that meeting we propose a three hour block, either 9am-noon, or 1pm-4pm. Please let us know what works best for you and staff, and we look forward to moving forward in this process.

Thank you,

Jon Garrett, CFM

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Floodplain Management & Insurance Branch

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**From:** Wendt, James <[JWendt@fairfieldct.org](mailto:JWendt@fairfieldct.org)>  
**Sent:** Friday, June 18, 2021 2:01 PM  
**To:** Garrett, Jonathan <[jonathan.garrett@fema.dhs.gov](mailto:jonathan.garrett@fema.dhs.gov)>; Harrigan, Emmeline <[EHarrigan@fairfieldct.org](mailto:EHarrigan@fairfieldct.org)>  
**Cc:** Ifkovic, Diane <[Diane.Ifkovic@ct.gov](mailto:Diane.Ifkovic@ct.gov)>; Sweeney, Daisy <[Daisy.Sweeney@fema.dhs.gov](mailto:Daisy.Sweeney@fema.dhs.gov)>; Kaput, Molly <[Molly.Kaput@fema.dhs.gov](mailto:Molly.Kaput@fema.dhs.gov)>; Reed, Shawn <[SReed@fairfieldct.org](mailto:SReed@fairfieldct.org)>; Girardi, James <[JGirardi@fairfieldct.org](mailto:JGirardi@fairfieldct.org)>; First Selectwoman <[firstselectwoman@fairfieldct.org](mailto:firstselectwoman@fairfieldct.org)>; Grace, John <[John.Grace@fema.dhs.gov](mailto:John.Grace@fema.dhs.gov)>  
**Subject:** RE: NFIP Concerns regarding Penfield Pavilion

Thank you for the clarification Jon. With regard to the Penfield Pavilion call, we are aiming for the week of June 28 and we will confirm a preferred date next week when we our team is assembled. Emmeline and I will be handling the CAC meeting and we suggest Thursday July 22 for that visit.

Let me know if that works on your end.

Jim Wendt  
Planning Director  
203 256-3050

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**From:** Garrett, Jonathan <[jonathan.garrett@fema.dhs.gov](mailto:jonathan.garrett@fema.dhs.gov)>  
**Sent:** Thursday, June 17, 2021 12:01 PM  
**To:** Harrigan, Emmeline <[EHarrigan@fairfieldct.org](mailto:EHarrigan@fairfieldct.org)>  
**Cc:** Ifkovic, Diane <[Diane.Ifkovic@ct.gov](mailto:Diane.Ifkovic@ct.gov)>; Sweeney, Daisy <[Daisy.Sweeney@fema.dhs.gov](mailto:Daisy.Sweeney@fema.dhs.gov)>; Kaput, Molly <[Molly.Kaput@fema.dhs.gov](mailto:Molly.Kaput@fema.dhs.gov)>; Reed, Shawn <[SReed@fairfieldct.org](mailto:SReed@fairfieldct.org)>; Girardi, James <[JGirardi@fairfieldct.org](mailto:JGirardi@fairfieldct.org)>; Wendt, James <[JWendt@fairfieldct.org](mailto:JWendt@fairfieldct.org)>; First Selectwoman <[firstselectwoman@fairfieldct.org](mailto:firstselectwoman@fairfieldct.org)>; Grace, John

<[John.Grace@fema.dhs.gov](mailto:John.Grace@fema.dhs.gov)>

**Subject:** RE: NFIP Concerns regarding Penfield Pavilion

Good Afternoon Emmaline,

Thank you for reaching out to me last week following receipt of this email, we appreciate your proactive engagement on this matter. As discussed, we would like to schedule separate meetings for both the Penfield Pavilion NFIP compliance issue as well as the Fairfield Community Assistance Contact (CAC).

With regard to the Penfield Pavilion, we had discussed aiming for 2-3 weeks out. I wanted to touch base and see if there was a day the week of 6/28 or 7/5 that would be optimal for your staff? We would be looking at a 1.5 hour meeting, and this introductory call would primarily aim to ensure that all stakeholders are on the same page as we begin to identify next steps.

With regard to the Fairfield CAC, our staff proposes that we aim for the week of 7/19. We would look to schedule a 3-hour block on one day to accomplish this, but would maintain regular correspondence in the lead-up to the meeting to ensure you and your staff have the resources to be prepared. Is there a date in that week that would be optimal for your staff?

If you can please let me know what your preferred dates are for both meetings, we will identify preferred times and send out a calendar invite. If we are having difficulty landing on a time due to scheduling conflicts I am also happy to send out a doodle poll.

Thank you and look forward to working with you and your staff on this in the near future,

Jon Garrett, CFM

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**From:** Garrett, Jonathan

**Sent:** Wednesday, June 9, 2021 1:05 PM

**To:** [sreed@fairfieldct.org](mailto:sreed@fairfieldct.org); [jgirardi@fairfieldct.org](mailto:jgirardi@fairfieldct.org); [jwendt@fairfieldct.org](mailto:jwendt@fairfieldct.org); [eharrigan@fairfieldct.org](mailto:eharrigan@fairfieldct.org); [firstselectwoman@fairfieldct.org](mailto:firstselectwoman@fairfieldct.org)

**Cc:** Ifkovic, Diane <[Diane.Ifkovic@ct.gov](mailto:Diane.Ifkovic@ct.gov)>; Sweeney, Daisy <[Daisy.Sweeney@fema.dhs.gov](mailto:Daisy.Sweeney@fema.dhs.gov)>; Kaput, Molly <[Molly.Kaput@fema.dhs.gov](mailto:Molly.Kaput@fema.dhs.gov)>

**Subject:** NFIP Concerns regarding Penfield Pavilion

Good Afternoon,

On behalf of the FEMA Region 1 office, Floodplain Management & Insurance Branch, I am reaching out today regarding the status of Penfield Pavilion in Fairfield, CT. This reconstruction project was initially approved through FEMA's Public Assistance (PA) program based upon damages incurred during Hurricane Sandy (2012). As you are likely aware, the Penfield Pavilion has been the subject of a denial of funding and two subsequent appeals with FEMA's Public Assistance program between 2019 and this year (Project Worksheet #680). The second and final appeal result was a denial issued by FEMA Headquarters and communicated to the Connecticut Division of Emergency Management and Homeland Security (DEMHS) on March 31<sup>st</sup> of this year; I have attached this letter for your reference.

The initial denial and appeal process stemmed from an unapproved scope of work change which raised two significant issues:

- 1) FEMA was unable to complete an Environmental & Historic Preservation review of the amended SOW, which is a core regulatory requirement for PA funding; and
- 2) The amended SOW and finished construction were determined to be in violation of the regulations of the National Flood Insurance Program (NFIP), specifically *44 C.F.R. § 60.3(e)5*, which requires “*that all new construction and substantial improvements within Zones VI-30, VE, and V on the community's FIRM have the space below the lowest floor free of obstruction,*” due to the placement of horizontal grade beams below the Base Flood Elevation and above the natural grade at the site.

On November 28, 2018, the FEMA Regional office issued two determination letters related to this project:

- 1) A Public Assistance determination letter stating that the unapproved SOW amendment would result in a denial of funds and termination of the Project Worksheet. This initiated the appeal process which has recently concluded.
- 2) A Floodplain Management determination letter stating that the Regional office considered the project to be in violation of the NFIP regulation *44 C.F.R. § 60.3(e)5*. I have attached this letter for your reference.

It is the standard procedure of the Floodplain Management & Insurance branch to directly engage communities in order to achieve full compliance on any violations of the NFIP regulations. However, due to the ongoing appeal process it was determined that this would be put on hold pending the conclusion of the second appeal. With the appeal fully resolved, ***FEMA defers to the findings articulated in the Floodplain Management determination letter from November 28, 2018, and considers this a violation of the NFIP regulation 44 C.F.R. § 60.3(e)5, which needs to be remedied by the community of Fairfield.*** Both FEMA staff and the Connecticut State NFIP Coordinator, Diane Ifkovic, are available to support moving this process forward, and we encourage you to maintain steady communication as you work to identify solutions.

FEMA staff have additionally identified Fairfield as a community which is appropriate for conducting a Community Assistance Contact (CAC) in Summer of 2021. This process will include a brief overview of the National Flood Insurance Program and community-specific information about floodplain management regulations; flood map availability, accuracy, and recent flooding history; and development permit review process. It is meant to be a good educational opportunity and a chance for some one-on-one technical assistance. Your staff should anticipate formal correspondence related to the scheduling of this CAC in coming weeks, however, initiating engagement on the Penfield Pavilion is a great opportunity to start the dialogue and will position you to approach the CAC more comprehensively. We would ask that you begin to think about dates that might work best for your staff and communicate those to us as you are able.

The FEMA Regional office kindly requests that you respond to this correspondence within 30 days, and we look forward to working with you on resolving this issue.

Thank you,

Jon Garrett, CFM

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