

**MINUTES**  
**Morris County-Flood Mitigation Committee (MC-FMC)**  
**Via WebEx - Events**  
**March 15, 2021**

The meeting was called to order at 5:33 p.m. by Virginia Michelin, Program Coordinator.

Members present:

Louise Davis (*Arrived 5:42pm*)\*  
Tom Pepe  
Joseph Pawelczyk  
Gary Large

Julie Baron (*Arrived 5:44pm*)  
Betty Cass-Schmidt  
Andrew Crawford

\*Members with asterisk only listened in via audio

Also attending:

Joseph Barilla, Director, Office of Planning & Preservation  
Virginia Michelin, Flood Mitigation Program Coordinator, Office of Planning & Preservation  
Mike DiGiulio, Senior Planner, Office of Planning & Preservation  
Jason Rotter, Assistant Planner, Office of Planning & Preservation  
John Napolitano Esq., Legal Counsel  
Stephen Shaw, Commissioner Liaison

**OPEN PUBLIC MEETING STATEMENT**

Tom Pepe 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.

**NEW BUSINESS**

There was no new business to discuss.

**PUBLIC COMMENT**

Tom Pepe read the Virtual Meeting Statement related to members of the public attending the meeting and/or making comments. There were no members of the public present.

Commissioner Director Stephen Shaw commented on the Program's accomplishments including the recent 80<sup>th</sup> property acquisition, and noted the recent press release which discussed this milestone.

**APPROVAL OF MINUTES**

The minutes of the January 25, 2021 meeting were reviewed and on a motion by Joseph Pawelczyk, which was seconded by Gary Large, the Committee approved said Minutes. The closed session minutes were reviewed and on a motion by Joseph Pawelczyk, which was seconded by Betty Cass-Schmidt, the Committee approved said Minutes.

Chair Davis joined the meeting just as the Program Update was starting. Chairwoman Davis took control

of the meeting.

## PROGRAM UPDATE

Virginia Michelin provided the following updates:

- **FEMA pFIRMs / SRPs** – FEMA indicated to Virginia that all communities’ preliminary FIRMs in the County excluding towns with Scientific Resolution Panels (Lincoln Park, Montville and Pequannock) are scheduled to be adopted in early 2022. FEMA will meet with all County municipalities in April 2021 to discuss current progress and next steps in the map adoption processes. FEMA has decided to hire a consultant to redo the maps for the 3 SRP towns, which may take until 2022 for draft maps, with adoption at some point after that.
- **NJDEP PMR** – Partial Map Revision (PMR) process ongoing. NJDEP currently conducting hydrology and hydraulic studies of the Rockaway, Whippany, Musconetcong, and Delaware Rivers, which will have minimal effect on SRP towns. Process still expected to take a couple years to finish.
- **NFIP Update / Risk Rating 2.0** – Risk Rating 2.0 is currently set to become effective in October 2021 with new rates released in April 2021, pushed back a year from the original planned rollout in 2020. The Biden Administration is discussing delaying implementation further and potentially increasing new policies to the full actuarial rates this October while staggering rate increases for current property owners to possibly April 2022, following annual percent-increases authorized by the Biggert-Waters Act of 2012.
- **USACE Technical Assistance** – The post-acquisition restoration team (USACE, Lincoln Park Borough, Rutgers, NJDEP and Morris County) had a progress meeting this morning and the final team progress meeting will take place in April as USACE Technical Assistance is wrapping up. A summary document is on track to be completed in early April, detailing the methodology of all efforts undertaken including the preliminary concept plans for Lincoln Park and next steps in the process, including potential open space acquisition.
- **Duplication of Benefits (DOB)** – As we are approaching 10 years since Hurricane Irene, some Pre-Irene homeowners are having difficulty providing receipts for flood repairs completed to meet the DOB requirements.
  - Virginia sent a FEMA DOB document to the Committee detailing acceptable ways for homeowners to meet DOB requirements. She asked the committee to look at page 4 of the document regarding have a municipal construction official signing an affidavit when neither receipts nor a contractor affidavit were possible. Virginia discussed this option for the Program, and noted that some homeowners are unable to get in touch with the contractors who performed their Irene repairs and they no longer have receipts.
  - Virginia asked the Committee for input regarding whether they thought it would be acceptable for municipal construction officials to provide approximate repair costs and sign off that repair work was completed for flood-damaged properties, in order to satisfy DOB requirements. This would only be used as the last resort, if the other two options were not possible.
  - Several questions were raised related to the verification of repairs, including whether municipal building officials inspected properties to confirm that work was completed after granting permits. The information contained in permits can also differ across municipalities. Virginia indicated that this would be voluntary. The program is not mandating that municipal construction officials do this. If they don’t feel comfortable then its not an option.
  - Commissioner Director Stephen Shaw stated that series of permits including building, electrical, plumbing etc. are issued for flood damage repairs with line-by-line costs, and

final certificates of occupancy are signed by construction officials. Municipalities keep records of all permits, but associated costs are estimated, and many times they are underestimated. For each permit received municipal inspectors do inspections at the time work was completed.

- **On a motion by Julie Baron, seconded by Andrew Crawford**, the Committee voted to adopt a provision allowing municipal construction officials to provide the FMP with repair cost estimates in order to satisfy DOB requirements when neither receipts nor affidavits signed by contractors can be provided. The construction official would need sign an affidavit and provide permits (if applied for). The motion passed with one-member voting against it.

### **CLOSED SESSION**

At 5:55 pm, on a motion by Betty Cass-Schmidt, seconded by Joseph Pawelczyk, 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 6:04pm, on a motion by Joseph Pawelczyk, seconded by Gary Large, the FMC returned to open session by unanimous vote.

The following actions were taken, as a result of Closed Session deliberations:

- **Resolution 2021-04 – Lincoln Park – South-11 Project Area – 3 Properties – Preliminary Approval** – Application for 3 properties for a total of \$637,000, with an estimated match of \$159,250 from a NJDEP Green Acres grant. On a motion by Julie Baron, seconded by Betty Cass-Schmidt, the Committee granted Preliminary Approval by unanimous roll call vote.

### **ADJOURNMENT**

The meeting was adjourned at 6:06 p.m.

### **NEXT MEETING DATE**

The next regular meeting is scheduled for Monday, April 19, 2021 at 5:30 p.m. via WebEx.

Respectfully submitted,

Virginia Michelin, CFM, AICP