

## **AWSMP Flood Hazard Mitigation Working Group Meeting Minutes**

**March 30, 2016, 10:00am – 12:00pm**

**AWSMP Office, 3130 State Route 28, Shokan, NY 12481**

*In attendance,*

Rob Stanley, Working Group Co-Lead (Town of Shandaken Supervisor)  
Amanda LaValle, Working Group Co-Lead (Coordinator, UC Dept. of Environment)  
Brent Gotsch, CCEUC  
Leslie Zucker, CCEUC  
Aaron Bennett, UC Dept. of Environment  
Jessica Patterson, Delaware County Soil and Water Conservation District  
Michelle Yost, Greene County Soil and Water Conservation District  
Warrant Tutt, Town of Shandaken Code Enforcement Officer  
Chris Tran, NYC DEP  
Phil Eskeli, NYC DEP  
Andrew Emrich, UC DPW  
Mike Reynolds, Town of Woodstock Highway Superintendent  
Ellen Casciaro, Town of Woodstock Code Enforcement Officer  
Sylvia Rozelle, Town of Olive Supervisor  
Judy Coutinho, Town of Olive Flood Advisory Committee  
Dom Covello, Town of Olive Code Enforcement Officer  
Brian Burns, Town of Olive Highway Superintendent  
Glenn Hoffstatter, Town of Hurley Code Enforcement Officer  
John Mathisen, Catskill Watershed Corporation  
Bill Nechamen, NYSDEC Floodplain Management Chief

### **Introductions**

Introductions were made at the start of the meeting.

### **2016 AWSMP Action Plan Update**

Brent G. asked if there were any suggestions for changes to the AWSMP Action Plan Section B: Floodplain Management and Planning. This is the section that deals with flood hazard mitigation. Phil E. suggested that under item 5 language should be added to clarify that AWSMP will be assisting communities with conducting local flood analysis (LFA) and implementation of LFA recommendations. There were no additional suggestions for modifications to this section. Working Group members were asked to email Brent G. with any additional comments/suggestions by the end of the following week.

### **Town of Shandaken Updates**

Rob S. reported that the Town of Shandaken accepted the LFA report for the hamlets of Phoenicia and Mount Tremper last month. The only outstanding item is that the Town is waiting on a more detailed Benefit-Cost Analysis (BCA) table from their consultant. The Town is now looking to conduct an LFA for the hamlet of Shandaken/Allaben.

Shandaken is experiencing difficulty with the New York Rising Community Reconstruction (NYRCR) program because they are forcing the Town to use the base flood elevations (BFEs) on the current effective maps even though the preliminary maps represent the best available data. In some cases the effective maps show a higher BFE which must be adhered to. The preliminary maps are more accurate even if they show lower BFEs. The higher BFE must be used until the preliminary maps are adopted and become effective. This cannot be done until the Town receives a Letter of Final Determination from FEMA. They expect to receive this letter sometime later in May. This is discouraging since there are some property owners who wish to use NYRCR funds for elevations and their projects are being held up because of this.

### **Town of Olive Updates**

The Town of Olive is conducting two LFAs in the hamlets of Boiceville and West Shokan. Sylvia R. reported that the Town has been in touch with the Coalition of Watershed Towns (CWT) to clarify NYC Funded Voluntary Buyout Program rules. The Town of Olive is in need of funding for the relocation of anchor businesses, especially in the hamlet of Boiceville. While Boiceville suffers from inundation West Shokan mostly suffers from erosion problems. The Town entered into contract with Milone and MacBroom, Inc. (MMI) for design engineering services for Bushkill streambank rehabilitation in the West Shokan area funded through the NYRCR.

The Town is working toward completion of a grant-funded Town-wide flood mitigation plan and preparation for entry into the Community Rating System (CRS). Sylvia R. and other Town officials met with consultant Jacob Tysz to discuss the future of the Town's CRS application. After the meeting it was agreed by those present that the Town of Olive will likely not submit an application for CRS this year because of a lack of resources at the Town level. Instead they will do more outreach and education on flood hazard mitigation topics. In addition, the Town will begin doing activities that will help with acquiring CRS points. This will lay the foundation for future activities if they decide they want to enter CRS at a later date.

### **Town of Woodstock Updates**

Ellen C. reported that the Town of Woodstock has one NYRCR project moving forward. This is for a culvert replacement. The Town of Woodstock is also eagerly waiting for their Letter of Final Determination so they can adopt the preliminary maps.

Bill N. expects that Letters of Final Determination will be sent out to communities sometime in May. He added that Towns will also have to adopt a new local floodplain ordinance along with the maps. NYS will provide an updated model local law for the floodplain ordinance that Town Boards can adopt.

## **Town of Hurley Updates**

Glenn H. reported that the Town of Hurley has approved a five acre disturbance stormwater plan for the Glenford Dike. This permits NYC Department of Environmental Protection (NYC DEP) to perform maintenance and repairs on the dike. Hurley is a Municipal Separate Storm Sewer System (MS4) community that requires NYC DEP to get approval from the town before it can do work on the dike.

## **Ulster County Multijurisdictional All Hazard Mitigation Plan Update**

Aaron B. reported that the final draft of the plan is now available. It was submitted to NYS for review in the second week of March. The State will likely take 4-6 weeks to review the plan. After that it needs to go through FEMA review.

Sylvia R. asked if Towns can add projects to the County Plan before the five year renewal. Bill N. believes that you can do so. Towns can always add projects to their own Town-wide mitigation plan. There is usually an annual update of those plans where new projects may be included. Bill N. recommended checking with Rick Lord's office (New York State Emergency Management) for a definitive answer.

## **CWC Updates**

John M. reported that the Catskill Watershed Corporation (CWC) board passed a resolution to appropriate money for a program to anchor gas/propane tanks in areas with LFAs. Right now, if a Town has an accepted LFA, the program can be administered anywhere within the Town's jurisdiction (not just LFA study boundaries). Within 6-9 months, NYC DEP should have a contract change where this program will be eligible to any community in the West of Hudson watershed. It is only for properties in the Special Flood Hazard Area (SFHA) and the 500-year floodplain. Properties outside those areas are ineligible. Applications will be accepted on a rolling basis.

## **Flood Insurance Presentation**

Bill N. of the NYSDEC Floodplain Management Bureau gave a presentation on flood insurance with a focus on some of the more recent legislative changes that have occurred within the program. The following are some highlights from his presentation:

- Every community in Ulster County participates in the National Flood Insurance Program (NFIP)
- Any loan that is federally backed requires that a flood insurance policy be held for the life of the loan. The lender is responsible for determining if a structure is in the Special Flood Hazard Area (SFHA).
- There are over 188,000 flood insurance policies in New York State. This is down from the previous few years (likely because of rising rates and inability of people to afford). Also seeing declining number of policies nationwide.

- About \$200 million in premiums paid by NYS policy holders. Over \$5 billion in claims have been paid out post Superstorm Sandy in NYS.
- NFIP is deep in debt. Over \$18 billion in debt after Hurricane Katrina. Post Superstorm Sandy the debt is now over \$52 billion. Premium payments are not keeping up with claims. NFIP currently only paying interest on the debt.
- In NYS about 80% of housing stock built before 1980 (most of which are Pre-FIRM meaning they were built prior to the establishment of a community's first set of flood maps).
- In A Zones (riverine) Pre-FIRM structure premiums range anywhere from \$1,154-\$2,699 (based on \$100,000-\$250,000 of coverage and basement type). Post-FIRM structures range anywhere from \$399-\$549 (based on \$100,000-\$250,000 of coverage and basement type).
- After a map change, if a property is newly mapped into a SFHA, preferred risk policy rates will be in effect first year but will go up roughly 15% a year until X Zone rate is achieved.
- Two major changes in flood insurance legislation in recent years: Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12) and the Homeowner Flood Insurance Affordability Act of 2014 (HFIAA or sometimes referred to as Grimm-Waters Act of 2014). Legislation named after the primary bill sponsors, Judy Biggert-IL, Maxine Waters-CA, and Michael Grimm-NY.
- BW-12 phased out many subsidies and attempted to address NFIP debt. Created huge and fast rate increases. This led to HFIAA that eliminates or slows down many of the rate increases and adds surcharges to help pay for subsidized rates.
- Current changes based on BW-12 and HFIAA legislation:
  - Pre-FIRM (subsidized rates) will be phased out for non-primary residences, business properties, and properties whose damages cumulatively exceed market value or are Severe Repetitive Loss (SRL) properties. Rates will increase 25% a year for these properties until actuarial rates are hit.
  - Instant actuarial rates for policy lapses (does not pertain to a homeowner who no longer has to hold a policy, e.g. if they no longer carry a mortgage), refusal to accept a FEMA mitigation offer, and substantially damaged or substantially improved structures.
  - Properties can be grandfathered (if they are newly mapped into a floodplain) and maintain subsidized rates. A property that is newly mapped into a floodplain can secure a subsidized policy up to one year after new map is adopted. After that they are no longer eligible for Pre-FIRM rates. All rates are still on schedule to go up each year regardless of grandfathering (between 5%-18% a year).
  - Adds surcharge of \$25 for primary residences and \$250 for all other types of properties for all flood insurance policies.
  - Places penalties on banks who do not mandate flood insurance on properties in SFHA.
  - Goal is to pay down NFIP debt, establish a reserve fund and allow private insurance to satisfy coverage requirements.

- Ways communities can save money for policy holders include obtaining hazard mitigation grants for projects, entering into Community Rating System (CRS) and strictly enforcing code and floodplain development requirements. Residents can access Increased Cost of Compliance (ICC) coverage to bring their home into compliance.
- Elevation, while costly, is probably the best way to reduce overall premiums. Also increases value of property.

### **Other Items**

The Town of Shandaken is looking to update its local law pertaining to floodplain management. They would like to set the substantial damage/substantial improvement threshold at 40% (as opposed to 50%). Bill N. cautioned that while FEMA will recognize this more restrictive standard it could come into conflict with NYS Building Codes which set it at 50%. He advised to contact the NYS Code Council as they take petitions for more restrictive standards.

For Towns interested in entering into CRS, he also advised that there is no benefit to waiting until the new maps are adopted. It will likely take many months before being formally admitted into the program. Towns will need to revisit their Community Assistance Visit (CAV) and correct the deficiencies outlined in their CAV letters.

### **Adjourn**

Next meeting TBA, July 2016.