



TOWN OF MIDDLEBURY

Office of the Selectmen

MINUTES

FEMA FLOOD PLAIN MEETING

Wednesday, December 3, 2014 – 4:30 p.m.
Town Hall Conference Room

Present: Edward B. St. John, First Selectman
Elaine M. Strobel, Selectman
Ralph J. Barra, Selectman

Also Present: Curt Bosco, Zoning Enforcement Officer
John Calabrese, Town Treasurer
Senator Robert Kane
Maura Downes, Rep. – Senator Blumenthal's office
Stephanie Podewell, Rep. – Con. Esty's office
Barbara Whitaker, Recording Clerk
Catherine Konnik
Catherine Gay
Barbara Pickett
Antonio M. Pereira
Steve Konnik
Greg Cyr

Also Present: Chris O'Neill
Thomas Carroll
Don Fisher
Jill Fisher
Bette Jean Napolitano
Maurice Flaherty
Rita Flaherty
Ron Rotella
Karen Rotella
Joe Flanagan
Colleen Flanagan
Edie Hardwick
Teresa Massaro
Tracie Bunnell
Punyada Bhaduri
Matt Robison
Nancy Robison

The meeting was called to order by the First Selectman. First Selectman St. John opened up the meeting to the attendees.

Cathy Konnik extended a thank you to everyone for attending and thanked Stephanie Podewell and Maura Downes for taking time out of their schedules to speak with them on this issue. She thanked everyone for being present and for their support.

On the conference line were: Jeb Killian, Congressional Affairs, Allison Smith, from Congresswoman Esty Office and Zack Rafford, from Blumenthal's Office

At this time Mrs. Strobel introduced officials and neighbors.

Mrs. Konnik stated that Milone and McBroom had completed the update to the mitigation plan. Mrs. Konnik added that they have observed that the issue has impacted their home values, she loss three buyers this summer, sold her home two times and lost both buyers. The premiums continue to rise. Mrs. Konnik stated that the town did great work years ago to deal with drainage and water

issues, those actions were not documented so they do not have any way to prove that the work was done to help to lower their risk profile.

Mrs. Konnik indicated that she and Greg Cyr feel emotionally trapped. Mrs. Konnik relayed she had a personal desire to leave Middlebury because she has an in-law that is home alone in a house that is too big, she can't sell her house and she can't buy his house. They have been at this for four years and they are frustrated and they feel like they've gained momentum, no solution. It is leaving them feeling that they are funding a program that they will never need. Their two streets outlived the floods of 1955 and the rainfall from that flood was far higher than anything they've seen since. They are paying for a benefit they question whether or not they will use it. Mrs. Konnik stated that they need the federal government and the town to help them to recognize and acknowledge how important this issue is.

Mr. Cyr said that he is feeling the pressure unyielding flood insurance premiums. Mr. Cyr indicated that has heard that we are going to return to rates of years ago, but the new law has done nothing for his personal situation. His flood insurance has gone up; he had to reduce his coverage to bring it back down leaving him at risk for the rest of his home. The premiums have a limit of 18% increase a year. Started out as \$1,700 the highest it has been is \$2,500 and he made changes to bring it back down to \$2,100. There is a resident on the street that is paying \$6,000 a year for flood insurance. Mr. Cyr said that these rates are determined by FEMA, they are not controlled locally. Mr. Cyr said that any improvements he and his wife would like to make to their home, the insurance rate enters into the conversation. If his job moved, he could not go with them because he doesn't feel he could sell his home.

Mrs. Konnik added that she knows there are issues with the law that need to be addressed. Mrs. Konnik offered that in looking at the plan that was produced, when speaking about Porter Avenue and Steinmann Avenue, the main concern is drainage and nuisance flooding. Mrs. Konnik asked how nuisance flooding make you a hazard. Mrs. Konnik offered that the Town has committed to making corrective issues on Regan Road and Yale Avenue. There are no losses filed with FEMA except for one on Narcissus Road and one on Old Regan, the town is not required to mitigate. How are they in a flood zone? No homes have been washed away.

Mrs. Konnik stated that FEMA offers if they want to do a study and maybe they would amend the classification. They have historical data that supports a fast track through that amendment process. There are a number of residents who have lived in town through most of the major rain events about work that was done that was no documented. If they have evidence of work that was done

that could be presented to FEMA that could put them for consideration of modification of their risk profile. If the risk profile is as high as it is, why wouldn't the Town want to protect that asset?

First Selectman said that he explained the Town's position at the Board of Selectmen's meeting on Monday. They fixed all of the drainage before, and it is unfair to say that the Town has looked the other way, sewers, waters, bridges.

Mr. Cyr said that he applauds the past efforts and maybe they have made a difference but it doesn't make a difference to the flood insurance map to make a difference. That information is not there, if it was there it would appear in the Town's flood insurance study. Mrs. Konnik asked how the documentation be recreated.

The First Selectman said now they are asking to document these efforts. Tracie Bunnell asked why these projects weren't documented. Ms. Bunnell has been living on Porter Avenue there for quite a long time and they are coming to the Town that they support asking for help and support. She has attended a few meetings about this and she said that the First Selectman said that this was started on his watch. In the last year they have had these meetings over and over and asked for help.

The First Selectman said that he has researched the documents, and he cannot find anything. At this time, Thomas Carroll said has pictures of the drainage work being done. Mr. Carroll added that he believes that the Federal government will want more tangible evidence than his word on what was done. Ms. Bunnell asked if the Army Corp of Engineers was involved, and perhaps they have some information around.

Mrs. Konnick stated that there are specific corrective actions that are listed in the hazard mitigation update report recommended by Milone and McBroom that would eliminate their issue. On Monday, she said that on Monday the First Selectman said that he would not make these repairs, because they just repaired the bridge in the 1990's.

Mr. Cyr asked Dave Murphy what would be the primary project. Mr. Murphy said that there is something in the middle where projects can be done (held up the 1979 study). Mr. Cyr asked for a copy of the 1979 study from Mr. Murphy, Mr. Murphy said he would get Mr. Cyr a copy.

Mr. Murphy explained that in between doing mitigation projects map revisions are done. When they do a map revision, they look at the watershed, land use,

and hydrology. They can't know today when the next map whether the houses will be in or out of the flood zone.

Mr. Cyr said that the Town could mitigate today according to the updates and that will improve the situation and lower all of their rates. Mr. Murphy explained that if a bridge is replaced they don't know whether the outcome of the analysis may not be the outcome desired.

Mr. Murphy added that the flood profile from 1979 shows that they are pretty steep, but it stays close to what the replacement was. If you are halfway between two bridges that are halfway apart, the home in the middle might not feel the effect. Hazard mitigation considers the flood insurance studies looks at broad recommendations that are drainage related and natural hazards. It makes the Town eligible for grants, it is not a mandate it's not something that FEMA says you must do. There are some new action items and there are some old ones that were completed.

Mr. Cyr said that this is a problem that has been going on for 40 years. There was a shifting of the map as it was not aligned with the rivers and the map is the same shape.

Mr. Carroll said that the Town's last mitigation was in 1991 and they were never applied to the map and there was an extensive amount of work done on the brook by the Town of Middlebury from a grant. Ms. Podewell asked where the grant came from. First Selectman St. John said he believes that it was a Federal grant and that they probably appropriated monies from the capital accounts to do this work. Mr. Carroll will provide the dates that the work was done.

Don Fisher asked why the maps were changed, because there was no flooding, and why are their rates going up so high so quickly?

Mr. Brown offered that the update done in 2010 was a digital update for the maps to be updated. They update these regularly since 1968. They continue to update the maps along the New England coast. They are currently focusing on the coast of Rhode Island, Massachusetts and Maine. Rate increases are based on laws passed by laws in Congress in 2012, homeowners flood insurance affordability act did lower these rates they did allow increases up to 18%. With regard to the refund, some may or may not receive a refund. If you received an increase of 18% and rates were allowed to go up 18% you won't get a refund; if you receive an increase for more than that you should receive an increase. Mr. Brown encouraged the residents to contact their insurance companies. Mrs. Konnik said that she pays close to \$2,000 in flood insurance and she got a \$16.00 refund. In four years she had an increase of \$1,500. Mr.

Brown indicated that Mrs. Konnik's agent should be filling her in on what can be done to lower the rate.

At this time Mr. Brown encouraged officials to become involved in the community rating system; there are only eight or nine in the state. It is a program available to communities to help lower rates for the entire city, town area if they participate in that area. The Town would be required to do certain things. CRS, if you make improvements to your regulations you can get decreases by increments, the first year the discount is only 5 or 10%. You are not wiping out your flood insurance premiums. 45% is in Rosedale California.

Mrs. Strobel asked what the Town would have to do. Mr. Brown described that there would have to be outreach, warning updating your emergency response plan. Ms. Bunnell said that any help would be a help, she would like FEMA to revisit this so that their rates could be lowered and added that the brook goes to her chin, it has been reconstructed it is not near her house, it's not a flowing brook that constantly floods their neighborhoods. Ms. Bunnell said they want to know what can be done to relieve the flood insurance and missing out on sales.

Mr. Brown referred to the letter sent, page two the first paragraph they list what needs to be done. He knows that the Town has worked their hardest to try to find these documents. They need documents to show the studies, the engineering work that was done, where did the water go when they did the work, they need the technical information to make changes to a flood insurance rate maps. Individual homeowners need to find out if their house is elevated above the flood zone. They rely upon funding to help do the studies and the funding has been cut.

Mrs. Konnik asked how the town gets prioritized on that list and what are the criteria around prioritization? Mr. Brown explained that FEMA has been looking at high hazard areas along the coastline. Middlebury has been lucky in that regard, but that doesn't mean that it won't happen tomorrow. Mr. Brown added that the maps will never tell you when a flood is going to come and cause serious damage. Things may occur in the future, even if they do a flood study be careful because it could add more people to the flood zone.

Mr. Carroll asked who stipulates reconstruction. Mr. Brown explained that there are local and state regulations as to reconstruction; generally the local state people regulate this.

Ms. Downes wanted to clarify that it is not just the Town of Middlebury, it's the county and that flood studies are done by county. She explained that cities

and towns can request to be added to the list, they try to do the county. New Haven County was remapped in 2010.

First Selectman St. John said that he appreciates the issues that FEMA has to deal with. The Town gradually got all of the improvements done. Since then there has been no recorded flooding or damage, they fall into a special hazard. He feels that it is going to take time to make improvements.

Mr. Brown added that the Homeowners Affordability Act, the National Academy of Sciences is undertaking this, and it will take a year and a half to complete as to what they will come up for helping folks. Massachusetts came up with a law that would lower the rates depending on the mortgage of the house. He said that the other states might be considering these types of changes. Affordability study can talk about lower the rates. Mr. Brown again encouraged the residents to work with their insurance agent and work with the Town to see what can be lowered. Flood insurance is required by law. He suggested hazard mitigation grants to raise the house.

Ron Rotella said that they will lose value if they were to raise their homes and asked what else could be done, is there anything can do that can make FEMA relook at this. Mr. Brown again stated that if there was work that was done and the information can be provided, engineering permits, etc. Mr. Brown added that the pictures would be great, but you need documentation and plans to prove the work.

Mr. Murphy said that there is a line to get in for a new study, and told Mr. Brown that we could send you the information tomorrow or next year; the Quinnipiac River is being restudied now. Mr. Murphy asked how other water courses such as the Hop Brook Watershed are affected. There are map panels that can be changed depending on what engineering information is presented.

They want to look at an individual map panel for that area. Puno Bhaduri asked what the standard that is used to identify a house that is in the flood zone that should be in the flood study. Mr. Brown said he can provide this information online from the map service center and that he will send to the congressional staff to send out to people. Mr. Cyr said that in initial conversations was that it was a seat of the pants study and it was done off of assumptions because the data was not available.

Mr. Murphy added that we've seen homes on shoreline on stilts, but on Porter Avenue homes are foot or two above base flood elevation, and asked if the basement is the concern, the basement issue and whether or not there is a

home that has been elevated above the baseline? Mr. Brown said there is one in Southbury.

The First Selectman requested Curt Bosco to go through the zoning regulations, because the Town was asked to update regulations with regard to flooding.

Mr. Cyr said that it would cost anywhere from \$50,000 to \$75,000 to elevate his home; as it is not a cheap process. Mr. Cyr inquired as to why is it only elevation that applies to grant. Mr. Cyr feels that mitigation and improvements need to be eligible as well.

Joe Flanagan said a contour elevation was used not a base flood elevation. Now that he is in a flood plain area, he has a septic system, and he needs an engineering septic system installed. Mr. Brown asked Mr. Flanagan why wouldn't he use a base flood elevation and asked that Mr. Flanagan get him his email address, he will look into this case. Mr. Brown also requested that Mr. Flanagan send case number and copies of anything that was given to him.

Ken Curry asked if they spoke with other communities to see if they have similar issues. Mr. Murphy said that they did, but it related to a structural change LOMAR. No maps were done just for the sake of it, there was some change being made. He feels that what was done in 1979 eliminates the problem and then work in 1991 helped even more.

Rita Flaherty said that they had septic and not storm drainage, now they have storm drains that take the water out. Now they are saying that there is the same thing. They have sewers and city water on that street.

Mr. Cyr said flood insurance wasn't required when he bought his home. The bank has required that he have flood insurance. He asked how many people were not required to have flood insurance. Why is the entity that was supposed to be watching out for this process, why aren't they being held accountable? The majority of residents did not have to have flood insurance.

Mr. Cyr added that they all found out in 2010 that they were in a flood insurance zone. He found out that he needed flood insurance before the new maps he feels that this was related to the banking crisis. The banks would have been fined if people didn't have flood insurance and it was required. Jeb has had cases where banks have made mistakes where people did not have to have flood insurance, they dropped the insurance and they were flooded and the banks were sued.

Ron Rotella asked what Mr. Brown what his feeling was on what is going to happen to the homes now and whether or not he felt that the price of the homes was going to go down. Mr. Brown said that he could not answer that question and suggested that they file an amendment on the LOMAR.

Mr. Rotella added that there is a house on the street that is in the flood zone; and that the owner lost out on the sale because the potential buyers heard about the flood zone.

The residents asked that the grant process be streamlined so that they Town can mitigate the area and the home values are sustained and they are no longer a risk. Mr. Cyr said that understands that the grant process is very difficult and if they haven't had any damage they are going to be the last ones to get assistance.

Mr. Murphy added that the Letter of Map Provision process starts the improvement process. Mr. Murphy said that hope is that if the mitigation is done you hope you won't be in the flood zone and that the LOMAR's cost \$100,000.

Mr. Brown will try to find out about the modeling data for the 1979 study.

The First Selectman stated that he will have Dave Murphy, Curt Bosco and John Calabrese come together to formulate a plan.

Mr. Cyr asked if they could set up regular meetings in intervals to show progress on what is going on with this problem. The First Selectman said that he will have an answer once they receive a report from the group. First selectman said that this is not just a Town issue it is also a federal issue.

Mrs. Konnik asked Mr. Brown what the commitment is to make Middlebury a priority. She asked Mr. Brown, assuming there is no option to mitigate, what her bail out is. Mr. Konnik inquired on the process for buying out her home. Many of the residents were in agreement with being bought out.

The meeting was closed by the First Selectman.

Respectfully submitted,

Barbara J. Whitaker

Barbara J. Whitaker
Recording Clerk