

UPPER MAKEFIELD TWP. PLANNING COMMISSION

April 27, 2011 – 7:00 p.m. Meeting
Municipal Complex, 1076 Eagle Road.

Present: Walter Wydro, Chair; Karin Traina, Vice Chair, Greg Pitonak, Ken Rubin, Kathleen Pisauro, Hank Lieberman, Larry Young, Township Engineer, Conrad Baldwin, Chairman, Board of Supervisors.

A. Welcome and Introductions by Bud Baldwin, Chair, Board of Supervisors:

Mr. Baldwin welcomed the public to the discussion of the FEMA Floodplain Map Revisions. He noted that Dave Kulig and Mary Ryan of the Board of Supervisors were present for the meeting. Mr. Baldwin stated that when discussing flooding in Upper Makefield, one must consider not only the Delaware River but the three tributaries of the Delaware as well. He praised the Planning Commission for its comprehensive reviews of all issues which are subsequently considered by the Board. He continued that the Planning Commission and the consultants attending the meeting were present to apprise the residents of the new FEMA flood maps and because this issue is of public interest, the meeting is being televised. Before turning the meeting over to Mr. Wydro, Mr. Baldwin stated that Lynn Bush, Executive Director of the Bucks County Planning Commission, Dave Bollinger of Region III Mitigation Outreach Coordinator for FEMA and Rob Kay, Upper Makefield Township Emergency Management Coordinator were present for the meeting and that questions from the public would be addressed.

Mr. Wydro explained that this special meeting was called to inform the residents of the updated FEMA maps, the Flood Emergency Management Agency, Flood Hazard Mapping and Insurance Program. The new maps will be presented and at the end of the meeting, there will be time for questions from the public.

Lynn Bush is joined by Bob Kehoe, a member of her staff who is in charge of GIS for the County. She will provide a short power point presentation outlining how we got to the point where we are today, the County's role and that Upper Makefield Township is way ahead of other municipalities in the process. Mr. Kehoe will demonstrate the interactive maps created for the County that show the new floodplain areas. In the last couple of years, FEMA indicated it would be updating the flood maps for the entire Commonwealth and Bucks County has been tracking the process. Earlier in the year there were two meetings scheduled for the same day, one in Middletown and one in Doylestown which was open to residents and local officials. The purpose of tonight's meeting is to connect those people affected. She continued that the National Flood Insurance Program is a government subsidized program for people who live in the floodplain.

Regarding the 100 Year Flood, this term is sometimes confusing and misleading. It is actually shorthand for a flood that has a one percent (1%) chance of happening in any single year. Upper Makefield Township participates in the program and municipalities participating have certain

responsibilities to allow residents to benefit from the program. One of those responsibilities is to have a Floodplain Ordinance that is kept up to date.

Some people ask why we can't keep buildings out of the floodplain. It's not that simple. Floodplain Ordinances are put in place to protect the public interests if there are buildings in the floodplain. The new maps are digital for the first time and are based largely on new and better elevation information and the more accurate information was used to draw the floodplain line. New and additional information regarding the Delaware River and the Penny Pack Watershed were also used though Upper Makefield Township is not affected by the Penny Pack Watershed. The new maps were provided to municipalities for review.

There was an initial 30 day review process the purpose of which was to provide the County and municipalities the opportunity to challenge basic information which may be incorrect such as street names, for example. The current review period allows other types of challenges which will be explained in more detail later but if a resident is challenging a floodplain line, the challenge must be based on an engineered study.

The County's role is to act as a go between for FEMA and municipalities in making information available to as many people as possible. The digital maps as well as the paper maps are now available which show the old and new lines delineating the floodplain. The effective date of the final maps will be November 2012 at which time the municipal ordinances must be adopted. This is the first public unveiling of the GIS Viewer which was created for all of Bucks County and is searchable by municipality, address, tax map parcel, etc. Dave went through some of the maps and tools available and pointed out the 100 year floodplain zones and the 500 year floodplain zones in Upper Makefield. Mr. Wydro pointed out that the tributaries are also shown on the maps. Dave also reviewed the functions built into the program and demonstrated using the program with respect to a specific address.

Regarding a question about determining if your house is in the floodplain, Mr. Bollinger explained that the strict rule is that your structure must be touched by the floodplain. Even if just your deck is touching it, your structure would be required to have flood insurance if you have a mortgage with a federally backed mortgage lender. If you have no loan, there is nothing which says you must have flood insurance. However, FEMA has a saying that if you can smell, hear or see water, you should have flood insurance because homeowners' insurance does not cover flooding. In response to a question regarding whether or not there are individuals who cannot purchase federally subsidized insurance, Mr. Bollinger stated that anyone who lives in a community which joins the Nation Flood Insurance program, can buy flood insurance.

Regarding the Hazardous Mitigation Grant program which was effective in 2004, he explained that the program is only available when there has been a presidential declaration for the area. In cases where there has been no declaration, other programs are available such as the Severe Repetitive Loss Program, the Repetitive Flood Claims program, the Pre-Disaster Mitigation Program and the Floodplain Assistance Program. With respect to those programs, PIMA would be in charge but FEMA would provide assistance to them.

Continuing with the discussion of the maps, he explained that the maps are not inundation maps, they are risk maps. The Federally Subsidized Insurance program has limits on the amount of coverage allowed for a structure and for the contents. The purpose of the program is to assist people but not to make them whole in the event of a flood. Excess flood insurance provided by private insurers is expensive but is important to protect one's equity.

In response to a question regarding what a resident should do if they believe they should not be in the flood plain, Mr. Bollinger reviewed the Letter of Map amendment (LOMA) process. The resident must have an engineered survey of the property and, in many cases, an elevation certificate. For a resident not challenging inclusion in the floodplain, if flood insurance is purchased thirty days before the map's effective date, that resident will receive an insurance rate under the previous map. As long as the policy is kept in force, it may be transferred to the next buyer of the residence. There is also a preferred risk policy under which a resident can get a two year preferred risk rate after which the policyholder is charged the "X" zone rate, which is the lowest standard rate.

There was a brief discussion regarding the effect of the New York reservoirs on the flooding in Upper Makefield Township.

In response to a question regarding the impact of the floods in 2004, 2005 and 2006, Mr. Bollinger stated that a lot of studies were conducted after those floods along the Delaware River. That information affected the area greatly and the end result is that here is an approximate two square mile area in Upper Makefield Township which is no longer in the floodplain due to the more accurate topography information which resulted.

One homeowner felt that because he has never been flooded, but is in the floodplain according to FEMA, that this was an unfair transfer of risk from the mortgage company to the homeowner.

The canal was discussed as far as how much it works as a buffer to flooding. Mr. Bollinger pointed out that the canal will protect areas surrounding it for a time but as an earthen structure, it will eventually fail.

One resident asked if a flood doesn't occur for ten years, will that history effect decisions to remap areas. Mr. Bollinger stated that decisions to remap are made by Congress.

Another resident asked what was required of him if he was previously in the floodplain but is excluded under the new maps. Does he just need to contact his mortgage company? Mr. Bollinger answered that it depends on the specific mortgage institution. If the company still insists on the flood insurance in that situation, it's time to shop around for a new mortgage company.

In response to a question regarding inundation maps, Mr. Bollinger said that no inundation maps are kept by the County because these programs are based on risk not inundation.

Rob Kay, the Emergency Management Coordinator for Upper Makefield Township provided background on his responsibilities and what actions are taken in potential emergencies such as

notifications, road closings. He also discussed the flood stages of the Delaware River at different points along River Road.

Following Mr. Kay's presentation, the televised portion of the meeting was closed.

Close of televised meeting.

Submitted by: Phyllis Mehler

Approved: December 6, 2011