



**May 19, 2011
Minutes**

CALL TO ORDER – Chair Joseph Hauryski called the meeting to order at 4:25 PM in the STC Conference Room.

ATTENDANCE:

Chemung County: Ted Bennett; John Burin; G. Thomas Tranter, Jr.

Schuyler County: Dennis Fagan; Danielle Hautaniemi; Timothy O’Hearn

Steuben County: Mark Alger; Don Creath; Amy Dlugos; James Griffin; Joseph Hauryski; Robert Nichols; Scott Van Etten

STC Staff: Marcia Weber; Susan Cratsley; Victoria Ehlen; Meghan Jacquet; Dan Wilhelm

APPROVAL OF MINUTES – On a motion duly made (James Griffin/Mark Alger) and carried, the minutes of the March 17, 2011 meeting were approved.

COMMITTEE REPORTS

1. **Audit Committee**

- a) **Abstract of Claims** - Five abstracts were reviewed and approved totaling \$77,095.96 on a motion duly made (Thomas Tranter/Scott Van Etten) and carried.
- b) **2010 Audit** – On behalf of the Audit Committee and Budget and Personnel Committee, Thomas Tranter reported that the STC audit is complete with no significant findings. Rick McNeilly, STC Auditor, met with both committees before this meeting and stated that it was an excellent audit. Tom gave a brief summary of the audit and commended Dan Wilhelm, STC Accountant, for all his work. On a motion duly made (Thomas Tranter/John Burin) and carried, the 2010 audit was accepted as presented.

2. **Budget and Personnel Committee**

- a) **Audit Proposal for 2011, 2012, and 2013** – Marcia Weber reported that the proposed contract with Richard McNeilly for the next three years is for \$6,950 per year. There was a discussion as to whether an agency is required to change auditors every three years. Dan Wilhelm said that he had checked that in the past, and it is a recommendation but not a requirement to change auditors every three years. On a motion duly made (Thomas Tranter/Scott Van Etten) and carried, the board approved the three year contract presented by Rick McNeilly at \$6,950 per year.

- b) **Health Insurance Buyout** – Marcia Weber reported that staff members who elected not to participate in the health insurance plan through STC will receive a 1099 this year for the amount they receive in lieu of health insurance, but next year the health insurance buy-out funds will be included in the payroll.
 - c) **New Grant to STC** – Marcia reported that STC received the 604(b) grant for \$87,000. The work began on April 1, 2011.
3. **Physical Resources Advisory Committee** – Amy Dlugos reported that PRAC met and heard several reports from members. The Steuben County Natural Gas Task Force Committee and subcommittee meetings have had large turnouts.

Jennifer Trimber reported to the committee that Elmira College is conducting “baseline” water testing. The energy task force is planning a trip to Texas or Louisiana to see the effects of a long established gas drilling operation.

Dick Gunderman reported to the group that the Chemung County Right-to-Farm Law and the Chemung County Agricultural Protection Plan were both approved and passed.

There will be creek restoration at Newtown Creek on May 23, 24. Stream testing is underway for the third year and is still growing.

Jabe Warren gave a presentation and discussed in great detail what his predictions for agriculture would be for the next 50 years.

The group also heard a presentation by Peggy Coleman on the importance of tourism for the local economy. Bookings based on social networking and “flash travelers” are the new and important trend in tourism.

EXECUTIVE DIRECTOR’S REPORT

- a) **Northern Appalachian Regional Steering Committee** – Marcia reported that this committee had its first meeting in Corning this week with staff from the Appalachian Region Commission and 8 federal agencies. It included people from the U.S. Department of Education, HHS, Department of Labor, EDA, and USDA. The group, brought together by a Memorandum of Understanding, discussed ways federal agencies could collaborate on planning and projects and use joint funding to achieve greater goals.
- b) **ARC/USDA Federal Technical Assistance Workshop** –9 federal agencies and approximately 150 people from the STC region and beyond attended the all-day meeting to bring federal funding agencies and potential recipients together to understand the funding processes. She received very positive feedback from participants who were impressed by the opportunity to work with high level federal funders.

REGIONAL PROGRAM ACTIVITIES

1. **Update on Flood Assistance Program**

- a) Proposed Levee Certification Resolution (attached) – Janet Thigpen reported that this resolution was distributed to each county and municipality with Corps-built levees that will be impacted by the Chemung Watershed Risk MAP project. A number have adopted it. There being no comments or questions, a motion was duly made (Dennis Fagan/Scott Van Etten) and carried to sign and send the resolution.
- b) FEMA Risk MAP Project – Janet Thigpen thanked the counties for providing funding to enable STC to work on this project.

FEMA and their contractors came to the region for a series of 4 Discovery meetings as part of the floodplain mapping project. These meetings were not about the levee certification and accreditation issues raised in the resolution. FEMA is in the process of reviewing the techniques used for mapping areas protected by un-accredited levees. It is possible that they will wind up with a technique that results in even larger floodplains with higher water elevations than they did with the previous approach of assuming that the levees aren't there. It is hoped that the resolutions will lead to accreditation of levees in the STC region.

The main objective of the Discovery meetings was for FEMA to meet with individual municipalities, show them maps with information about insurance claims, etc., and solicit information from the communities about available data and mapping priorities. FEMA is trying to do a better job of communicating with local communities. They plan to develop a draft scope of work for the mapping project by June 15. FEMA hadn't planned to allow additional feedback on the scope of work, but local participants requested an opportunity to do so.

Janet and others had reviewed draft Chemung County maps, provided comments, and requested a meeting to discuss mapping procedures. FEMA responded with a letter and revisions to the draft maps. FEMA and the contractors also met with the local group while they were in town. The local team had prepared a long list of discussion points, and Jimmie Joe Carl drew up cross sections to illustrate some of the problems. The mapping contractor admitted that there were areas that should be reviewed. Because those are draft maps, they did not go through FEMA's usual independent review process, which may have identified and worked out some of these issues. What was accomplished at this meeting was to make it perfectly clear that the people in this region will not tolerate low quality work.

Janet's concern moving forward (in addition to levee issues) is that the scope of work established in the next month will specify the type of analysis for each stream. There are likely to be some areas where the simpler, lower cost analysis doesn't produce reasonable results. She won't know where those areas are until they do it, and then FEMA will no longer have the flexibility to revise the scope and do something more appropriate.

- c) Regional Public Planning Organizations and Appropriate interstate Organizations awarded funding for projects under Clean Water Act (CWA) Section 604(b) (in packets) – On a motion duly made (Bob Nichols/Scott Van Etten) and carried to sign and send the 604(b) resolution.

2. **Appalachian Regional Commission**

- 1) **Application Process for Fiscal Year 2012** – Marcia Weber reported that a revised Appalachian Regional Commission (ARC) application process is underway for federal fiscal year 2012, with preapplications due July 1, 2011 in the STC office. If the preapplication is highly rated, then the applicant will be asked to submit a full application. The media release has been sent out, and preapplication forms will be on the STC website shortly. If anyone knows of any potential applicants, please have them contact STC.
- 2) **Regional (3 LDD) Career Literacy Project** –STE, STW, and STC met with the Workforce Investment Board (WIB) staff from 14 counties. WIB staff identified a great need for career literacy; a high percentage of job-seekers is not prepared or trained to take jobs. The WIBs have devised a project to provide appropriate training and to replicate successful projects within the 14 county area. For this multi-regional project, they are proposing that each LDD award \$150,000 in ARC funds towards the total project cost of \$450,000. It has been agreed at previous board meetings that STC could contribute to one project that would benefit the 14-county area of Appalachian New York, with funding also coming from Southern Tier East and Southern Tier West. The funding from STC would amount to the maximum amount available for one project, and it would come off the top of the ARC project funding awarded to STC for fiscal year 2012.

The funds for the WIB project would be used to serve 1,000 workers to: increase their levels of literacy; help obtain GEDs; increase their ability to obtain employment; and decrease the levels of college remediation courses required prior to credit course work. Marcia stated that the three LDDs agreed that STW would review and rate the application on behalf of the three regions. Anyone wanting more information on this project should contact STC. Jim Griffin requested that Marcia be involved in the project review to make sure it is handled appropriately, which she agreed to do. On a motion duly made (Robert Nichols/Scott Van Etten) and carried, the Board approved designating \$150,000 in FY12 ARC funding for the Career Literacy Project, assuming that it receives a satisfactory rating by Southern Tier West.

- 3) **Potential Projects** – Marcia Weber reported that the Schuyler County Child Care Coordinating Council has a unique opportunity. The owner of the company that is renovating the Rural Urban Center suggested using the bottom floor for a day care center. He would do the renovations at his expense; if the Child Care Coordinating Council contributed funds towards the renovation, he would charge them a lower rent on an ongoing basis, which would be good for self-sustainability. This project is moving along quickly, and Marcia is working with the Child Care Council to write the ARC application. This project would be submitted outside the regular ARC cycle,

using funds that were returned by two other projects funded in 2009 and withdrawn in 2011. On a motion duly made (Thomas Tranter/Dennis Fagan) and carried, the board voted to submit this project.

3. **Telecommunications Update** – Marcia Weber reported that this project is moving forward quickly. Schuyler and Steuben are starting the engineering process to see where the fiber will go, where it can be attached to poles, and where it should be buried. Chemung’s work is in process. The insurance has been put in place, which was necessary to act on the pole attachment agreements. Marcia will speak about the STN project next week at the meeting of the Corning Rotary.
4. **Intergovernmental Reviews** – STC staff reported that their committees and other appropriate people reviewed and approved the following intergovernmental review applications, and staff asked the STC Board to approve:

Steuben County

11-12 FFY 2011 (Part B) Hornell Airport Improvement

Project Applicant: City of Hornell

Description: runway and taxiway rehabilitation and other miscellaneous improvements.

Federal Agency: FAA

Cost: Federal: \$106,970 State: \$2,815 Applicant: \$2,815 Total: \$112,600

Chemung County

11-14 Airport Corporate Park South Infrastructure Construction Project

Project Applicant: Chemung County Planning Department

Description: funds will be used in conjunction with USED A Grant Funds to construct water supply, sanitary sewer, and electric and gas facilities to serve new business located at the Airport Corporate Park South site.

Federal Agency: USED A

Cost: Federal: \$750,000 Applicant: \$750,000 Total: \$1,500,000

New York State

11-13 Reduction in Nutrients and Sediment Loads from New York

Project Applicant: Tioga County Soil and Water Conservation District

Description: to reduce nutrients and sediment loads from New York headwaters of the Chesapeake Bay Watershed, Year 3.

Federal Agency: USEPA, Chesapeake Bay Program

Cost: Federal: \$500,000 Total: \$500,000

11-15 AERA Compliance Monitoring & Oversight of USEPA & NYS Approved Asbestos Safety Training

Project Applicant: NYS Department of Health

Description: the NYSDOH will conduct 12 (LEAs) AHERA field audits of New York State schools to ensure compliance with federal AHERA regulations. Program staff will conduct unannounced audits of accredited asbestos safety training programs in accordance with 10 NYCRR Part 73 to insure compliance with federal and state requirements.

Federal Agency: USEPA

Cost: Federal: \$750,000 State: \$750,000 Total: \$1,500,000

There being no questions or comments, on a motion duly made (Mark Alger/Dennis Fagan) and carried, the intergovernmental review applications were approved.

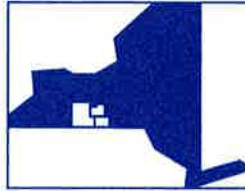
OTHER BUSINESS

1. New Business
2. Next Meeting – the next meeting of the Southern Tier Central Regional Planning and Development Board of Directors will be on June 16, 2011.
3. Other – there was no other business.

ADJOURNMENT

The meeting adjourned on a motion by Jim Griffin, seconded by Mark Alger.

Respectfully submitted,
Susan Cratsley
Recording Secretary



**Resolution by
Regional Public Planning Organizations and Appropriate
Interstate Organizations awarded funding for projects under
Clean Water Act (CWA) Section 604(b)**

Resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects.

WHEREAS, Southern Tier Central Regional Planning and Development Board, herein called the "Regional or Interstate Organization", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to Regional or Interstate Organizations for water quality improvement projects by means of a contract and the Regional or Interstate Organization deems it to be in the public interest and benefit under this law to enter into a contract therewith; and the Regional or Interstate Organization, as the Sub-recipient of Grant funds made available under CWA Section 604(b);

NOW, THEREFORE, BE IT RESOLVED BY, Southern Tier Central Regional Planning and Development Board;

1. That Marcia D. Weber, or such person's successor in office, is the representative authorized to act in behalf of the Regional or Interstate Organization's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Regional or Interstate Organization's governing body in all matters related to the Project and to State assistance;
2. That the Regional or Interstate Organization agrees, if applicable, that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
3. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;
4. That this Resolution take effect immediately.

CERTIFICATE OF RECORDING OFFICER

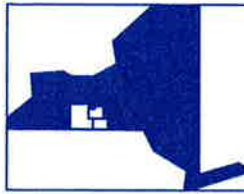
That the attached Resolution is a true and correct copy of the Resolution, as regularly adopted at a legally convened meeting of the Southern Tier Central Regional Planning and Development Board duly held on the 19th day of May, 2011; and further that such Resolution has been fully recorded in the STC Board Meeting Book in my office. In witness thereof, I have hereunto set my hand this

27 day of May, 2011.

Marcia D. Weber
Signature of Recording Officer

If the Applicant has an Official Seal, Impress here.

Board Secretary
Title of Recording Officer



**RESOLUTION CONCERNING CERTIFICATION OF FLOOD CONTROL LEVELS
FOR FLOOD INSURANCE RATE MAPS**

WHEREAS, the Federal Emergency Management Agency (FEMA) is undertaking the process of updating Flood Insurance Rate Maps for the Chemung Watershed Risk MAP project (which includes the Cohocton River watershed, but not the Tioga and Canisteo River watersheds); and,

WHEREAS, the Chemung Watershed area includes 29 miles of levees and floodwalls (in the City of Elmira, Town of Southport, Town of Elmira, City of Corning, Village of South Corning, Village of Riverside, Village of Painted Post, Town of Erwin, Village of Bath, Town of Bath, Village of Avoca, and Town of Avoca) that were designed and built by the United States Army Corps of Engineers (Corps) and are maintained and operated by the New York State Department of Environmental Conservation (NYSDEC) or by municipalities with NYSDEC oversight; and,

WHEREAS, these Corps-built levee systems have been designed, constructed, maintained, and operated in conformance with sound engineering practices and have successfully passed annual inspections by the Army Corps of Engineers, without evidence that they are deficient or susceptible to failure; and,

WHEREAS, the Corps has significantly upgraded levee inspection procedures and requirements in recent years so that annual inspection of Corp-built levees provides increased assurance that these engineered structures will function as designed; and

WHEREAS, the requirements for incorporating the flood protection provided by levees into FEMA's flood hazard mapping efforts are specified in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR Section 65.10), including the provision that "a Federal agency with responsibility for levee design may certify that the levee has been adequately designed and constructed to provide protection against the base flood;" and,

WHEREAS, FEMA and the Corps have discontinued procedures in which levee design information, construction records, elevation analysis, and favorable inspection reports constituted sufficient evidence for meeting the requirements of 44 CFR Section 65.10, despite the introduction of more stringent assessment criteria for Corps inspections; and,

WHEREAS, neither the Corps of Engineers nor NYSDEC is currently willing to certify any levees in the Chemung Watershed in a manner acceptable to FEMA due to potential costs and concerns about liability, despite the statement in 44 CFR Section 65.2 that “a certification by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied;” and,

WHEREAS, an independent engineering assessment of the integrity of the levees has been estimated to cost up to \$300,000 per mile (because an entity without prior involvement in construction, maintenance, or inspection would need to conduct extensive geotechnical analyses prior to certification); and,

WHEREAS, the expenditure of more than five million dollars to certify flood control levees in the Chemung watershed would not be a wise use of limited taxpayer resources when the design, construction, maintenance, operating procedures, and inspection records for those levee systems provide no reason to expect that they would not function properly; and,

WHEREAS, the lack of certification for Corps-built levees in the Chemung Watershed would result in de-accreditation of those levees for flood hazard mapping purposes and the inclusion of levee-protected areas containing thousands of properties in the Special Flood Hazard Area; and,

WHEREAS, the insurance costs and construction standards established by the National Flood Insurance Program for areas mapped as Special Flood Hazard Areas do not reasonably account for the risk reduction benefits provided by levees because levee-protected areas are treated as if the levee were not present; and,

WHEREAS, lack of accreditation for Chemung Watershed levees would trigger mandatory flood insurance purchase requirements for thousands of levee-protected properties and cost the region millions of dollars each year for flood insurance coverage; and,

WHEREAS, the application of construction standards and flood insurance premiums that are not based on actual flood risks in levee-protected areas would impose a significant financial burden on Chemung Watershed communities that are already struggling with difficult economic circumstances; and,

WHEREAS, the March 2011 letter from FEMA Administrator W. Craig Fulgate responding to issues raised by New York’s Senators and their colleagues (in a February 3, 2011 letter) states that FEMA will replace “without levee” mapping techniques with more appropriate procedures for mapping floodplains in levee protected areas, but does not address concerns about levee certification, flood insurance costs, and related issues; and,

WHEREAS, flood hazard maps that accurately represent flood risks and National Flood Insurance Program policies that are aligned with those risks would be invaluable tools for improving the Chemung Basin’s resilience to flooding;

NOW, THEREFORE BE IT RESOLVED, that the Southern Tier Central Regional Planning and Development Board requests that the United States Congress enact measures that reduce the potential liability of engineering firms and/or government agencies that perform engineering

services for levee systems and certification of levees, including discontinuation of the term "certification" in order to better communicate that levee evaluation and accreditation do not imply a guarantee or warrantee; and,

BE IT FURTHER RESOLVED, that the Southern Tier Central Regional Planning and Development Board requests that the U.S. Army Corps of Engineers and/or New York State Department of Environmental Conservation be made responsible for fulfilling the levee certification and accreditation requirements, as outlined in 44 CFR Section 65.10, for levees that were constructed by the Corps of Engineers, pass annual inspections by the Corp, and are maintained by or under the supervision of the NYSDEC; and that appropriate funding be allocated to the NYSDEC and/or the Corps to support their efforts; and,

BE IT FURTHER RESOLVED, that the Southern Tier Central Regional Planning and Development Board requests that updated FEMA flood hazard mapping be delayed until levees are accredited for communities that are protected by unaccredited levees that were constructed by the Corps, are maintained by or under the supervision of NYSDEC, and for which there are no known technical conditions that would preclude accreditation (such as an "unacceptable" Corps inspection rating or insufficient level of protection); and,

BE IT FURTHER RESOLVED, that the Southern Tier Central Regional Planning and Development Board requests that new flood hazard zones be established for areas protected by accredited levees based on the level of levee protection (such as 50-year, 100-year, and 500-year) and that risk-based flood insurance price structures, insurance purchase requirements, and construction standards be applied in these levee-protected zones based on the flood risks; and,

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Tom Reed, Governor Andrew M. Cuomo, NYS Senator Thomas O'Mara, NYS Assemblyman Christopher Friend, NYS Assemblyman Philip Palmesano, FEMA Regional Director Lynn Gillmore Canton, FEMA Risk Analysis Division Director Doug Bellomo, Army Corps of Engineers Baltimore District Engineer COL Dave Anderson, Army Corps of Engineers Operations Manager George Bielen, NYSDEC Commissioner Joe Martens, NYSDEC Assistant Commissioner for Water Resources Jim Tierney, NYSDEC Division of Water Director Mark Klotz, NYSDEC Bureau of Food Protection and Dam Safety Director Alan Fuchs, and NYSDEC Regional Director Paul D'Amato.


Joseph J. Hauryski
Chair

5/19/2011
Date