

Town of Union, New York



Action Plan For Disaster Recovery

Approved By Town Board July 18, 2012



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1. Introduction

On November 18, 2011 Congress enacted Public Law 112-5 relative to Section 239 of the Department of Housing and Urban Development Appropriations Act, 2012. The Act authorized a nationwide supplemental appropriation of \$400,000,000 to address the impacts of natural disasters. New York State received an appropriation of \$71,654,116 to address the impacts of Hurricane Irene and the remnants of Tropical Storm Lee. The state appropriation includes a requirement that at least \$53,011,323 of the grant award be spent in Schoharie, Tioga, Broome, Greene, and Orange counties. Orange County received a direct appropriation of \$11,422,029 and the Town of Union received a direct appropriation of \$10,137,818 million.

Development of this plan has been complicated by a number of factors outside of the Town's control. For example, the final reimbursement rate under the FEMA 406 Public Assistance program is 75%, with the remaining share being divided equally between the state and the local government. Governor Cuomo recently announced that New York State will be reimbursing municipalities for the entire 25% percent non-FEMA share of 406 projects. Although the state has announced the funding commitment, the Town has not been made aware of the actual funding source. To date, the Town has submitted approximately forty (40) Public Works (PW) Worksheets but has only been reimbursed for one (1). The amount paid to the Town by the New York State Division of Homeland Security for landfill tipping fees for flood debris was \$296,420, representing 75% of the submitted cost.

Another complex issue involves the requirement that at least 50% of the CDBG-DR funds be used to benefit persons of low and moderate income. The vast majority of infrastructure (i.e. levees, roads, storm sewers, sanitary sewers, and water treatment facilities) damaged by flooding involve service areas that do not include populations that are at least 51% low and moderate income, based on current HUD data. Based upon a needs assessment, the town estimates that 60% of CDBG-DR funding would be needed to address activities that will currently only qualify under the Slums and Blight or Urgent Need National Objectives.

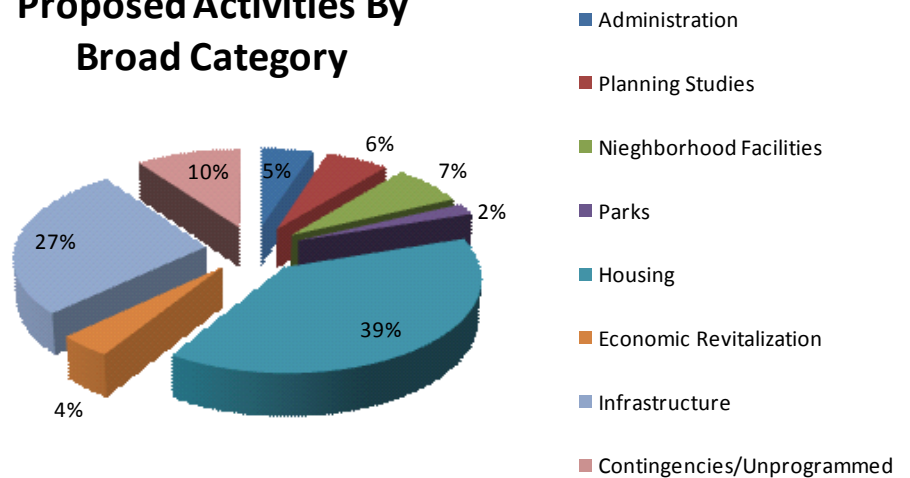
It should be understood that while the initial emergency and short term needs of residents have been addressed through a variety of sources, a full and complete long-term recovery effort will take several years. The planning studies proposed under this plan will



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The pie chart represents the approximate percentage of funding set aside for various disaster recovery activities.

Proposed Activities By Broad Category



HISTORY OF MAJOR FLOOD EVENTS IN THE TOWN OF UNION

- September 7-9, 2011 (New Record Level)
- June 2006 (Previous Record Level)
- April 2005
- January 1996
- April 1993
- December 1983
- March 1979
- March 1936 (Previous Historic Record Level)

identify future activities and likely result in several amendments to this initial submission. These studies will also provide substantial amounts of data and recommendations that will be utilized to pursue grant funds to implement additional activities.



*Flood Impact Statements For Vestal Gauge On
Susquehanna River*

Gauge Height	Severity Of Impact (Data Provided By The Binghamton National Weather Service Office)
18 Feet	River overflows banks and lowland flooding begins within the floodplain
20.5 Feet	Cellars on Argonne Ave. in Endwell are flooded.
21.0 Feet	Moderate flood stage.
22 Feet	Flooding begins at the low ends of Davis Ave., Shady Dr., Verdun Ave., and Fairmont Ave. in Endwell.
24.5 Feet	Flood waters approach Boland Park in Johnson City.
25.5 Feet	Flood level of April 1993. Kent Ave. mobile home park floods up to 4 feet. Residences and businesses on Kent, Verdun, Davis, and Fairmont Avenues. and Shady, Chaumont, and Scarborough Drives are inundated.
26.5 Feet	Flood level of March 1979. Severe flood inundation affects areas from Argonne Ave. and Shady Dr. to Verdun Ave. Rt. 17C, from Exit 69 on Rt. 17 to Harry L. Dr. covered by flood waters. West end of River Rd. floods.
27 Feet	Flood level of December 1983. Flooding affects Orman St., Ardmore Dr., and River Dr. in West Corners. From Johnson City to Endwell, flooding affects Popular, Oak, Birch, Woodland, and River Roads.
27.3 Feet	Flood of January 1993. Flooding intensifies south of Main St. in Endwell.
33.66 Feet	Flood of June 2006. Extensive and severe flooding in Endwell, Westover, West Corners, Johnson City and Fairmont Park.
35.25 Feet	Flood of record, September 2011. Widespread and catastrophic flooding devastation in Johnson City, Westover, Endwell, Endicott, and West Corners.



Fast moving storm water runoff quickly undermined many roads throughout the town

2. HUD Allocation Method For 2011 CDBG Disaster Recovery Funds

Section 239 of Public Law 112-55, enacted on November 18, 2011, appropriates \$400 million through the Community Development Block Grant (CDBG) program for:

“...necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2011: Provided, that funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary:” ...

HUD allocates funds based on its estimate of the total unmet needs for infrastructure and the unmet needs for severe damage to businesses and housing that remain to be addressed in the most impacted counties after taking into account December 2011 data on insurance, FEMA assistance, and SBA disaster loans. To meet the statutory requirement that the funds be targeted to “the most impacted or distressed areas,” this allocation:

(1) Limits funding to the states and counties with the highest level of severe unmet needs. Specifically, the calculation of unmet housing and business needs is limited only to those homes and businesses that experienced severe damage (see definitions below). That is, it excludes homes and businesses with minor or moderate damage that may have some unmet needs remaining. Further, to target funds to the most impacted or distressed areas, only counties with \$10 million or more in severe unmet housing and business needs are used to

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Portions of the Town of Union government complex were inundated with approximately four feet of floodwater from the adjoining Brixius Creek



(5) Specifies the counties and jurisdictions that are most impacted or distressed by:

- a. **Providing direct funding to CDBG entitlement jurisdictions (and one nonentitlement city) with significant remaining severe unmet needs.** Within a State, if an entitlement jurisdiction accounts for \$6 million or more of the funding allocated to a State, it is allocated a direct grant (the \$6 million threshold represents a “natural break” in funding among entitlement jurisdictions). Otherwise the funding is provided directly to the state.
- b. **Directing that a minimum of 80% of the total funds allocated within a state, including those allocated directly to the State and to local governments, must be spent on the disaster recovery needs of the communities and individuals in the most impacted and distressed counties (i.e., those counties identified by HUD).**

The principle behind the 80 percent rule is that each state received its allocation based on the unmet needs in the most impacted counties (those counties with more than \$10 million in severe unmet housing and business needs) and thus HUD will require that all grantees within a State direct these limited resources toward those most impacted counties. Nonetheless, HUD recognizes that there are likely circumstances where its data is incomplete, damage is highly localized outside of one of the heavily impacted counties, or recovery would otherwise benefit from expenditures outside of those most impacted counties and thus provides some flexibility to address those needs for State grantees. While local governments receiving direct grant allocations from HUD must spend their total grant within their own jurisdictions, HUD will allow a portion of the State non-entitlement grant to be spent outside of the most impacted counties, in an amount not to exceed that which yields 80 percent of all funding within a state to be spent in the most impacted counties.

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determine a state’s allocation. Thus, funding is provided based on the severe needs of the most impacted counties in each state.

(2) Factors in disaster related infrastructure repair costs statewide that are not reimbursed by FEMA Public Assistance. For all of these disasters, this is calculated as the 25 percent state match requirement.

(3) Funds are allocated based on each state’s share of total unmet needs. This is calculated as each state’s proportional share of the sum of infrastructure and severe unmet housing and business needs from the most impacted counties.

(4) Restricts funding only to states that receive a minimum grant of \$10 million or more. These funds are limited to only the states with the highest levels of unmet need. As such, funding is limited to states that would receive aggregate funding of \$10 million or more based on their total unmet needs. The calculated grant amounts for states that would have received less than \$10 million are provided to the states above \$10 million through a pro-rata increase.



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Many roads throughout the town became impassable, hindering emergency response efforts.

METHODS FOR ESTIMATING UNMET NEEDS FOR BUSINESS, INFRASTRUCTURE, AND HOUSING:

The data HUD staff have identified as being available to calculate unmet needs for the targeted disasters (major disasters with Presidential declaration issued in 2011 and for which FEMA individual assistance was available) come from the following data sources:

- FEMA Individual Assistance program data on housing unit damage, as of 12/20/2011;
- SBA for management of its disaster assistance loan program for housing repair and replacement, as of 12/21/2011;
- SBA for management of its disaster assistance loan program for business real estate repair and replacement as well as content loss, as of 12/22/2011; and
- FEMA estimated and obligated amounts under its Public Assistance program for permanent work, federal and state cost share, as of 12/20/2011.



CALCULATING SEVERE UNMET HOUSING NEEDS

The core data on housing damage for both the unmet housing needs are based on home inspection data for FEMA's Individual Assistance program. For unmet housing needs, the FEMA data are supplemented by Small Business Administration data from its Disaster Loan Program. HUD calculates "unmet housing needs" as the number of housing units with unmet needs times the estimated cost to repair those units less repair funds already provided by FEMA and SBA, where:

- The owner-occupied units included in the unmet needs analysis are those determined by FEMA to be eligible for a repair or replacement grant.
- Each of the FEMA inspected owner-occupied units are classified by HUD into one of five categories:
 - ♦ Minor-Low: Less than \$3,000 of FEMA inspected damage
 - ♦ Minor-High: \$3,000 to \$7,999 of FEMA inspected damage
 - ♦ Major-Low: \$8,000 to \$14,999 of FEMA inspected damage
 - ♦ Major-High: \$15,000 to \$28,800 of FEMA inspected damage
 - ♦ Severe: Greater than \$28,800 of FEMA inspected damage or determined destroyed.

Only units in the Major-High and Severe categories are counted toward the severe unmet housing needs calculation.

- The rental units included in the unmet needs analysis are those assessed for personal property loss, near owner-occupied dwellings with major-high and severe damage, and where the tenant has an income of less than \$20,000. The use of the \$20,000 income cut-off for calculating rental unmet needs is intended to capture the loss of affordable rental housing.



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Creek flow collapsed a section of Carrie Ann Drive and the adjacent guard rail, sending equipment that was being used to clear debris into the creek bed.



CALCULATING SEVERE UNMET HOUSING NEEDS (CONTINUED FROM PAGE 6)

The average cost to fully repair a home for a specific disaster within each of the damage categories noted above is calculated using the median ratio between real property damage repair costs determined by the Small Business Administration for its disaster loan program and the FEMA assessment of real estate damage, for the subset of homes inspected by both SBA and FEMA. Because SBA inspects for full repair costs, it is presumed to reflect the full cost to repair the home, which is generally greater than FEMA estimations of the cost to make the home habitable. If fewer than 25 SBA inspections are made for homes within a FEMA damage category, the median ratio between SBA and FEMA assessment of damage in the category for that disaster has a cap applied at the 75th percentile of all damaged units for that category for all disasters and a floor applied at the 25th percentile. If there are no SBA inspections within a FEMA damage category, the national median ratio between SBA and FEMA assessment of damage within a FEMA damage category is used.

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- To obtain estimates for unmet needs, only properties receiving a FEMA grant are included in the calculation (since these are the cases assumed to have insufficient insurance coverage). Furthermore, the FEMA grant amount and all SBA loans are subtracted out of the total estimated damage to obtain a final unmet needs estimate.

CALCULATING INFRASTRUCTURE NEEDS

To best proxy unmet infrastructure needs, HUD uses data from FEMA's Public Assistance program on the state match requirement (usually 25 percent of the estimated public assistance needs). This allocation uses only a subset of the Public Assistance damage estimates reflecting the categories of activities most likely to require CDBG funding above the Public Assistance and state match requirement. Those activities are categories: C-Roads and Bridges; D-Water Control Facilities; E-Public Buildings; F-Public Utilities; and G-Recreational-Other. Categories A (Debris Removal) and B (Protective Measures) are largely expended immediately after a disaster and reflect interim recovery measures rather than the long-term recovery measures for which CDBG funds are generally used. Because Public Assistance damage estimates are available only statewide (and not county), CDBG funding allocated by the estimate of unmet infrastructure needs are sub-allocated to counties and local jurisdictions based on each jurisdiction's proportion of unmet housing needs (categories minor-high to severe).

CALCULATING ECONOMIC REVITALIZATION NEEDS

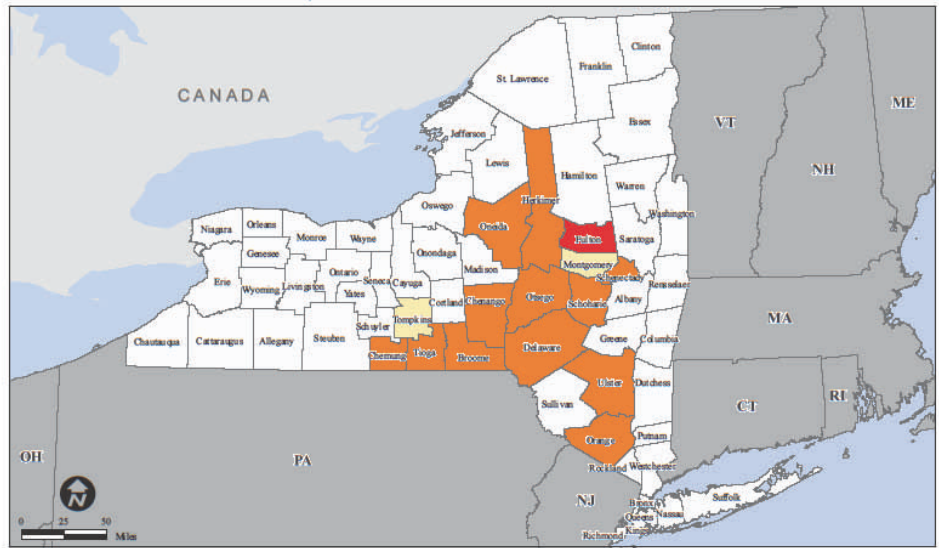
Based on SBA disaster loans to businesses, HUD used the sum of real property and real content loss of small businesses not receiving an SBA disaster loan. This is adjusted upward by the proportion of applications that were received for a disaster that content and real property loss were not calculated because the applicant had inadequate unmet real content loss.



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This map depicts the counties that were covered under the September 2011 disaster declaration.

FEMA-4031-DR, New York Disaster Declaration as of 10/27/2011



To obtain unmet business needs, the amount for approved SBA loans is subtracted out of the total estimated damage. Since SBA business needs are best measured at the county level, HUD estimates the distribution of needs to local entitlement jurisdictions based on the distribution of all unmet housing needs.

CALCULATING ECONOMIC REVITALIZATION NEEDS (CONTINUED FROM PAGE 7)

Because applications denied for poor credit or income are the most likely measure of requiring the type of assistance available with CDBG recovery funds, the calculated unmet business needs for each state are adjusted upwards by the proportion of total applications that were denied at the pre-process stage because of poor credit or inability to show repayment ability. Similar to housing, estimated damage is used to determine what unmet needs will be counted as severe unmet needs. Only properties with total real estate and content loss in excess of \$65,000 are considered severe damage for purposes of identifying the most impacted areas.

Category 1: real estate + content loss = below 12,000;

Category 2: real estate + content loss = 12,000 – 30,000;

Category 3: real estate + content loss = 30,000 – 65,000;

Category 4: real estate + content loss = 65,000 – 150,000;

Category 5: real estate + content loss = above 150,000.



Flood Impacted Neighborhoods

Neighborhood Name	Town of Union Comprehensive Plan Neighborhood Number
West Corners	2
Fairmont Park	18
Westover	20
South Endwell	14
Central Endwell	15
Airport Heights	3
North Endwell-Union Center	1
Riverhurst	13
North Endwell East	17
Oakdale Reynolds	19
Central Johnson City	23
Southside Johnson City	21
Northside Johnson City	24
Roundtop	4
Southside Riverview Endicott	12
Central West Endicott	10
Northside West Endicott	8



Floodwaters lapped at the first floor of a local real estate office on Main St. This elevated building was constructed to replace a building that sustained major damage during the 2006 flood.

2. Description of Event

The flooding that occurred September 7-9, 2011 severely affected five neighborhoods in the Town of Union and caused considerable damage in twelve others. The flooding that occurred both in 2005 and 2006 were confined to two major areas in the Town, those being the South Endwell area and the Fairmont Park subdivision. In 2011, in addition to these two areas, the Westover and West Corners areas were severely affected by flooding. Three of the areas, South Endwell, Fairmont Park, and Westover are affected by backwater from the Susquehanna River. West Corners is affected by the Nanticoke Creek. The Nanticoke Creek affects areas in the western part of the Town of Union including the Route 26 corridor, West Corners, Glendale Drive, and West Endicott. These areas are also subject to backwater effect of the Susquehanna River. That is, once the Susquehanna River rises above a certain stage, floodwaters from the Susquehanna River will back up into the Nanticoke Creek affecting properties in the western portion of the Town.

Damage by Neighborhood

Demographic data for this section was derived from Census 2010 and the American Community Survey. Locations of substantially damaged parcels are from the Town of Union Code Enforcement Office. Please note that damaged parcels may be multi-unit but such units are not reflected here.



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Floodwaters destroyed a section of the Fairmont Park flood wall.



Westover

One of the most heavily damaged areas was Westover. Over 14% of its parcels experienced substantial damage. This area is relatively low income with almost half of its population living under 80% of the median income for Broome County. It also has a higher percentage of renters at 45.9%. Of all the neighborhoods that were severely affected by the floods; Westover has the highest concentration of minority residents at almost 20%. The area also has relatively few vacant units at 5% of the neighborhood's housing units, therefore the chances of an occupied home being flooded were increased. This neighborhood was also home to a vibrant neighborhood business district that was home to one of the Town's largest employers, BAE Systems. BAE's 27-acre campus, owned by the United States Air Force, suffered significant damage forcing the abandonment of the facility. The Air Force will be demolishing the facility in its entirety, including any required environmental remediation, and the Department of Defense is providing funds for a study to determine the highest and best re-use of the property. Numerous other business were severely impacted including Home Depot, which was closed for several months after the flood. A mothballed coal-powered electricity generating facility was also impacted. Floodwaters also damaged the YMCA, an important neighborhood facility. William Hill Park and the Village of Johnson City water treatment plant were also inundated.

West Corners

At the western edge of the Town, the West Corners neighborhood was the next most severely hit area, perhaps more so in that the 50-unit mobile home park on Orman Street is only reflected in the data as one unit. All of the trailers, 19 of which were individually owned, were severely affected. Overall, almost 10% of the parcels in this neighborhood were severely damaged. On the plus side, this area has a relatively low population of only 569 people living in 262 housing units, which may have saved the area from having even greater damage. A number of commercial properties also suffered extensive flooding including a national chain pharmacy and a local restaurant.

South Endwell

South Endwell, particularly the area south of Main Street, suffered damage to 7.3% of its parcels. This area has a higher percentage of renters at 40.5%. This area also has a high amount of low income families. Similar to West Corners, the flood could have caused more damage, but this area not only has the lowest population of all of the damaged neighborhoods (at 506 people living in 262 units), but also has a unit vacancy rate of almost 10%. The low population density of this neighborhood is reflective of the buyout programs that the Town of Union has been undertaking since the late-1980s utilizing FEMA and CDBG funding. As Brixius Creek backed up, floodwaters filled the lower level of Town Hall with four feet of water and also impacted surrounding commercial and residential structures along Pearl St.

Fairmont Park

The fourth most damaged area is Fairmont Park. Of the 530 housing units with a population of 1,303 people, 6.6% were substantially damaged when floodwaters overtopped the adjoining levee. This neighborhood has a relatively low minority population (4.1%) and is also relatively wealthier with a low amount of LMI households (19.4%).



FAIRMONT PARK (CONTINUED FROM PAGE 10)

The area also has relatively few renters (5.6%). When the levee was overtopped, several businesses, including an electrical supply house, a gift shop, and a restaurant, were also damaged.

Northside Johnson City

The Northside Johnson City neighborhood is spread across two block groups. Of the 639 households in the area, 2.3% were damaged by the flood. Of those households, 51% were low to moderate income and 35.5% were renters. Approximately 11.5% were minority households. The Village of Johnson City Public Works garage was severely damaged as were several surrounding industrial business. Floodwaters also damaged the Johnson City Senior Citizen Center, which is located outside the 500-year floodplain, and portions of the adjoining residential neighborhood.

Southside Johnson City

The Southside Johnson City neighborhood suffered damage to 1.4% of the 296 housing units. This area had the lowest number of vacant units at 2.7%. The population is mostly homeowners with an owner occupancy tenure of 91.7% and also slightly wealthier with a LMI population of 39.9%. Flooding also impacted Boland Park, owned and operated by the Village of Johnson City, a storage

Riverhurst

Riverhurst in south-central Endwell suffered major damage to 2.4% of its housing units. This neighborhood lies within the median of most demographic profiles of the flood damaged areas, however, it does have both a slightly smaller population at 783 and a slightly higher minority population at 11.6%.

North Endwell East

The area of North Endwell East had a damage rate of 0.9 % of housing units for the neighborhood of 431 units, of which all the damaged units were along River Road. This area is also somewhat median in its demographic profile, except for having a slightly smaller minority population at 7.1%. At the northern boundary of the neighborhood the spillway of the Struble Road flood control facility was activated for the first time in history. Large amounts of water were released into the spillway, gaining velocity due to the high elevation. Water cascaded through the Struble Road Sports facility and destroyed a section of Struble Road, exposing underlying drainage structures, forcing closure of the road for months.

North Endwell-Union Center

Of the half of one percent of housing units that were damaged in North Endwell Union Center, all were located along Route 26. This area has a slightly lower vacancy rate at 3.5%, and of all the other units of which the vast majority were owner occupied at 90%. This area is also somewhat wealthier having a LMI amount of 26%. A number of business were also impacted, including a greenhouse-nursery complex. As debris washed downstream, critical storm water collection facilities became blocked causing Nanticoke Creek to spill outside its normal boundaries. A section of Carrie Ann Dr. was washed away, cutting off access to homes. The Town provided temporary alternate road improvements to allow residents access to their homes.

Oakdale-Reynolds

The Oakdale-Reynolds neighborhood in Johnson City also experienced significant damage. While only two housing units had substantial damage, the majority of the damage in this neighborhood was to numerous commercial and industrial buildings including warehouses, commercial offices, big box retail establishments, neighborhood facilities, and public buildings. For the first time in history, the spillway at the Overbrook flood control facility was activated due to heavy rainfall, discharging a large volume of water into Finch Hollow Creek. The resulting flooding at lower elevations was significant. A portion of the parking lot at the Oakdale Mall was washed away as was Arthur Ave., which adjoins the parking lot. Gander Mountain, a large retail development flooded and has not reopened. Other major retailers including Petco, Toys R Us, and the Christmas Tree Shops were also flooded but have since reopened.



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River water that overtopped the Westover flood wall inundated a commercial/industrial section of the Oakdale-Reynolds neighborhood causing significant losses for businesses.



Oakdale-Reynolds

(Continued From Page 11)

A call center that was flooded permanently closed within days of the flood event and the business relocated to another state. A non-profit childcare center for single parents was flooded and the organization is in the process of rebuilding the facility. A village recreational facility, Northside Park was flooded as was the lower level of an adjoining village fire department sub-station.

Airport Heights

The Airport Heights neighborhood, west of Endicott, was flooded as Nanticoke Creek over spilled its banks causing damage to adjoining low-lying homes, although only one dwelling unit experienced substantial damage. Floodwaters also damaged two Town of Union recreational facilities, Glendale Park and the Rt. 17C Sports facility.

Roundtop

The Roundtop neighborhood flooding primarily impacted several Village of Endicott facilities including a golf course, recreational airport, and the sewage treatment plant.

Central West Endicott

Flooding in this neighborhood was fairly extensive and impacted several Village of Endicott utility facilities including the South Street well and the Light Department. CDBG-DR funds will be used to install an auxiliary diesel fired generator to allow the well to continue to pump during power outages. The pump was inoperable for more than 30-hours after the New York State Electric and Gas was forced to turn off the power. This lack of pumping capacity nearly caused a catastrophic failure of the entire public water distribution system as storage tanks were drawn down to dangerously low levels. The athletic fields and related facilities at Union-Endicott High School were completely inundated, although the school building itself was spared due to a new floodwall that was constructed after the flood of 2006. The Boys and Girls Club of Western Broome, which lies immediately east of the high school, once again saw much of its mechanical systems and lower level reception area completely flooded. CDBG-DR will be allocated to this facility for unmet needs and to investigate potential floodproofing measures.

The earthen levee adjacent to Mersereau Park was overtopped, causing flooding to adjoining residences along Mersereau Ave., Casterline Ave., and E. Valley St.

Several businesses and a commercial shopping center along Vestal Ave. were flooded due to the backwater effect of the river and a lack of adequate storm water detention facilities. A Kmart store was significantly damaged and has yet to reopen. This area will be one of several that will be included in the CDBG-DR funded townwide drainage study.



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FEMA mobile units were on the ground quickly to help coordinate emergency response activities.



Statewide Individual Assistance (IA) As Of 6/29/12

Category	Amounts
Applications Approved	10,227
Total Housing Assistance	\$48,766,840
Total Other Needs Assistance	\$6,077,133
Total Individuals and Households Program	\$54,843,973

Statewide Public Assistance (PA) As Of 6/29/12

Category	Amounts
Emergency Work Dollars Obligated	\$21,964,116
Permanent Work Dollars Obligated	\$33,137,738
Total Public Assistance Grants Dollars Obligated	\$55,101,854

4. Impact-Unmet Needs Assessment

In the immediate aftermath of the September 2011 flood event, a number of federal agencies, including FEMA and the Small Business Administration (SBA), began preparing Preliminary Damage Estimates (PDAs) in order to determine whether the severity and magnitude of the event was such that response efforts would be beyond the capabilities of the state and local governments and whether federal assistance would be required. This analysis forms the basis for the Governor's request for a major disaster or emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended.

On September 13, 2011, the president declared that a major disaster existed in New York State (FEMA-4031-DR), thereby making Individual Assistance available to affected individuals and households in five counties, including Broome County. The declaration also made Hazard Mitigation Grant Program assistance available for hazard mitigation measures statewide.

Based upon this review of conditions on the ground, it became clear that Broome County suffered the most severe damage, accounting for 36% of the statewide severely damaged homes and 30% of severely damaged businesses. Within the county, the Town of Union suffered the worst damage, resulting in unmet needs sufficient enough to warrant the Town of Union receiving a direct grant award from HUD.



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Rising river levels quickly overtopped many areas of levees that have settled since they were originally constructed.



Impact-Unmet Needs Assessment (Continued from Page 13)

On May 9th, the Town of Union Planning Department mailed out nearly 2,000 surveys to both residential and non-residential property owners in areas that may have experienced flooding based upon inundation maps that were prepared after the flood. The survey was designed to provide information that would allow the Town to better understand what unmet needs may remain in the community.

To date, 340 property owners returned surveys to the Planning Department. While this figure represents a return rate of about 17%, which is generally considered to be a significant response for a survey, the Town expected a higher rate of return based upon the severity of the flooding and the funds at hand to address needs. The low response rate could mean that some properties that were in areas that appeared to be flooded may have been spared and the owners did not complete the survey. It could also be indicative of the fact that many owners have applied for a FEMA sponsored buyout and therefore did not feel a need to complete the survey or others who may have simply walked away from the properties and do not intend to return.

Based upon the surveys, it appears that there are still substantial unmet needs in the community. Homeowners estimated unmet needs at approximately \$4.5 million (an average of \$37,488 per unit) while business and non-profits estimated remaining unmet needs at just over \$3 million (an average of \$100,043).

In addition to the unmet housing and business needs previously identified, floodwaters took a significant toll on the basic infrastructure throughout the Town. Roads, storm water facilities, sanitary sewer plants, and water treatment plants also suffered significant damage and substantially complicated the Town's emergency response efforts. Many of these facilities were built decades ago and were not designed to handle subsequent population growth and resulting development. These facilities are overwhelmed by the ever increasing intensity of storm events and can't be maintained into the future without significant repairs and flood mitigation measures. Private utilities also experienced significant flood related damage to service delivery components.

In determining how funding would be allocated between various activities, the Town Boards' primary focus was to repair and improve vital infrastructure that serves and protects the more than 50,000 residents of the Town.

HUD estimates of the number of homes and businesses with severe unmet needs and the estimated cost to address the unmet needs - States awarded 2011 CDBG Disaster Recovery Grants

		HUD Estimate of the Number of Damaged Homes and Businesses with Remaining Unmet Needs (As of December 2011)		HUD Estimate of Severe Housing and Business Unmet Needs (As of December 2011)		
State	County	Severely Damaged Homes	Severely Damaged Businesses	TOTAL SEVERE HOUSING AND BUSINESS NEEDS	Severe Housing Unmet Needs	Severe Business Unmet Needs
New York		1,496	173	\$112,266,245	\$85,451,585	\$26,814,660
	Broome County, New York	550	53	31,572,130	25,610,103	5,962,027
	Schoharie County, New York	261	35	26,962,774	20,479,162	6,483,612
	Tioga County, New York	377	32	23,458,225	20,919,874	2,538,351
	Orange County, New York	177	27	16,394,508	8,105,220	8,289,288
	Greene County, New York	131	26	13,878,609	10,337,227	3,541,382

Source Data:

1. FEMA Individual Assistance program data on housing unit damage (12/20/2011)
2. SBA for management of its disaster assistance loan program for housing repair and replacement (12/21/2011)
3. FEMA estimated and obligated amounts under its Public Assistance program for permanent work, federal and state cost share (12/20/2011)
4. SBA for management of its disaster assistance loan program for business real estate repair and



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Due to heavy rainfall, the spillway at the Struble Road flood control project went active for the first time in history. The resulting discharge cut a path through the adjacent Struble Road sports facility and destroyed a portion of Struble Road



5. Sustainability

When the final activity program design is completed and guidelines are in place the Town will ensure that the structures are somewhat more resilient than pre-flood conditions. This might include elevation of structures, use of foam insulation instead of cellulose, ceramic tile instead of carpeting, raising utilities at least 2 feet above base flood elevation. The Town will also work with NYSDEC and USACE to increase the height of existing levees in order to avoid the impacts of future flood events.

6. Leveraging

The Town intends to leverage additional CDBG-DR funding whenever possible. Potential sources of leveraged funds include owner contributions, insurance payments, grant funds from various state and or federal programs including:

- FEMA 406 Program
- FEMA 404 Program (HGMP)
- Federal Home Loan Bank
- New York State Main St. Program
- New York State Consolidated Funding Applications

7. Construction Methods

The Town has adopted the 2010 New York State Building Code. All CDBG-DR funded rehabilitation work must comply with local codes as well.

8. Flood Resistant Housing

The Town will ensure that rehabilitation activities incorporate flood resistant measures to the extent that they are practical and cost efficient.

9. Displacement

The Town does not intend to undertake any activities that result in involuntary displacement. The FEMA buyout program and the acquisition for redevelopment activities are operated on a strictly voluntary basis.

10. Program Income

None of the proposed activities are being set up to intentionally generate program income. Some of the proposed rehabilitation activities may require funds to be repaid if stated requirements for occupancy periods are not met. Any funds returned to the town will be modified back into the same activity that generated the income.

11. Capacity Building

At this point in time, it does not appear that the Town will require any capacity building activities. Most of the proposed activities will be coordinated by municipal employees and the proposed planning studies will be undertaken by consultants and overseen by the Town of Union. Town staff will work with the non-profits to ensure that all program requirements are met.



12. Monitoring Standards And Procedures

Monitoring activities for the CDBG-DR grant will follow those for the Town's existing CDBG program. These procedures will also be followed for administration of the CDBG-DR funding. As Lead Agency for the grant, the Planning Department routinely monitors program activity. For example, after each drawdown of funds a reconciliation process involving the Town Comptroller's Office takes place to ensure that HUD's Integrated Disbursement and Information System (IDIS) and the Town's accounting system are in agreement. This review takes place approximately every two weeks. A review also takes place several times per year to monitor Planning/Administration and Public Service expenditures to ensure that they are within the respective 20% and 15% caps. A review is also completed to monitor the timeliness of expenditures requirement. Reviews will also be undertaken to review the CDBG-DR 50% Low/Mod benefit requirement.

Construction activities will be monitored for compliance with Davis Bacon Act (prevailing wage) requirements. Prevailing wage rate schedules and Section 3 data collection forms are included in each bid package. Contractors submit certified payrolls (Form WH-347) that are typically randomly supplemented with field interviews.

13. Fraud, Abuse, and Mismanagement Prevention

The Town of Union will employ best management practices to ensure that applicants are treated fairly and that the financial resources of taxpayers are adequately safeguarded. The Town will consult with FEMA, the SBA, and insurance companies on a regular basis to verify previous assistance levels, thereby reducing any possible duplication of benefits. Applications for assistance will contain sufficient information warning applicants about the penalties for filing false claims or otherwise attempting secure benefits to which they are not entitled. The Town will investigate the possibility of hiring an experienced firm to write more detailed guidelines and procedures to direct the day to day activities of the Administrative component of the grant.

14. Performance Schedule

The Town anticipates that the grant can be closed out within a 5-7 year period. Each activity worksheet includes estimated start dates and completion date. The start dates are based upon the expected availability of funds and are subject to revision based upon actual release of funds.

Planning studies would be some of the activities to get underway since they have long completion times. The FEMA buyout and Acquisition for Redevelopment activities would also proceed quickly once the Town has final word on the status of the buyout application approval. Once the FEMA funding is settled the town can proceed with the required appraisals, pre-demolition asbestos surveys, and demolition bidding once the town acquires title.

15. Homeless and Special Needs Populations

Despite the severity of the flood event, there is no indication that there are large numbers of people that have not yet secured adequate replacement housing, even if on a temporary basis. Acting on a lesson learned from the 2006 flood, within days of the 2011 flood the Town's Housing Voucher program implemented a local preference priority for persons displaced by the flood. With regard to special needs populations, there was only one group facility that was impacted by the flood and the state is handling the rehabilitation effort.



16. Projected Use Of Funds

The Town intends to undertake a wide range of rehabilitation activities in order to facilitate a full and complete recovery. The Town has tried to, at least partially, meet as many unmet needs as possible while fully recognizing that the \$10.1 million grant award will not meet all needs. The commitment to reinvesting in infrastructure repairs and upgrades will benefit significantly more residents both immediately and in the face of future flood events. The Town will make every effort to attempt to secure additional funds to from other grant sources to continue to reinvest in impacted neighborhoods. This Action Plan is subject to amendment as existing needs are clarified or new activities are identified.

Each of the proposed activities are more fully described in the Project Worksheets included in the Action Plan.

Most of the proposed activities qualify as either "Exempt" or "Categorically Excluded" under HUD environmental regulations. Activities such as new construction will require an assessment under the National Environmental Policy Act (NEPA).

Summary Of Proposed CDBG-DR Activities

Category	%	Amount	
Admin	5%	\$506,890.90	\$506,890.90
Planning	6%	\$608,269.08	
Townwide Comprehensive Long Term Recovery Plan			\$175,000.00
Townwide Comprehensive Drainage Plan			\$75,000.00
Townwide Floodplain Management Plan & Ordinance			\$25,000.00
Townwide Comprehensive Sewer Infiltration Study			\$248,269.08
Townwide Floodproofing Feasibility Analysis			\$85,000.00
Neighborhood Facilities	7%	\$709,647.26	
Westover YMCA			\$202,756.36
JC Senior Center			\$300,000.00
Boys & Girls Club			\$206,890.90
Parks	2%	\$202,756.36	
Glendale Park Capital Repairs/Bathroom Replacement			\$152,756.36
Struble Ballfields			\$50,000.00
Housing	39%	\$3,953,749.02	
Acquisition For Open Space (FEMA Buyouts)			\$2,101,378.00
Acquisition for Redevelopment			\$950,992.84
Owner Occupied Rehabilitation			\$601,378.18
Multi-Family Rehabilitation			\$100,000.00
Homeownership Incentives			\$200,000.00
Economic Revitalization	4%	\$405,512.72	
Small Business Program Structural/Capital Repairs			\$150,000.00
Non-Residential Floodproofing Program			\$255,512.72
Infrastructure	27%	\$2,737,210.86	
Western Heights Blvd. Water Tank Access			\$6,000.00
VOE Water Plant Generator			\$150,000.00
Fairmont Park Levee Repair & Completion			\$103,865.46
Westover Levee Repair/Enhancement			\$774,622.00
JC Water Treatment Plant Maintenance Building			\$716,000.00
TOU DPW Land Acquisition			\$300,000.00
Town Hall Complex Rehabilitation			\$550,000.00
McKinley-Pine Area Drainage			\$20,723.40
N. Jackson Ave. Sewer			\$20,000.00
S. Seward Ave. Sewer			\$15,000.00
Dietrich Ave, Pumping Station Replacement			\$30,000.00
Taft Ave. Sewer			\$20,000.00
Johnson City-Endicott Water Booster Station Repairs			\$31,000.00
Contingencies/Unprogrammed	10%	\$1,013,781.80	\$1,013,781.80
	100.00%	\$10,137,818.00	\$10,137,818.00

LOW AND MODERATE INCOME BENEFIT WAIVER REQUEST

Natural disasters do not neatly follow CDBG target area boundaries. In the case of the Town of Union, most of the significant flood impacts were to neighborhoods that are outside the Town's traditional CDBG target areas. Many of the flooded areas included critical utility service delivery facilities such as water and sewage treatment plants and related infrastructure. Just four Urgent Need activities, the FEMA buyout program, the Acquisition for Redevelopment program, Town Hall rehabilitation project, and the Town DPW facility land acquisition activity will consume roughly 44% of the non-administrative \$9,000,000 portion of the grant. Without a waiver, it is unlikely that the Town can meet the requirement that at least 50% of funds be directed toward low and moderate income benefit activities. The Town of Union is requesting a waiver to reduce the 51% low and moderate income area benefit test to 38%.



Waiver Request
(Continued from Page 17)

The Town believes that the granting of the requested waiver would be in the public interest, and entirely consistent with the waiver authority granted to HUD by Congress, because the activities proposed by the Town will serve larger percentages of low and moderate income persons than many of the CDBG-DR activities in communities that will qualify under the "upper quartile exemption" criteria and therefore be exempted from the 51% area benefit requirement.

17. Activity Thresholds

The following descriptions of proposed program guidelines are preliminary and are subject to modification prior to the implementation of each program. All programs will require that applicants have previously applied for FEMA or SBA assistance, as applicable. The Town will not provide financial benefits to applicants who, for whatever reason, failed to apply for benefits that they were entitled to. Once a property owner receives funding under any CDBG-DR program they will be required to carry flood insurance for the duration of the requirements for each activity. Final guidelines for each program will be issued prior to the formal acceptance of an application. **Please note that responding to the Unmet Needs Survey that the Town sent out in May did not constitute an application for assistance!**

(Continued at column to right)

OWNER OCCUPIED HOME REPAIR PROGRAM

- Income eligible owner occupied single and two-family structures in the Town of Union
- Repairs must be directly related to flooding
- Must have been owner of record at time of flood
- Must be current owner of record
- Taxes must be current
- No current code violations
- Structural repairs to housing unit first priority, including flood proofing if feasible (no detached accessory structures such as sheds, garages), personal contents not eligible for CDBG funds (i.e. washing machine, dryer, clothing, furniture, drapes, etc.)
- Standard construction costs only (i.e. no granite or other high end counters, marble floors, or other "luxury" items).
- Funds may not be used to create or replace habitable space in basements.
- Maximum grant = \$10,000 for homes in the 100-year floodplain with flood insurance at the time of flood.
- Maximum grant = \$5,000 for homes in the 100-year flood plain that were flooded previously and owner did not purchase flood insurance.
- Funds will be secured with a mortgage note and will be entirely forgiven if the owner remains in the unit for at least 3 years.

HOMEOWNER ASSISTANCE-CLOSING COST/DOWN PAYMENT ASSISTANCE

- Must have been the owner of record of a home in the Town of Union that flooded in in September of 2011.
- Home purchased, or to be purchased, must be in the Town of Union, including villages of Johnson City & Endicott.
- Maximum grant up to \$5,000 for income eligible applicants for reasonable closing cost reimbursement and can be applied retroactively. Down payment assistance will be considered only for closings that have not yet occurred.
- Home purchased, or to be purchased, must be in the Town of Union, including villages of Johnson City & Endicott.
- Maximum grant up to \$5,000 for reasonable closing cost reimbursement can be applied retroactively. Down payment assistance will be considered only for closings that have not yet occurred.
- For transactions that have not yet closed, an acceptable visual assessment is required.
- No current code violations on flooded property.
- Taxes on flooded property must be current.



Activity Thresholds -
(Continued From Page 18)

RENTAL REHABILITATION PROGRAM

- Owners of 3-7 unit multi-family structures in the Town of Union.
- Repairs must be directly related to flooding.
- Must have been owner of record at time of flood.
- Must be current owner of record.
- Taxes must be current.
- No current code violations.
- Structural repairs to housing units first priority, including flood proofing if feasible (no detached accessory structures such as sheds, garages), personal contents not eligible for CDBG funds (i.e. washing machine, dryer, clothing, furniture, drapes, etc.).
- Standard construction costs only (i.e. no granite or other high end counters, marble floors, or other "luxury" items).
- Funds may not be used to create or replace habitable space in basements.
- Maximum matching grant = \$1,000 per unit for buildings in the 100-year floodplain with flood insurance at the time of flood.
- Maximum grant = \$500 per unit for buildings in the 100-year flood plain that were flooded previously and owner did not purchase flood insurance.
- At least 50% of units must be made affordable to persons with incomes at less than 80% of the median income for Broome County by family size.

FEMA BUYOUT PROGRAM

- Town will pay up to 5% of the non-FEMA funded costs, property owner will pay remaining 20% . Town will pay appraisal costs, pre-demolition asbestos surveys, and demolition costs.
- Properties acquired through the FEMA buyout program are subject to re-development restrictions and are generally intended to remain as open space in perpetuity.
- Must have been owner of record at time of flood.
- Must be current owner of record.
- Taxes must be current.
- No current code violations (i.e. tall grass, debris in yard, etc.).

ORDER OF PRIORITY

- **Severe repetitive loss properties**
- **Orman St. mobile home park**
- **Substantially damaged units with structural issues in the 100-year floodplain**
- **Substantially damaged unit in the 100-year floodplain**
- **Substantially damaged units with structural issues in the 500-year floodplain**
- **Substantially damaged unit in the 100-year floodplain**
- **Repetitive loss properties in the 100-year floodplain**

Acquisition for Future Redevelopment (Westover Neighborhood Only At The Town Of Union's Sole Option)

- Town will pay up to 80% of the pre-flood appraised value of home property owner will pay remaining 20% . Town will pay appraisal costs, pre-demolition asbestos surveys, and demolition costs.
- Must have been owner of record at time of flood.
- Must be current owner of record.
- Taxes must be current.
- No current code violations (i.e. tall grass, debris in yard, etc.).

NEIGHBORHOOD FACILITIES

- Structural or capital equipment repairs only, including flood proofing if feasible
- Repairs must be directly related to flooding
- Parking lot paving only allowed if part of a Town of Union drainage improvement (i.e. underground storage) project
- Compliance agreement required

Continued on Next Page



PICTURED AT RIGHT

Floodwaters overtopped the levee around Fairmont Park inundating nearly the entire neighborhood.




SMALL BUSINESS GRANT PROGRAM

- Applicant must be a legally established business at the time of the flood (i.e. in compliance with zoning requirements)
- Must have been owner of record at time of flood
- Must be current owner of record
- Taxes must be current
- No current code violations
- If previous loan from Town Of Union, must be in good standing for loan repayments and job creation requirement
- Repairs must be directly related to September 2011 flooding
- Structural repairs first priority, other reasonable and necessary repairs may be considered if there are no structural repairs required
- Maximum grant = \$2,000

BUSINESS FLOODPROOFING MATCHING GRANT PROGRAM

- Applicant must be a legally established business at the time of the flood (i.e. in compliance with zoning requirements)
- Must have been owner of record at time of flood
- Must be current owner of record
- Taxes must be current
- No current code violations
- If previous loan from Town Of Union, must be in good standing for loan repayments and job creation requirement
- Maximum grant = up to \$15,000, equal match to be provided by owner

PLEASE NOTE: THE STAFFORD ACT PROHIBITION AGAINST DUPLICATION OF BENEFITS APPLIES TO ALL PROGRAMS!

	HUD Income Eligibility Levels					
	Maximum Gross Income By Family Size					
	1	2	3	4	5	6
(80% of Broome County Median) Low	\$34,650	\$39,600	\$44,550	\$49,450	\$53,450	\$57,400



18. Citizen Participation

Since the announcement of the pending grant award, the Town has been involved in a number of public meetings to discuss various grant activities with the public. The Town hosted four meeting specifically geared toward residents considering participating in a buyout program. Meetings were also held with town and village staff to become more familiar with infrastructure needs. Planning Department staff continued to meeting with FEMA recovery planners to prepare a scope of work for a Long Term Community Recovery Plan that is included as a proposed activity in this plan. The Town's Citizen Advisory Council for Community Development received regular updates on the plan and review proposed activities for conformance with the priorities outlined in the Town's 2010-2014 Consolidated Plan. On July 2nd, the advisory council recommended that the Action Plan For Disaster Recovery be approved by the Town Board.

Public Meetings Held In Connection With The CDBG-DR Grant

Date	Location	Audience	Topic
1/23/12	Town Hall	Westover Neighborhood	Buyouts
1/24/12	Town Hall	Fairmont Park Neighborhood	Buyouts
1/24/12	Union-Endicott High School	Municipal Governments/ General Public	Mitigation Strategies
1/25/12	Town Hall	West Corners Neighborhood	Buyouts
1/26/12	Town Hall	Endwell Neighborhood	Buyouts
	Town Hall	Village of Johnson City Public Works	CDBG-DR Infrastructure
	Village Hall	Village of Endicott Department Heads	CDBG-DR Infrastructure
3/27/12	SUNY Binghamton	Broome/Tioga County Residents Impacted By Flooding	Municipal Assistance For Flood Recovery
3/30/12	Town Hall	Public Service Agencies	CDBG-DR Neighborhood Facilities
7/18/12	Town Hall	General Public	CDBG-DR Draft Action Plan

19. Plan Amendments

The Town expects that future amendments to this plan are likely. The Town Board has adopted the Citizen Participation, as excepted for HUD waivers relative to streamlining comment periods and public hearing requirements, for the regular CDBG program as the mechanism for citizen participation for the CDBG-DR grant. The following items shall be considered to be substantial amendment to the plan:

1. A change in its allocation priorities or a change in the method of distribution of funds;
2. A change to carry out an activity not previously described in an the Action Plan;
3. A change to the purpose, scope, location, or beneficiaries of a previously authorized activity;
4. A change that affects an allocation equal to or exceeding ten percent of the program's funds available;
5. A change that reduces the benefit to low - and moderate-income people by ten percent or more.



This Page Reserved For Submission Of Technical Corrections

Technical Correction #1 8/29/12

Clarification of Monitoring Standards

The Town of Union Department of Audit and Control is established under Chapter 9 of the Town Code. The head of the Department of Audit and Control is the Comptroller. The Department of Audit and Control works independently of the Department of Planning, which has been designated as the Lead Agency for the CDBG-DR grant, and reports directly to the Town Board. One of the primary duties of the Comptroller is to "Audit, allow or reject all accounts, charges, claims, or demands against the Town". The Comptroller also has the power to "recommend to any Town department or agency proper methods of public accounting practices which are deemed proper by the State Department of Audit and Control". The Comptroller will also be responsible for coordinating required audits of the CDBG-DR program once expenditures meet the threshold of a "major program" under the Single Audit Act.

Technical Correction #2 8/29/12

Conflicts of Interest

Chapter 31 of the Town Code established the Town of Union Ethics and Disclosure Law in compliance with Article 18 of the New York State General Municipal Law. It is the policy of the Town Board of the Town of Union that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever an officer or employee has an interest, direct or indirect, which conflicts with his or her duty to the Town or which could adversely affect an individual's judgment in the discharge of his or her responsibilities.

The ethics code describes activities which create a conflict of interest and requires Town elected officials and employees to disclose any potential conflicts for all matters being considered by the Town Board or any of its departments.

In the past, the Town has referred individual matters to the respective departments within Buffalo Regional Office of HUD for opinions and will continue to do so should the need arise under the CDBG-DR program.

20. Appendix A - Certifications

Certifications for town governments, waiver and alternative requirement. Section 91.325 of title 24 Code of Federal Regulations is waived. Each grantee must make the following certifications prior to receiving a CDBG disaster recovery grant:

A. The town certifies that it will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the town, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (See 24 CFR 570.487 (b) (2) (ii).)

B. The town certifies that it has in effect and is following a residential anti- displacement and relocation assistance plan in connection with any activity associated with funding under the CDBG Program.

C. The town certifies its compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms, if required by that part.

D. The town certifies that the Action Plan for Disaster Recovery is authorized under local law and that the town, and any entity or entities designated by the town, possesses the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this Notice.

E. The town certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for this grant.

F. The town certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

G. The town certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 (except as provided for in notices providing waivers and alternative requirements for this grant), and that each unit of general local government is receiving assistance from the town is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).

H. The town certifies that it has consulted with affected units of local government in counties designated in covered major disaster declarations in the non-entitlement, entitlement and tribal areas of the town in determining the method of distribution of funding.

I. The town certifies that is complying with each of the following criteria:

(1) Funds will be used solely for necessary expenses related to disaster relief, long term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by flooding that occurred between September 7 and September 8 2011, for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 et seq.).

(2) With respect to activities expected to be assisted with CDBG disaster recovery funds, the action plan has been developed so as to give the maximum feasible priority to activities that will benefit low and moderate-income families.

(3) The aggregate use of CDBG disaster recovery funds shall principally benefit low and moderate-income families in a manner that ensures that at least 50 percent of the amount is expended for activities that benefit such persons during the designated period.

(4) The town will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (A) disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (A).

J. The town certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

K. The town certifies that it has and that it will require units of general local government that receive grant funds to certify that they have adopted and are enforcing:

(1) A policy prohibiting the used of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

(2) A policy of enforcing applicable local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

L. The town certifies that each town grant recipient or administering entity has the capacity to carry out disaster recovery activities in a timely manner, or the town has a plan to increase the capacity of any town recipient or administering entity that lacks such capacity.

M. The town certifies that it will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA's most current flood advisory maps unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain in accordance with Executive Order 11988 and 24 CFR part 55.

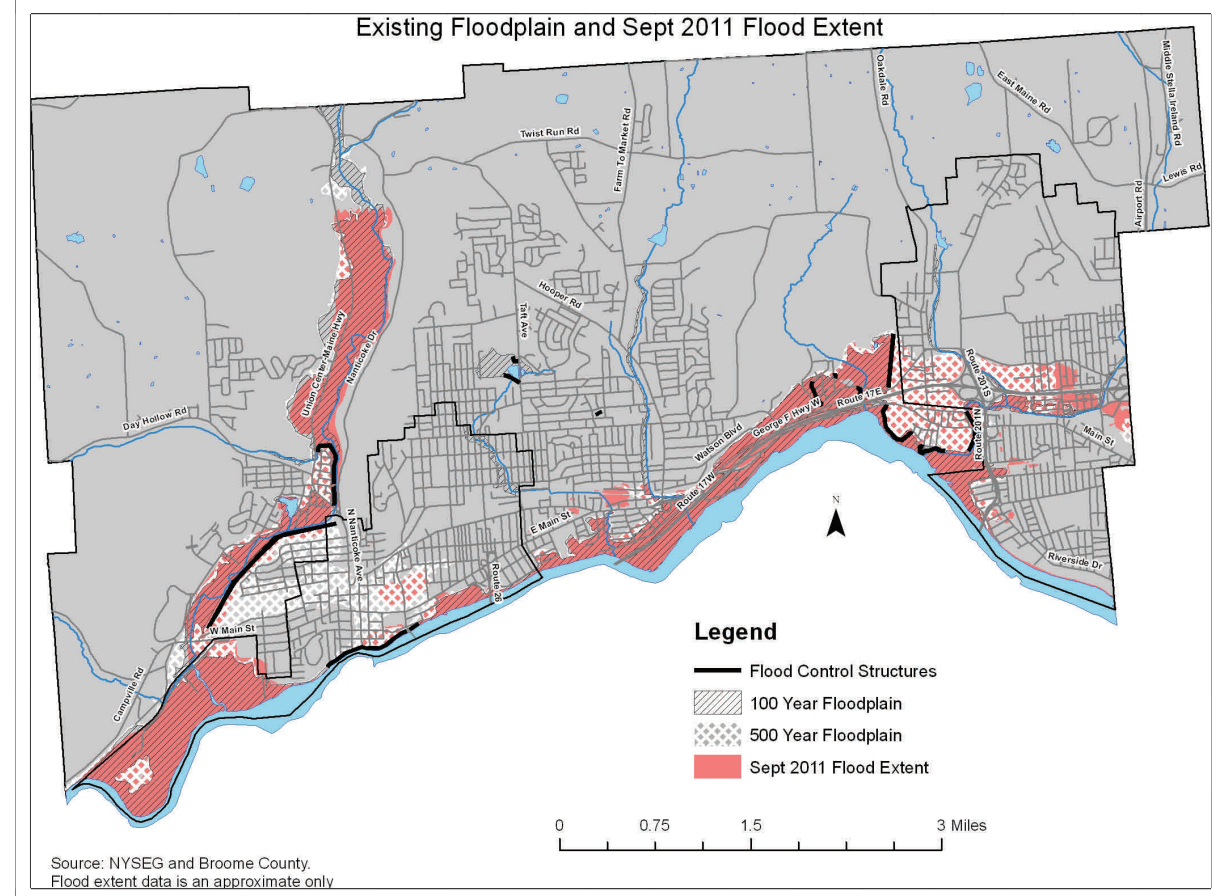
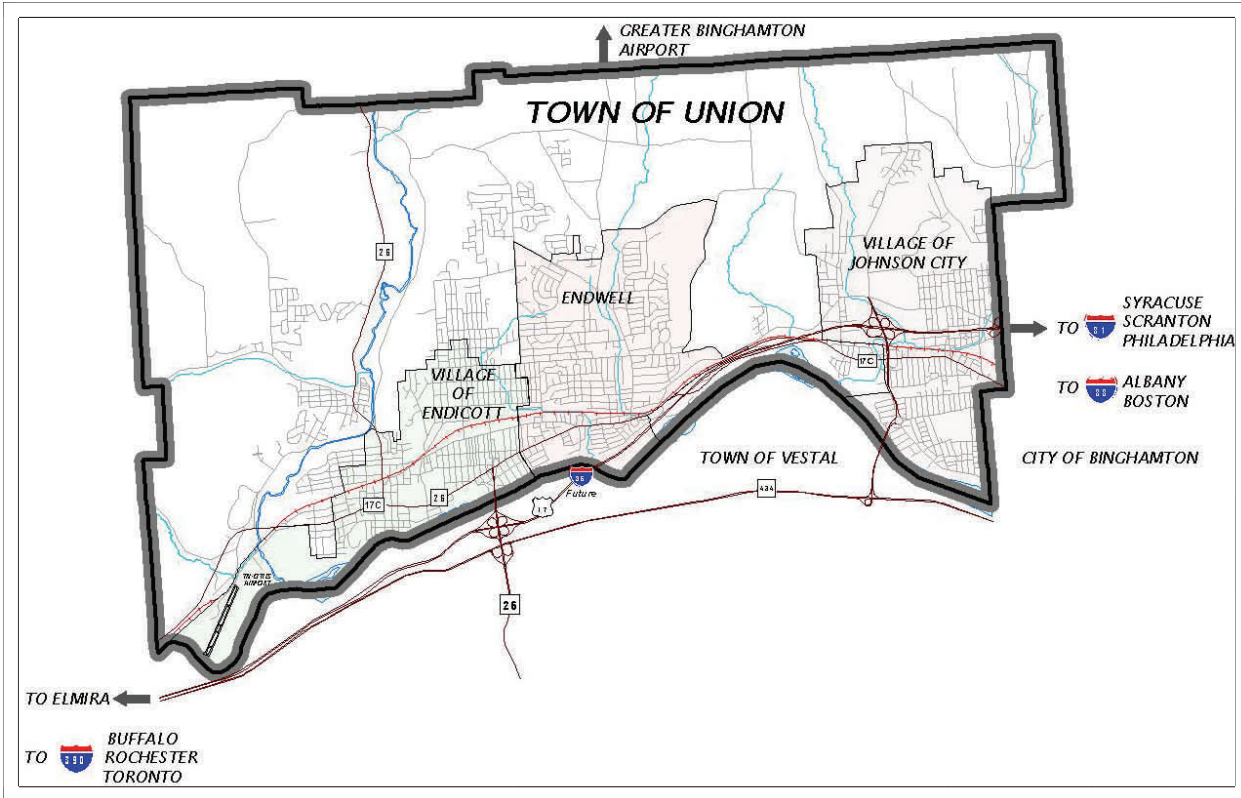
N. The town certifies that it will comply with applicable laws.

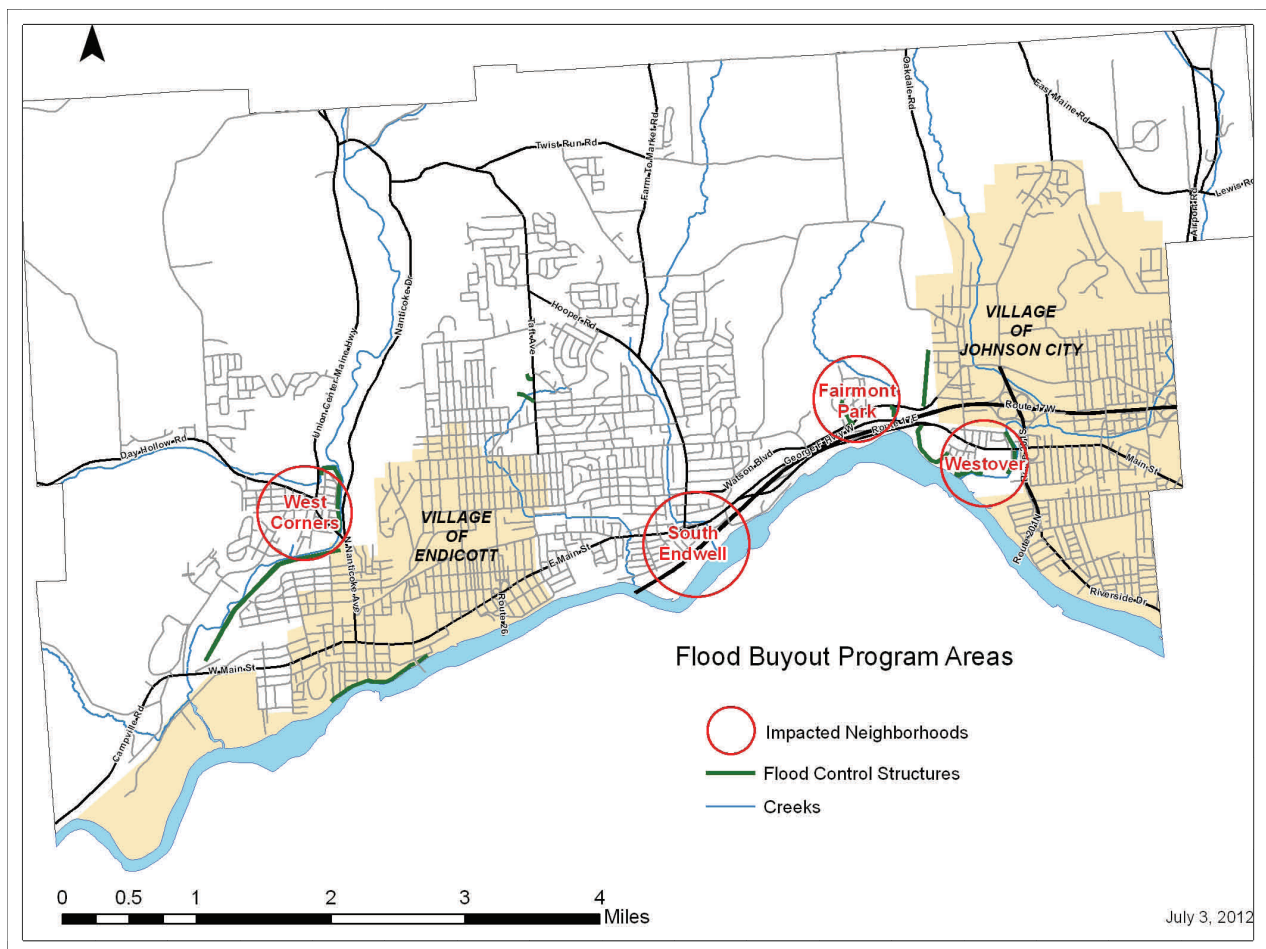
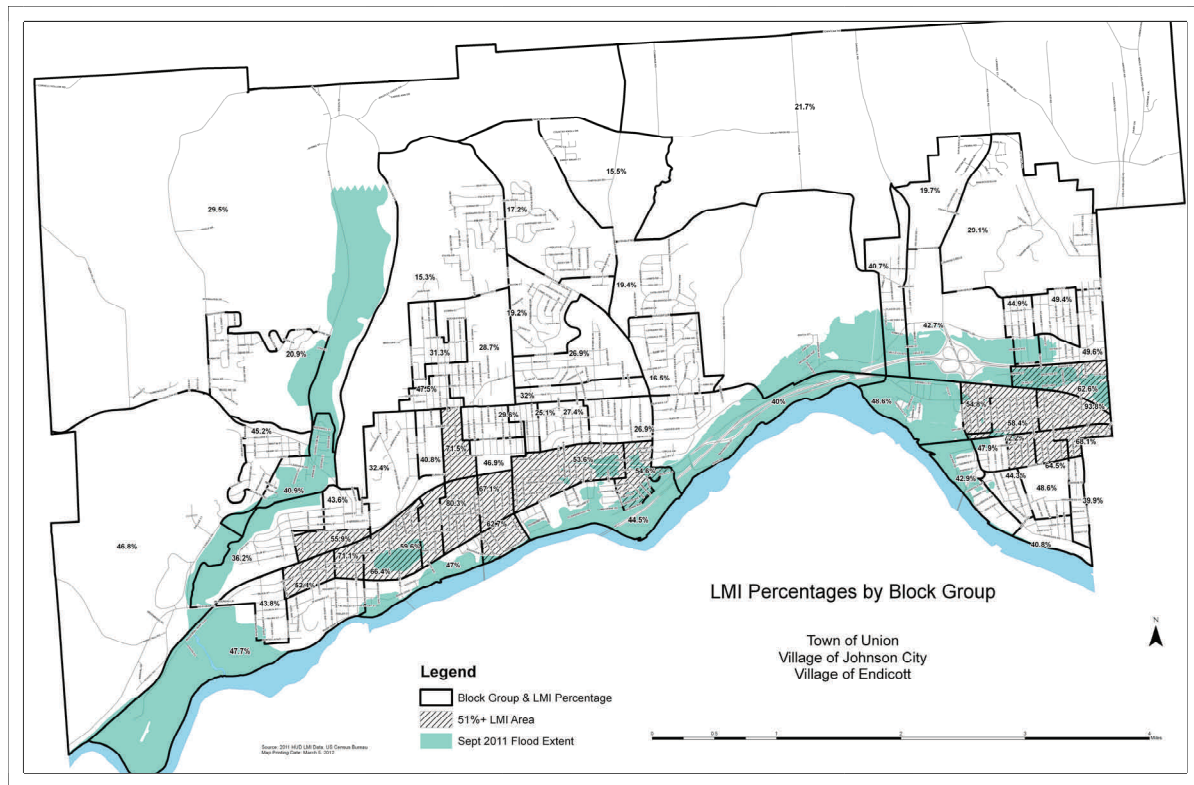
Rose A. Sotak, Deputy Supervisor

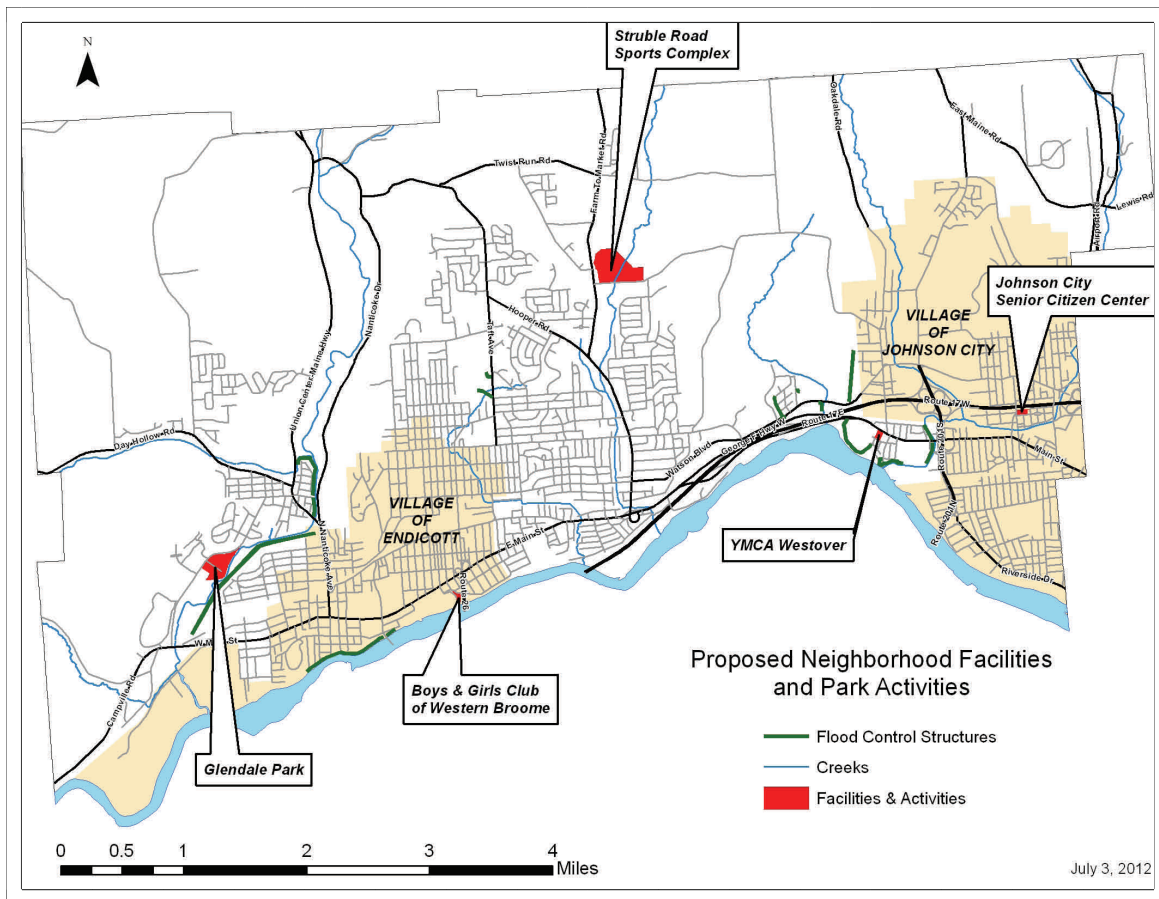
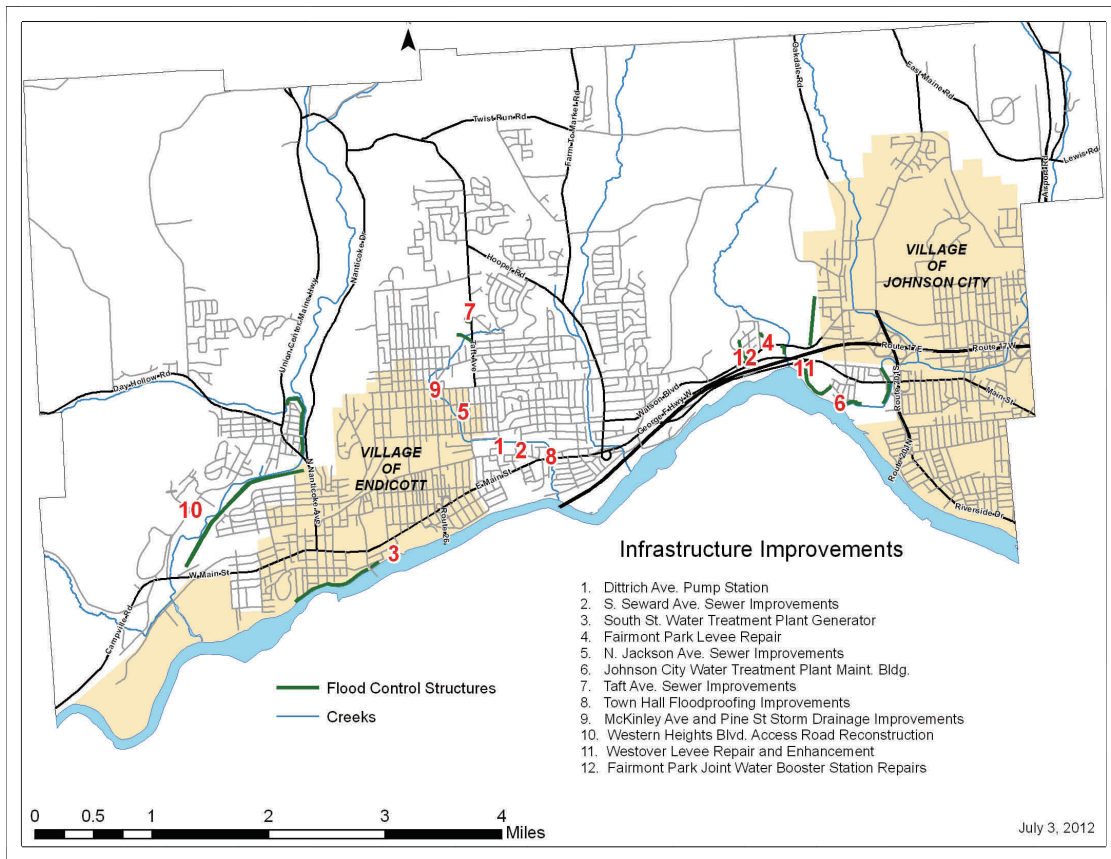
Town of Union, New York

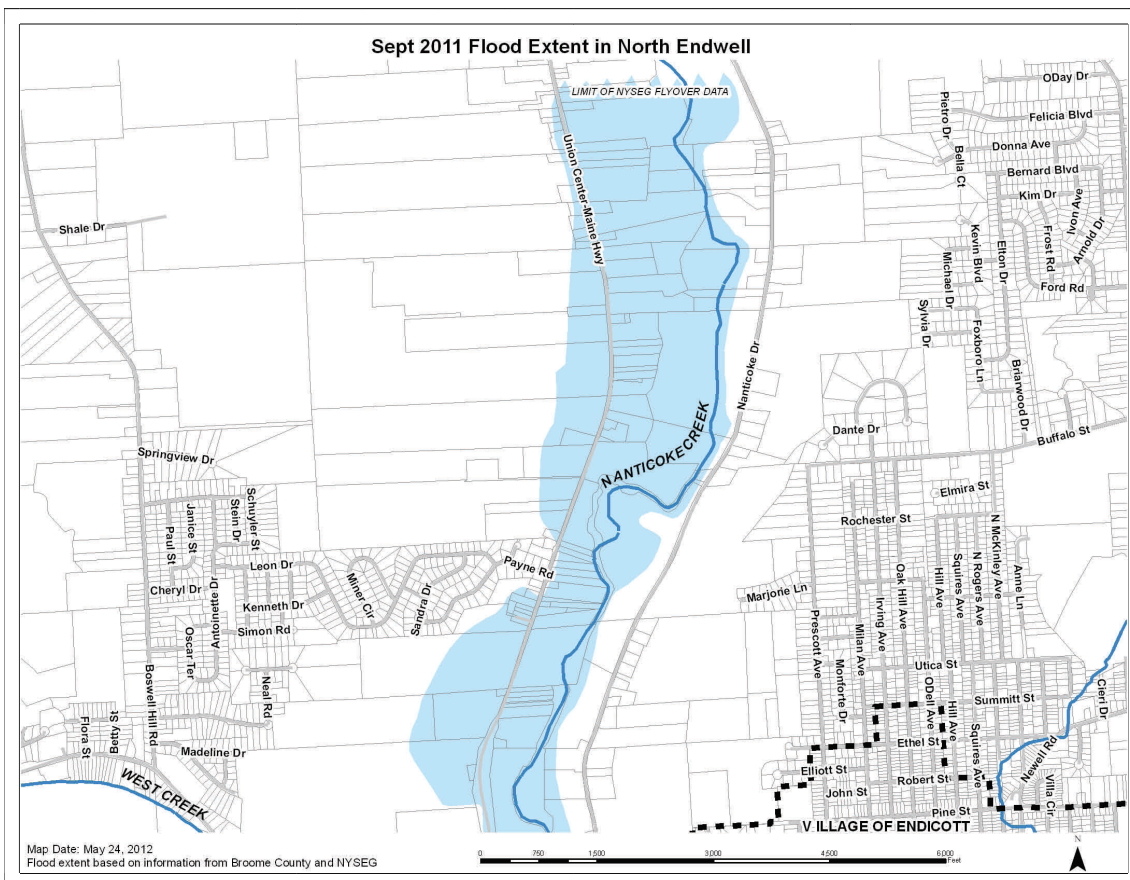
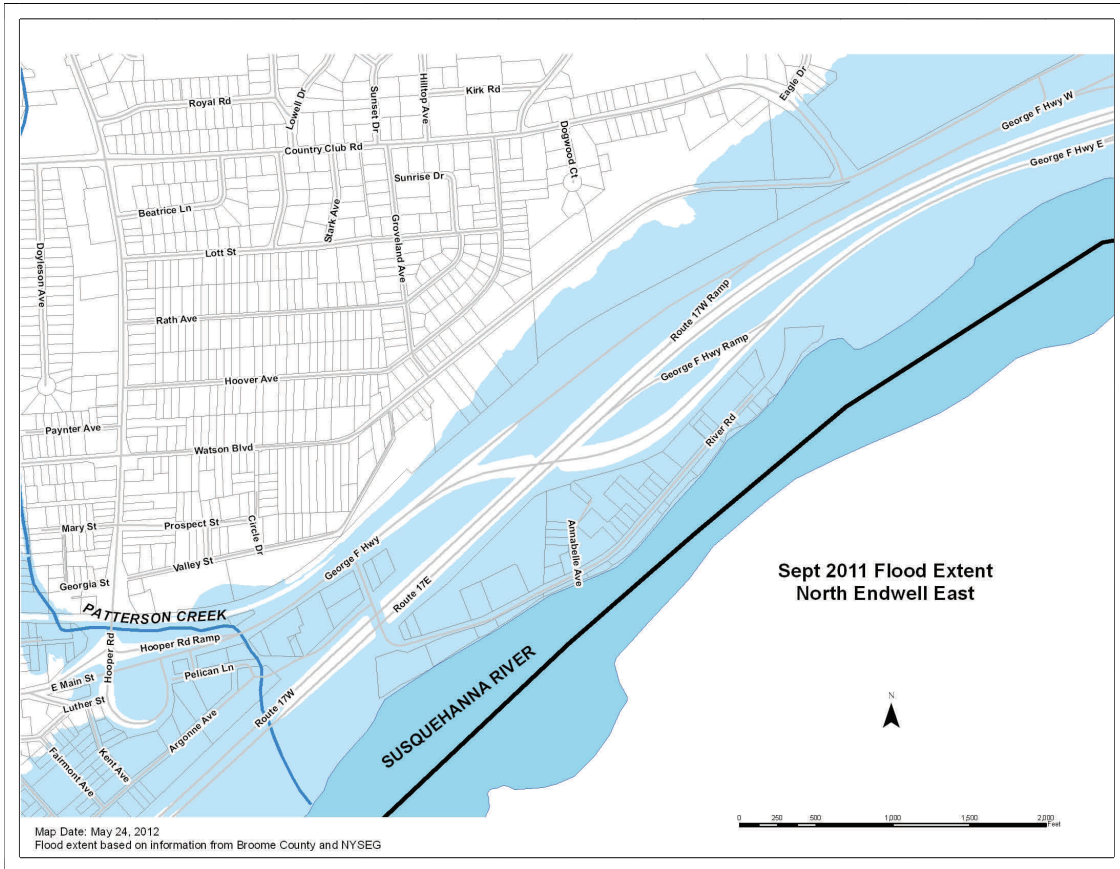
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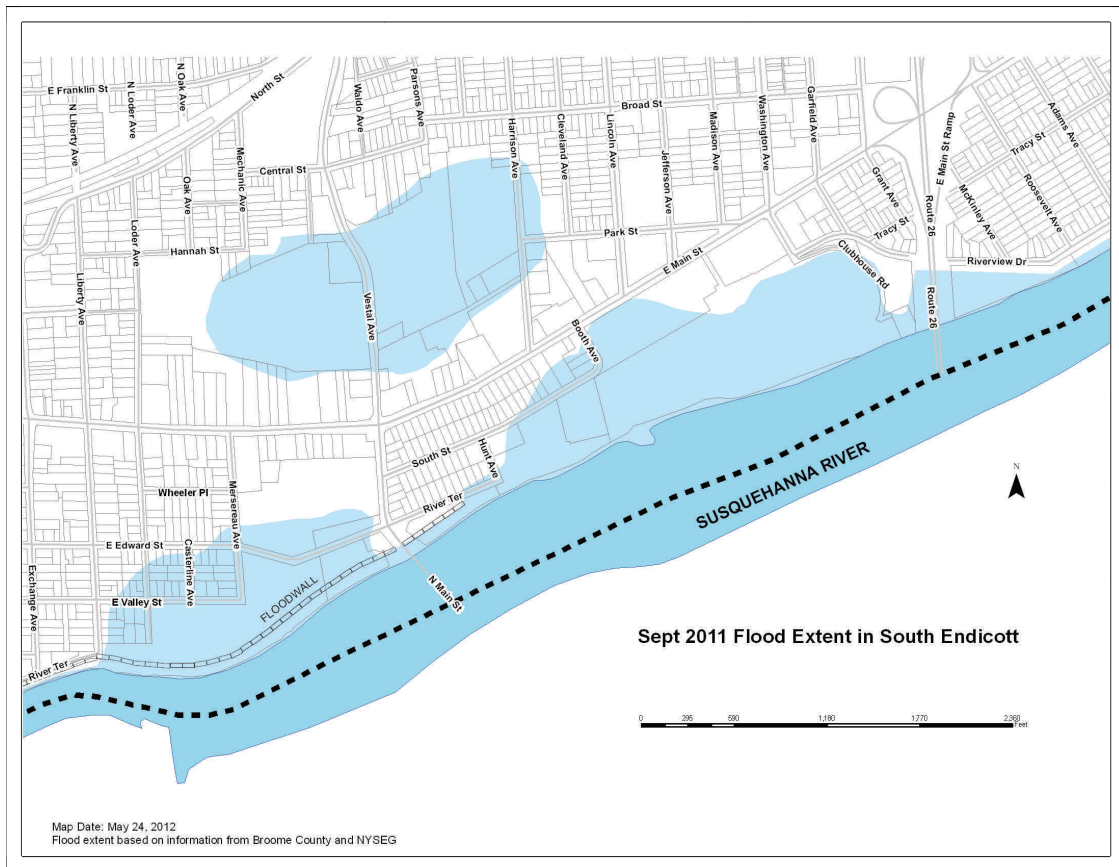
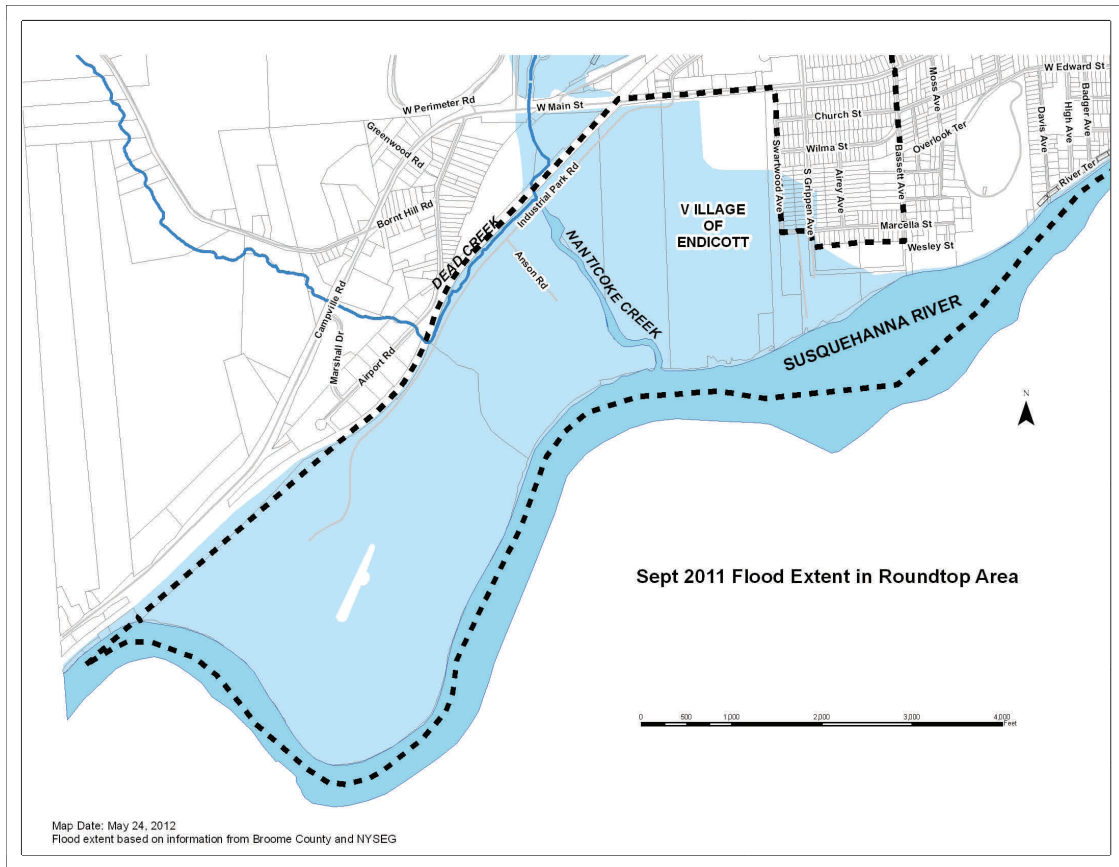
21. Appendix B - Maps

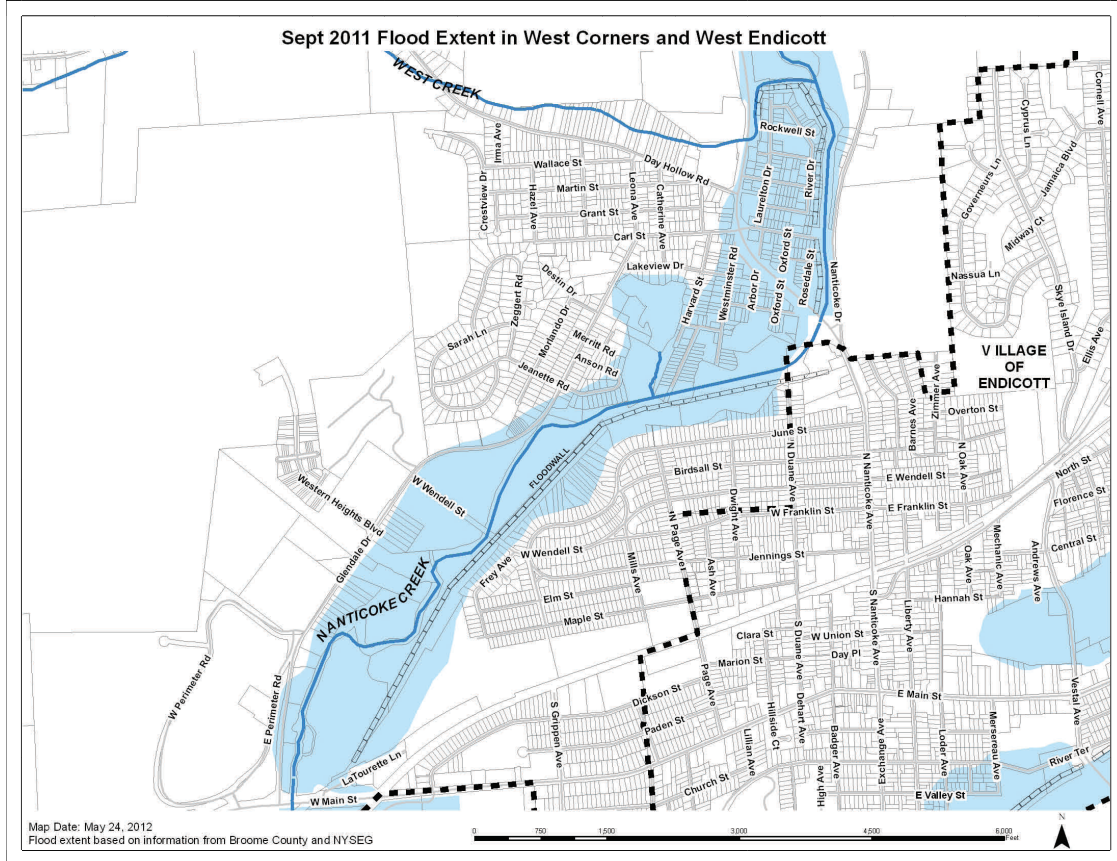
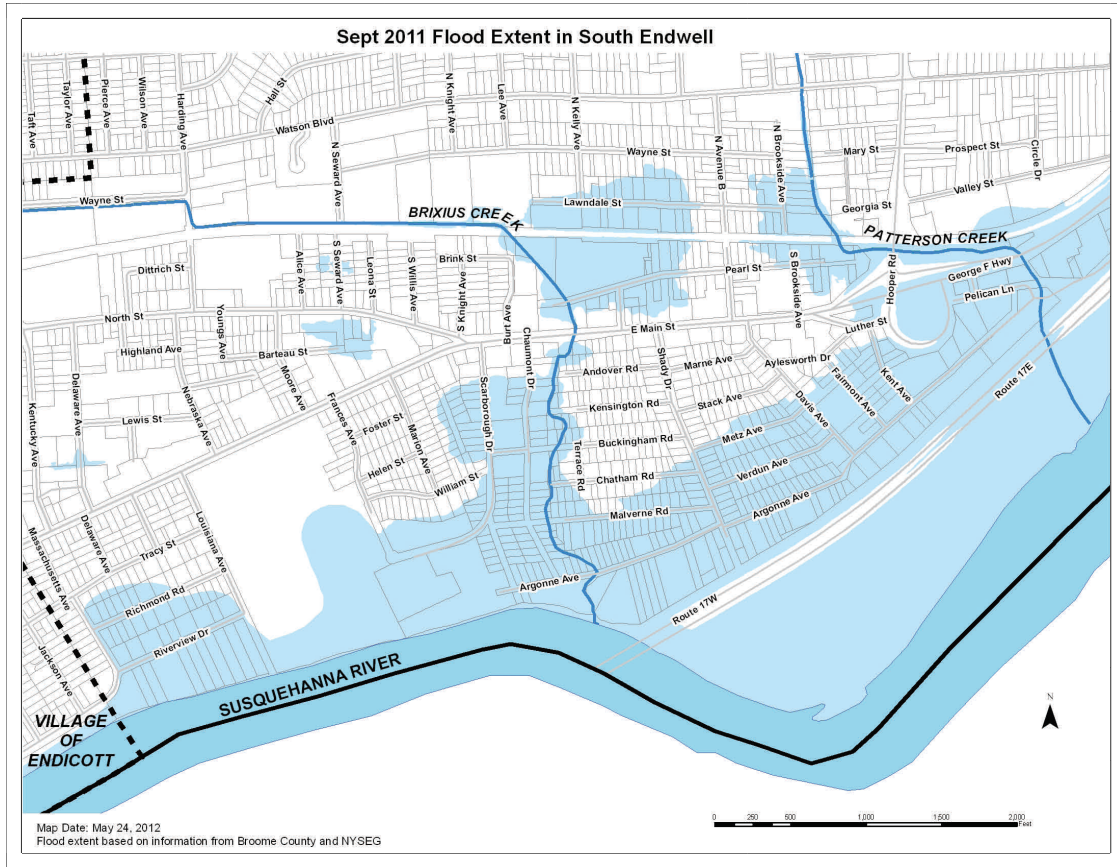












22. Appendix C - Public Comments Summary

CDBG-DR Public Comment Summary Table		
Comment Summary	Manner Submitted	Lead Agency Response
1. Ada Elwood – Requested that CDBG-DR funds be used to provide \$10,000 grants to residents of the Town who suffered a major loss to their owner-occupied units during the flood of September 2011. Also requested funds for flood protection and control for the Fairmont Park neighborhood.	E-Mail In Advance of - Draft Plan Release.	The requested infrastructure improvements and housing rehabilitation grants have been included as proposed activities in the Action Plan for Disaster Recovery.
2. Maryann Cuff – Requested funds to provide natural buffers along the rivers to stabilize and prevent erosion of riverbanks during flood events.	E-Mail In Advance of - Draft Plan Release.	The Town has received a \$10.1 million disaster recovery grant from HUD to address the impacts of the flood event that took place in September of 2011. The requested infrastructure improvements grants will be reviewed for eligibility under the disaster recovery grant.
3. Leo Croteau, suggested the money be used to replace the antiquated sewer system that has backed up numerous times into homes in the Winston Drive area.	At Pre-Draft Public Hearing 4/6/12.	The Action Plan for Disaster Recovery includes a townwide sewer infiltration study.
4. James Little, also commented on the sewer problems.	At Pre-Draft Public Hearing 4/6/12.	The Action Plan for Disaster Recovery includes a townwide sewer infiltration study.
5. Joyce Fowler, said that the creek behind her house does not have big enough pipes or pipes that may be blocked, causing flooding in her backyard. She asked that this issue be looked into.	At Pre-Draft Public Hearing 4/6/12.	The Action Plan for Disaster Recovery includes a townwide drainage study.
6. Michael Dean, requested that funds be included to help people purchase new homes.	E-Mail, 5/8/12	The Action Plan for Disaster Recovery includes an activity to assist income eligible applicants in the purchase of a new home in the Town of Union..
7. Gayle Pado, Westover YMCA, requested funds for unmet needs to address flood related damages.	E-Mail 5/8/12	The Action Plan for Disaster Recovery includes funding for repairs/improvements to local neighborhood facilities.
8. Martin Wykoff, requested funds for repairs to rental properties.	E-Mail 5/10/12	The Action Plan for Disaster Recovery includes funding for repairs to rental units leased to income eligible tenants.
9. Connie Smith, requested funds to build a flood wall in the River Rd. and Argonne Ave. areas.	E-Mail 5/11/12	Over the past 20 years, the Town of Union has pursued buyout programs in this neighborhood removing dozens of structures from the floodplain. The Town does not intend to pursue the construction of a floodwall at this location.
10. Andrew Komar, requested funds for sewer improvements to alleviate flooding that occurs during major rain events such as the one in September of 2011.	Letter, 5/15/12	Funds for sewer improvements on N. Jackson Ave. have been included in the Action Plan for Disaster Recovery.
11. Andrea Barbis, requested funds to improve the playground on Argonne Ave.	E-Mail 5/16/12	There are a number of homeowners that have requested that their homes be included in the FEMA buyout program as a result of the 2011 flood. The Town intends to prepare an overall passive recreational redevelopment plan for this area. The requested improvements may be included in future activities.
12. Catherine Hall, requested funds for backflow prevention devices on N. Jackson Ave.	Letter 6/15/12	Funds for sewer improvements on N. Jackson Ave. have been included in the Action Plan for Disaster Recovery.

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Comment Summary	Manner Submitted	Lead Agency Response
13. A Elwood, thanked the Town Board for incorporating her prior suggestion relative to providing funds to homeowners for flood related repairs into the Action Plan.	Hearing of Visitors Portion of Town Board Meeting 7/18/12.	No response required.
14. P. Crosby, inquired about where she could obtain a copy of the plan and also about the status of the FEMA buyout process. She also offered some comments on maintenance issues in the West Corners neighborhood.	Hearing of Visitors Portion of Town Board Meeting 7/18/12.	The Action Plan for Disaster Recovery was posted on the Town web page on July 5th and a hard copy of the plan was also available for review at Town Hall. Ms. Crosby was provided with a hard copy of the plan at the Town Board meeting. The Town submitted an application for a buyout program to FEMA in February 2012. That application has not yet been approved.
15. W. Jordan, inquired as to why higher income property owners are not eligible for housing assistance.	Hearing of Visitors Portion of Town Board Meeting 7/18/12.	The CDBR-DR grant requires that at least 50% of funds expended directly benefit persons of low and moderate income. If the Town can meet the 50% requirement, applicants with higher incomes not to exceed 120% of the Broome County median income may be consider through an amendment to the plan.
16. W. Oltmer, inquired about the status of the FEMA buyout program.	Hearing of Visitors Portion of Town Board Meeting 7/18/12.	In February 2012 the Town submitted an application to FEMA on behalf of 180 property owners for a buy-out program. That application has not yet been approved. Indications are that a formal announcement may be made sometime in August.

Recover.....Reinvest.....Renew

TOWN OF UNION DEPARTMENT OF PLANNING

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