

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!**

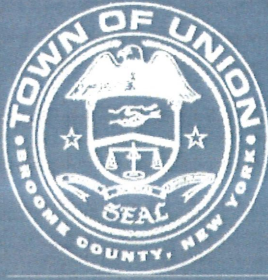
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OWNER OCCUPIED HOME REPAIR PROGRAM

- 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 redevelopment 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

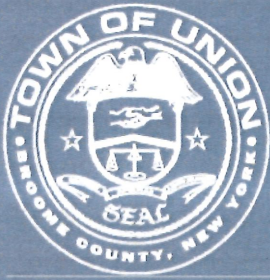
Acquisition for Future Redevelopment (Westover Neighborhood Only At The Town Of Union's Sole Option)

- 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

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PICTURED AT RIGHT

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




SMALL BUSINESS GRANT PROGRAM

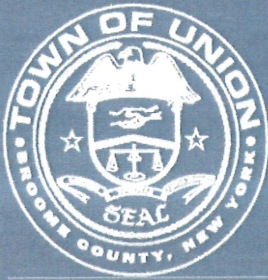
- Applicant must be a legally established business at the time of the flood (i.e. in compliance with zoning requirements)
- Must have been owner of record at time of flood
- Must be current owner of record
- Taxes must be current
- No current code violations
- If previous loan from Town Of Union, must 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 meetings 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

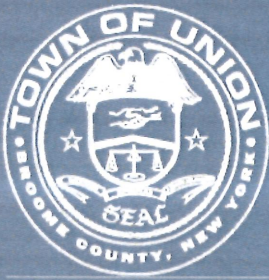
Date	Location	Audience	Topic
1/23/12	Town Hall	Westover Neighborhood	Buyouts
1/24/12	Town Hall	Fairmont Park Neighborhood	Buyouts
1/24/12	Union-Endicott High School	Municipal Governments/ General Public	Mitigation Strategies
1/25/12	Town Hall	West Corners Neighborhood	Buyouts
1/26/12	Town Hall	Endwell 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.

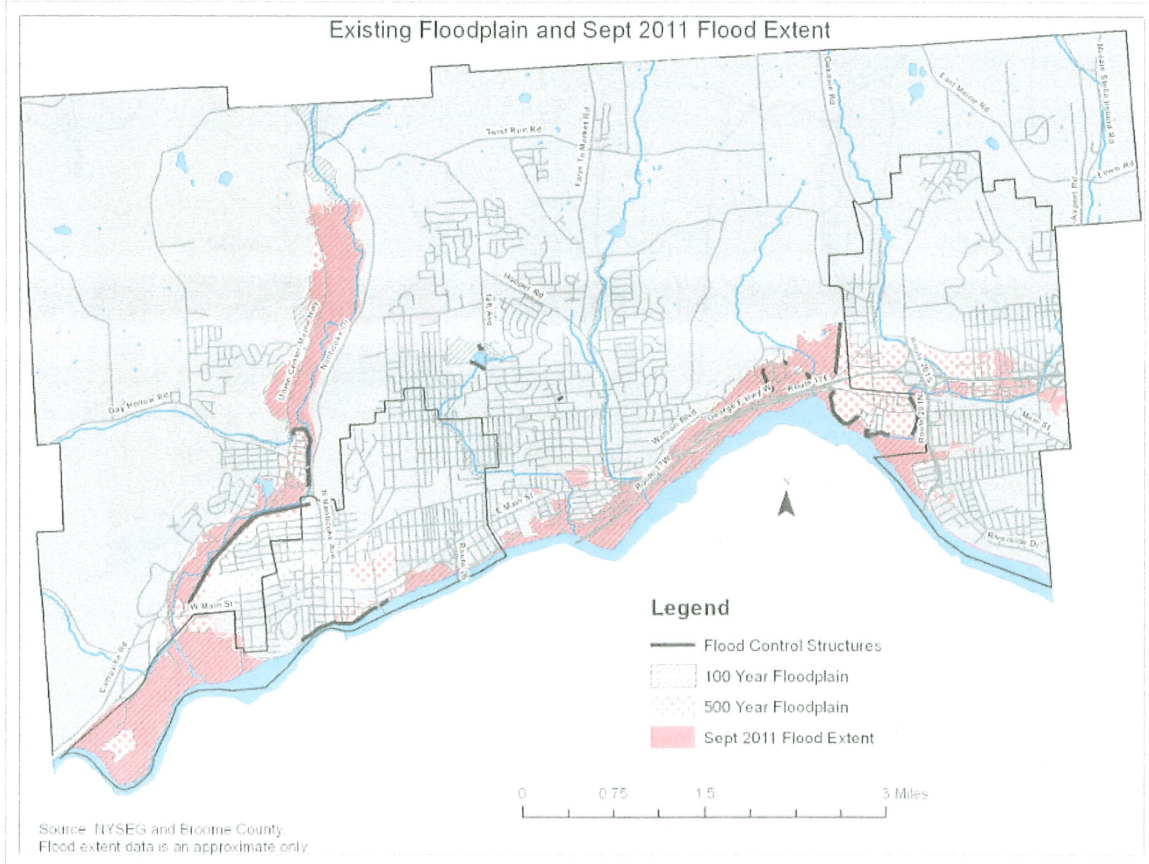
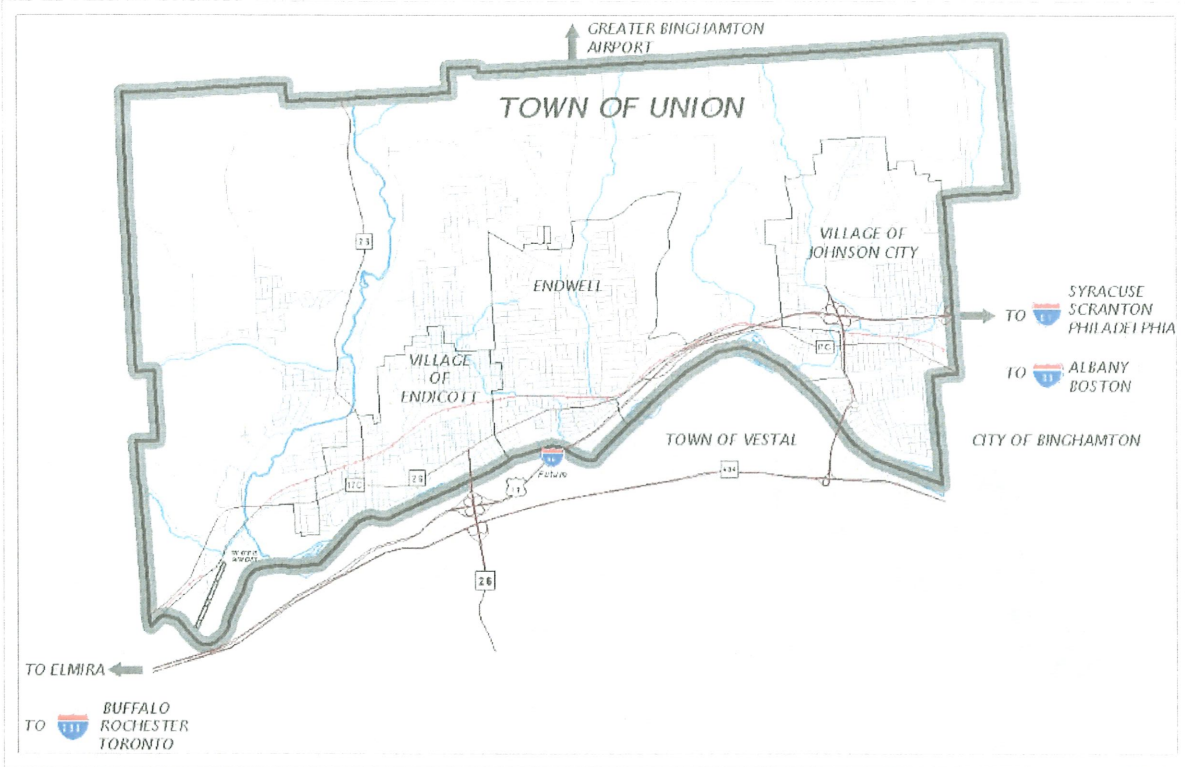
N. The town certifies that it will comply with applicable laws.

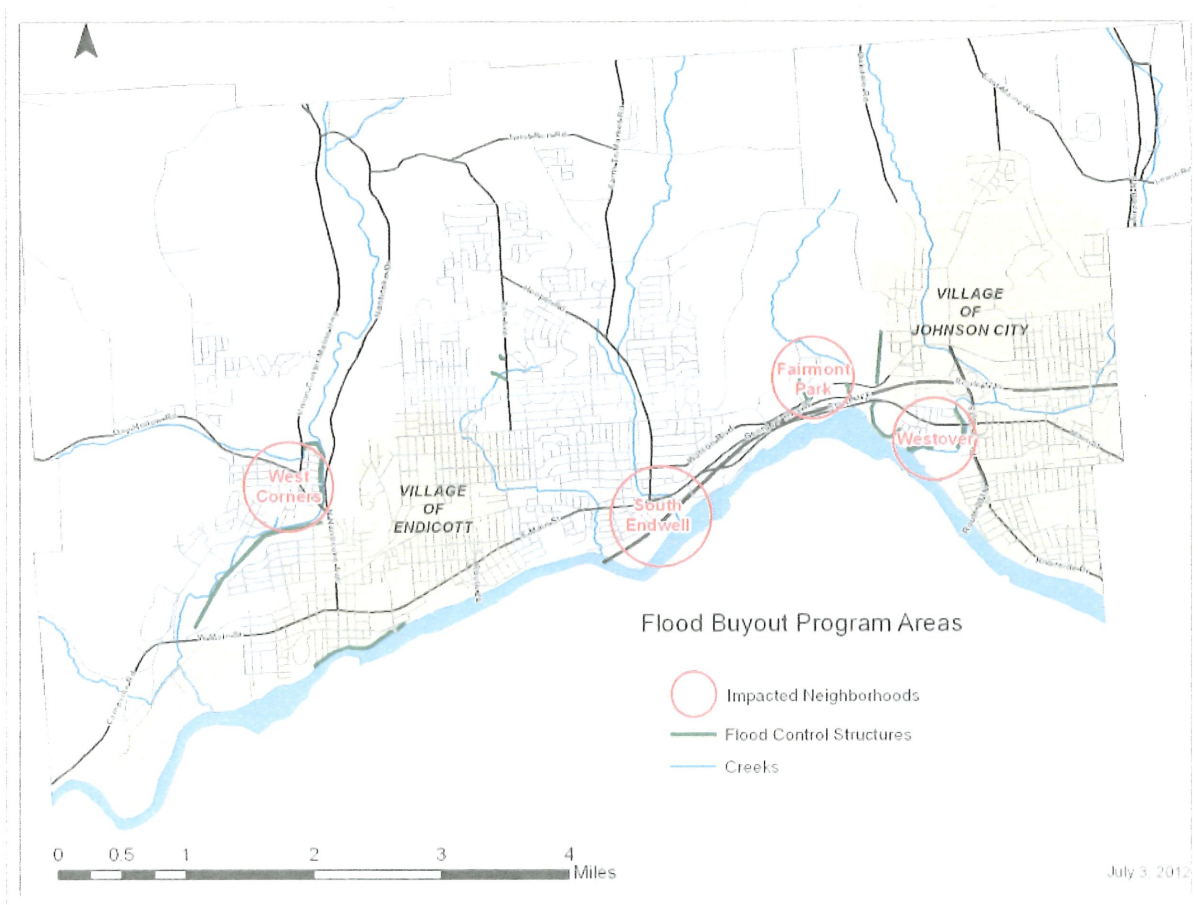
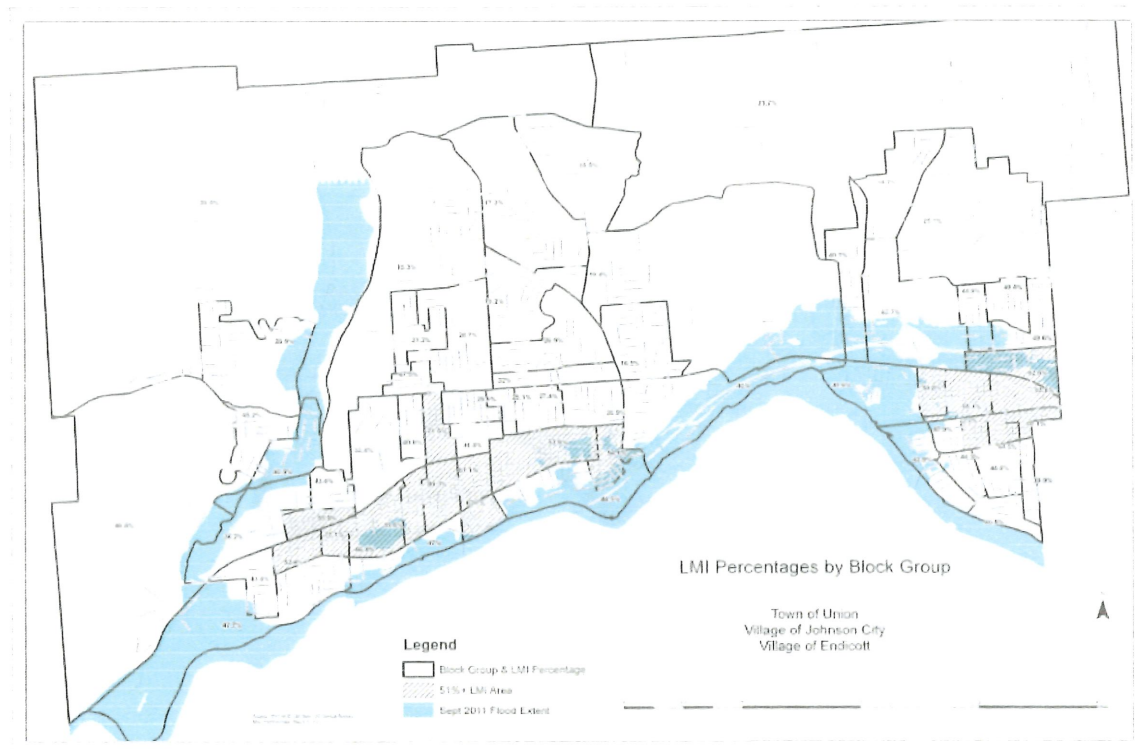
Rose A. Sotak, Deputy Supervisor

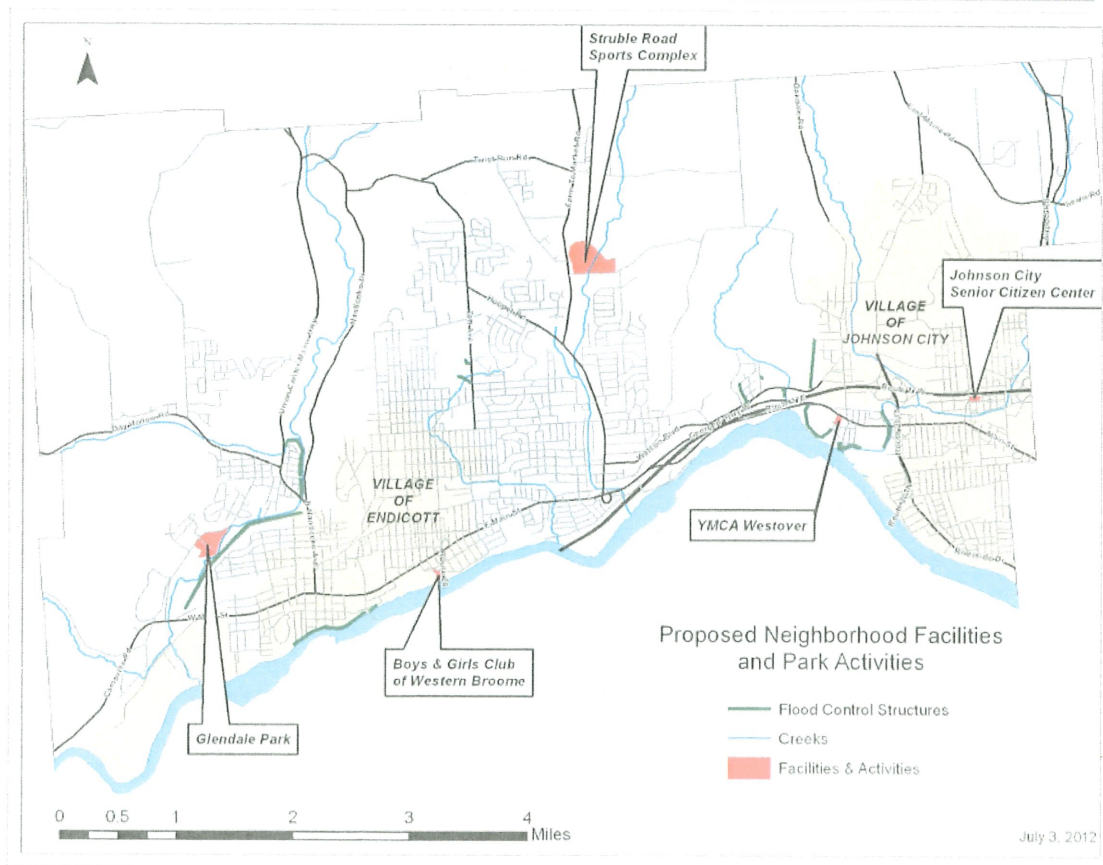
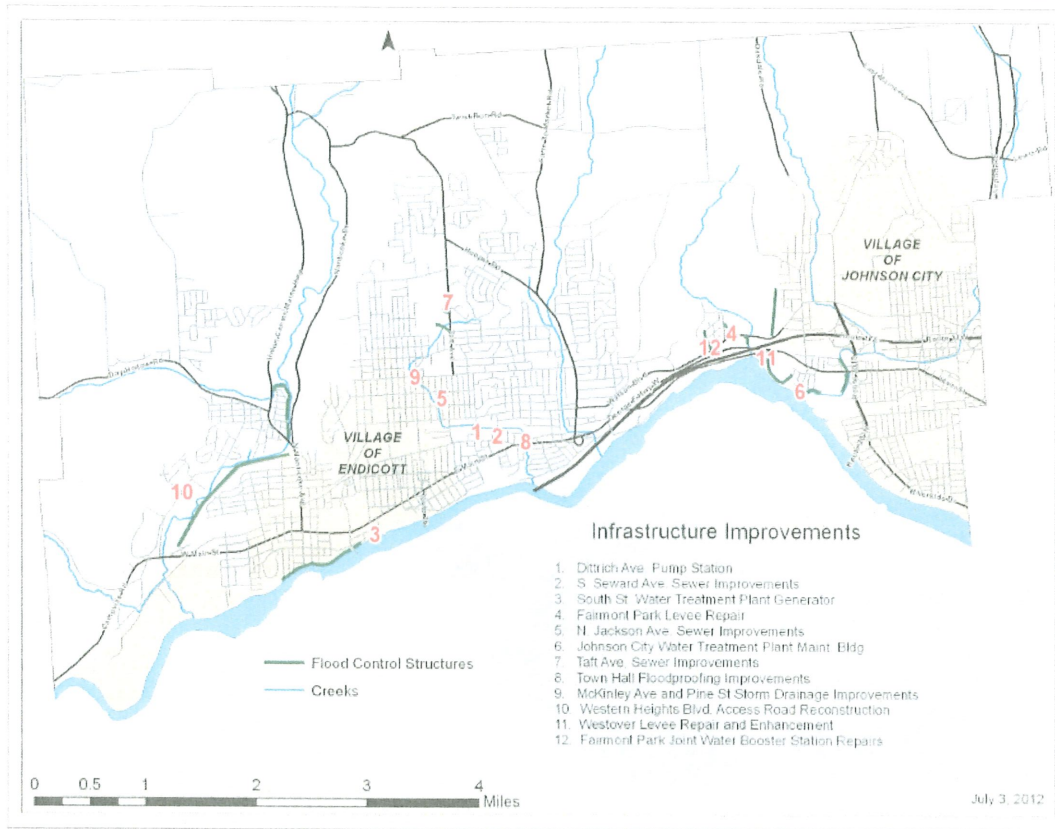
Town of Union, New York

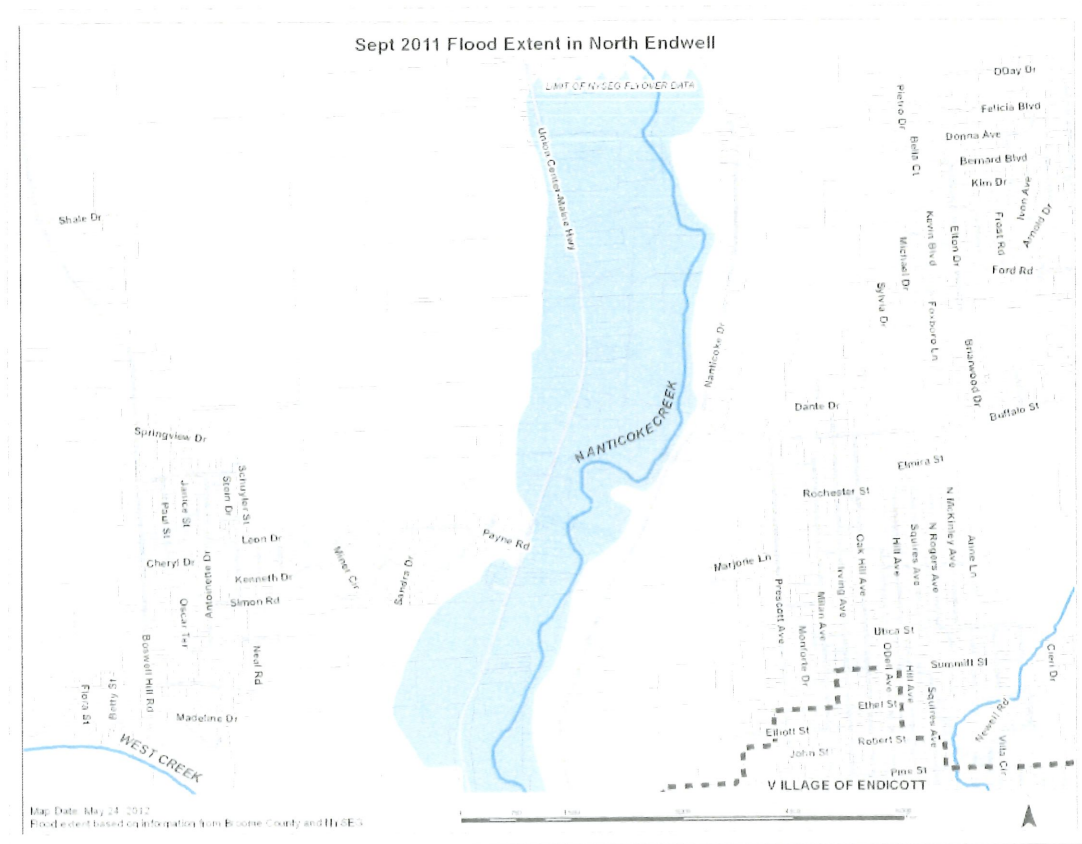
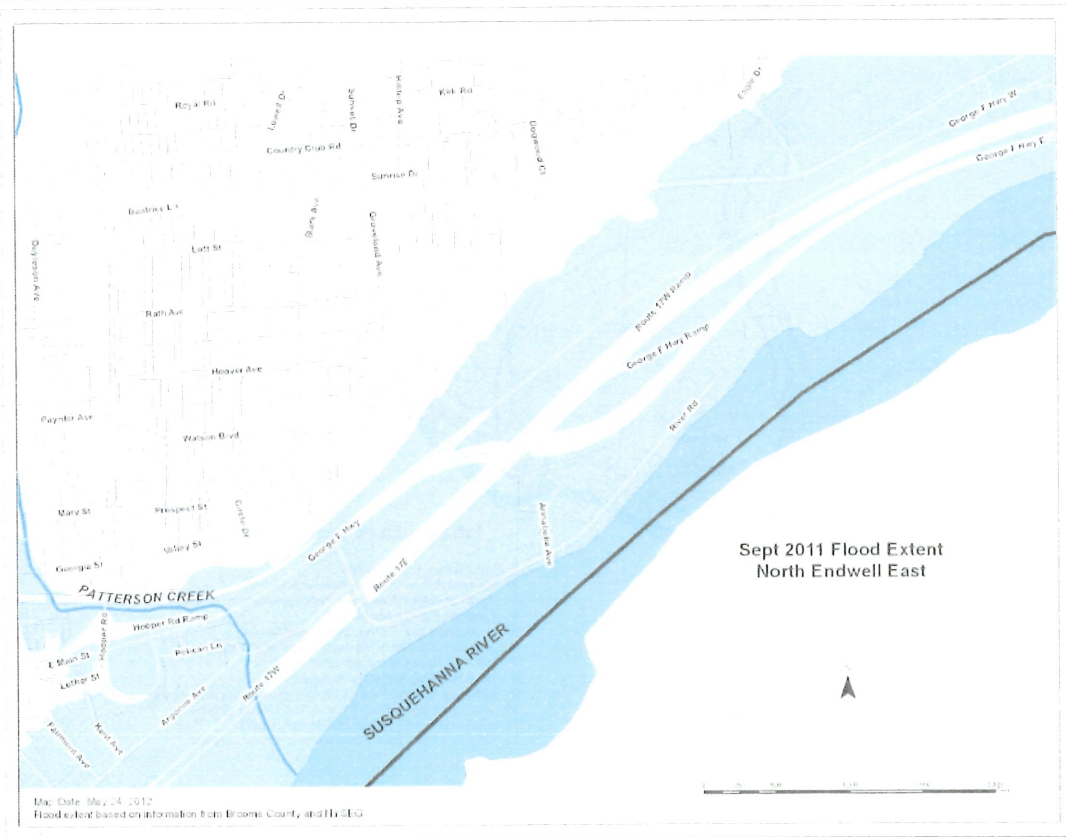
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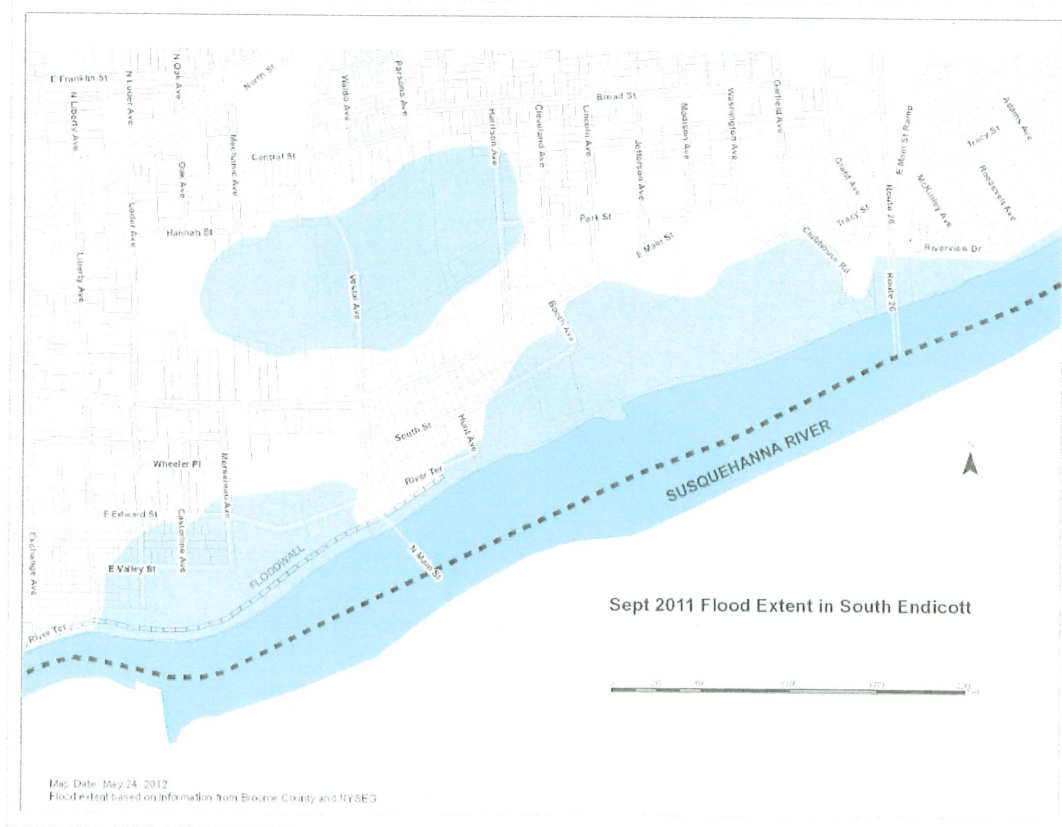
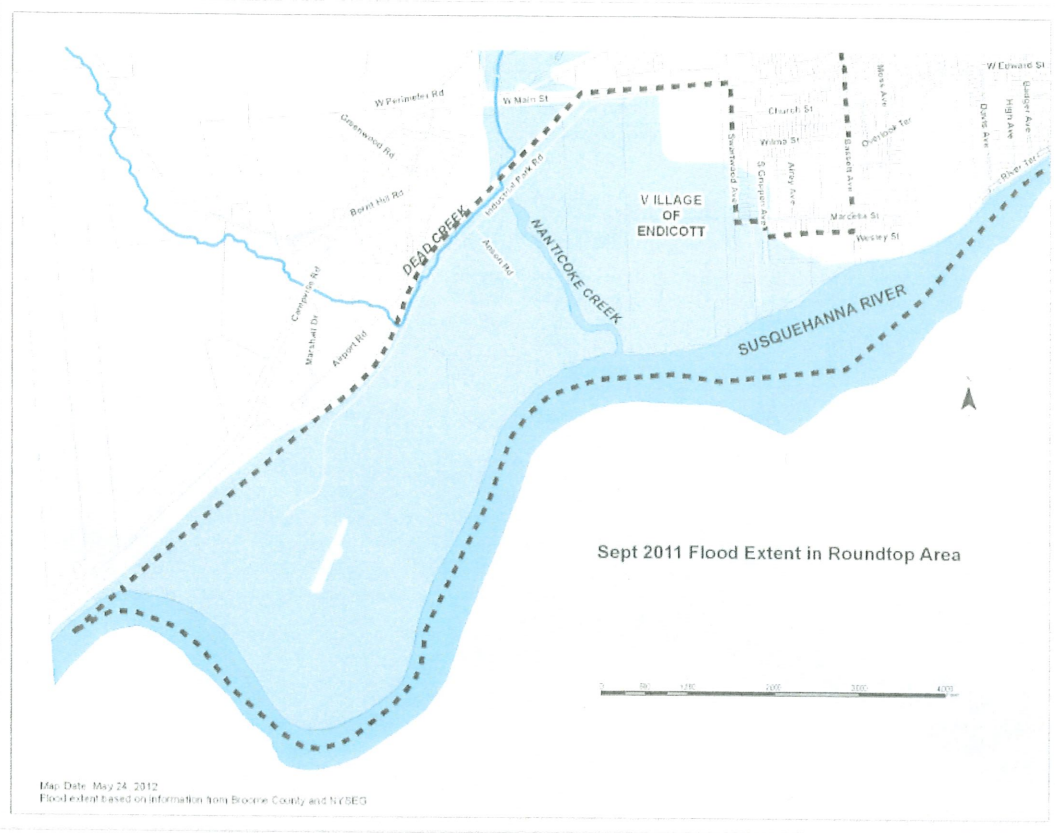
21. Appendix B - Maps

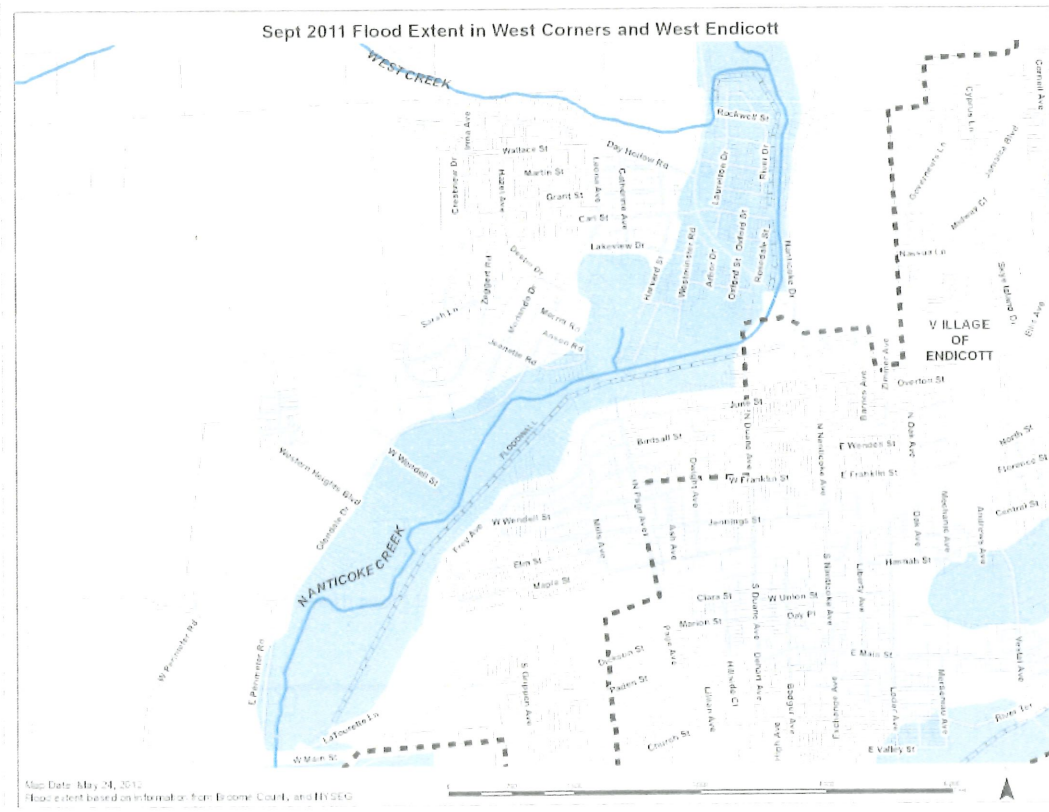
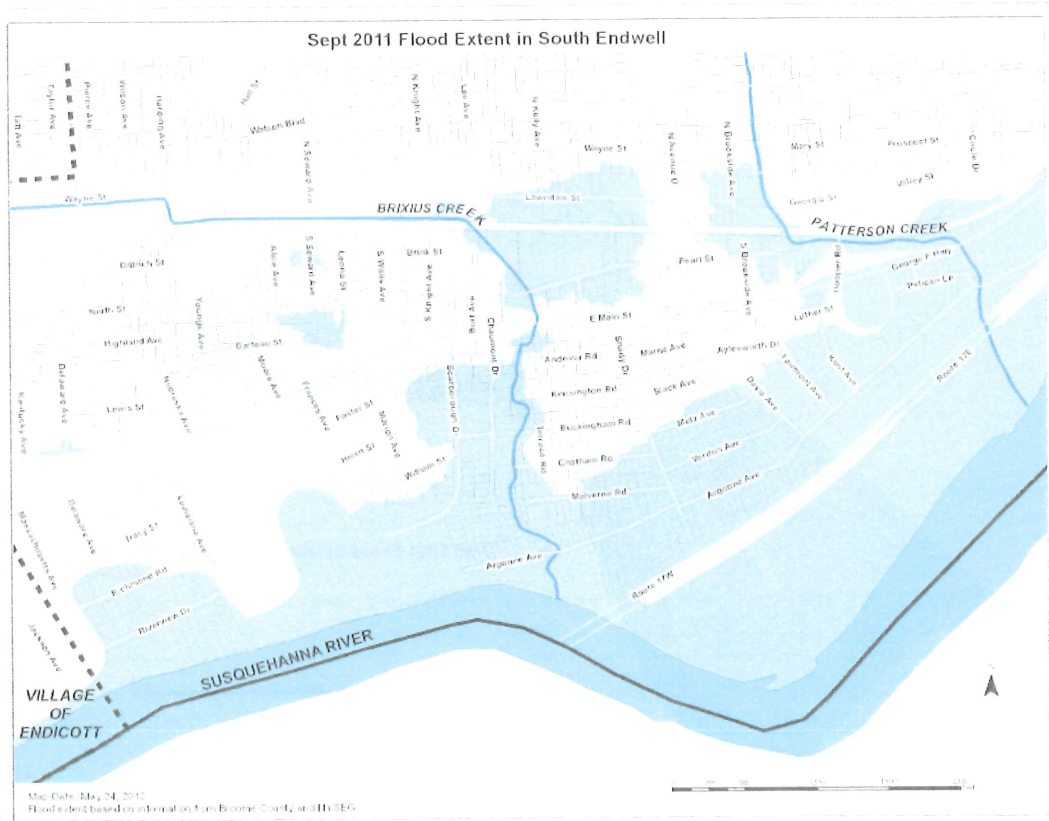












22. Appendix C - Public Comments Summary

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.

Continued On Page 32

Public Comment Summary, Continued From Page 31

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 buyout 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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Endwell, New York 13760

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