NOTICE OF MEETING

Notice is hereby given that the Legislature of Rockland County will meet in its Chambers in the Allison-Parris Office Building, New City, New York on Tuesday, May 21, 2013 at 7:00 P.M., pursuant to the adjournment of the May 7, 2013 meeting.

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

Dated at New City, New York
This 16th day of May 2013

The Legislature of Rockland County convened in regular session pursuant to adjournment of the May 7, 2013 meeting.

A Roll Call being taken (7:04 p.m.), the following Legislators were present and answered to their names:

Christopher J. Carey
Toney L. Earl
Michael M. Grant
Douglas J. Jobson
Nancy Low-Hogan
John A. Murphy
Aney Paul
Ilan S. Schoenberger
Alden H. Wolfe, Vice Chairman
Harriet D. Cornell, Chairwoman

Late: Legislators Edwin J. Day (7:13 p.m.) and Frank P. Sparaco (7:07 p.m.)

Absent: Legislators Jay Hood, Jr., Joseph L. Meyers, Patrick J. Moroney, Philip Soskin and Aron B. Wieder

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Honorable Christopher J. Carey, Minority Leader, led in the Salute to the Flag.

Hon. Douglas J. Jobson, Legislator, District 1, delivered the invocation.

Legislator Sparaco arrived at the meeting.

The Chairwoman opened the public participation portion of the meeting at 7:07 p.m. and the following persons appeared and spoke:

- Joseph Schleimer, Sanitary Code of Rockland County, Health Department issues

Public Participation ended at 7:10 p.m.

Comments from the Chairwoman:

Honorable Harriet D. Cornell

I just know that everyone here joins me in the terrible sorrow of the devastation, death and destruction that has taken place in Oklahoma with the tornado. While driving over here this evening I listened to the stories of the elementary school that was absolutely totally destroyed and some children were saved by teachers that took them into the safest part of the school. These things seem to be happening with more and more frequency. It is very frightening. We send our deepest condolences and thoughts to all of those who have been affected.

Two years ago, May of 2011, I invited two guests here to be honored. We honored two veterans of World War II who were in the Ghost Army. The Ghost Army were artists, young people who had been recruited during World War II from art schools to become part of a unit that was really about camouflage and deception and fooling the enemy into thinking there were huge hordes of tanks and other types of weaponry. I mention this, because unfortunately none of us on the Legislature will be home tonight at 8:00 p.m. when a full length film is going to be on PBS and the two men I talked about who were part of the Ghost Army as young men during World War II, and are still alive and with us, will be featured in the movie. The movie is incredible. I saw an early draft of it. This is the final movie and I think it will be on PBS other nights as well. Hopefully people will watch “The Ghost Army.”

Legislator Day arrived at the meeting.

UNFINISHED BUSINESS
Referral No. 8737

Introduced by:
Hon. Harriet D. Cornell, Sponsor
Hon. Alden H. Wolfe, Co-Sponsor

RESOLUTION NO. 279 OF 2013
AMENDING RESOLUTION NO. 295 OF 2012
WHICH ADOPTED A STANDARD WORKDAY IN COMPLIANCE
WITH THE REQUIREMENTS OF THE OFFICE OF THE
NEW YORK STATE COMPTROLLER

Chairwoman Cornell offered the following resolution, which was seconded by Mr. Wolfe and unanimously adopted:

WHEREAS, By Resolution 295 of 2012, the Rockland County Legislature established a standard workday for certain elected and appointed officials in Rockland County in compliance with the New York State Retirement System; and

WHEREAS, Regulation 315.4 of the New York State Retirement System requires each official who is a member of the Retirement System and does not use the County's time and attendance system to maintain a record of his or her work-related activities to submit a record for three consecutive months to the secretary or legislative clerk. This Regulation does not apply to elected or appointed officials who are not members of the Retirement System; and

WHEREAS, Regulation 315.4 requires the legislature to establish a standard workday for elected and appointed officials by adopting a resolution that lists each affected employee's title and the number of hours in the standard work day for each title; and

WHEREAS, The standard workday for the following elected and appointed Rockland County positions, which were not included in Resolution No. 295 of 2012, is:

Director, Investigative Technologies Support Center	Eight (8) hours
Director, Drug Task Force	Eight (8) hours;

and

WHEREAS, The County maintains actual daily records of time worked for all elected and appointed officials in Rockland County; and

WHEREAS, The Clerk to the Legislature represents that Sewer Commissioner Andrew Y. Stewart has recorded and submitted his or her work activities for the required period, and the record of work activities demonstrate that he has worked the hours indicated on the annexed Schedule A; and

WHEREAS, All of the County's department heads' and other appointed officials' positions are either governed by or tied by prior legislative resolutions to collective bargaining provisions and consequently derive their standard seven or eight hour workday or pro-rated schedule based upon a standard seven or eight hour workday from said agreements. Said standard workday is the basis for each employee's regular bi-weekly electronic timesheet reporting in the Peoplesoft system. Peoplesoft is a system that keeps track of accruals used and attests that, other than time charged for accruals, full hours were worked; and

WHEREAS, Attached as Schedule A is a chart providing all required information for certain elected and appointed officials in Rockland County exclusive of the elected and appointed officials of the Rockland County Legislature; now, therefore be it

RESOLVED, That the Rockland County Legislature hereby amends Resolution No. 295 of 2012 in compliance with the requirements of the Office of the New York State Comptroller and establishes a standard workday for certain elected and appointed officials of Rockland County and will report the appropriate days worked to the New York State and Local Employees' Retirement System based on the actual daily records of time worked by the appointed officials and the records of activities maintained and submitted by the elected and appointed officials to the Clerk to this body, as set forth in the attached Schedule A; and be it further

RESOLVED, That this resolution shall be posted on the Rockland County website for a minimum of thirty (30) days; and be it further

RESOLVED, That the Clerk to the Legislature be and is hereby authorized and directed to file a certified copy of this resolution with an Affidavit of Posting with the Office of the New York State Comptroller within forty-five (45) days of the adoption of this resolution.

CERTAIN ROCKLAND COUNTY ELECTED/APPOINTED OFFICIALS
SCHEDULE A

FIXED TERM CONCURRENT WITH COUNTY EXECUTIVE'S TERM									
Commissioner of Health	Henry, Kathy (Acting)			8	12/31/2013	Y			
STATUTORY TERM									
Medical Examiner	Carbone, Laura S.			8	3/6/2017	Y			
SERVES AT THE PLEASURE OF THE COUNTY EXECUTIVE									
County Attorney	Fortunato, Jeffrey			8	12/31/2013	Y			
Commissioner of Finance	DeGroat, Stephen			8	12/31/2013	Y			
SERVES AT THE PLEASURE OF THE LEGISLATURE									
Sewer Commissioner (Relief)	Jasmin, Noramie F.			6	12/31/2015	N			X
Sewer Commissioner (Relief)	St. Lawrence, Christopher P.			6	12/31/2015	N			X
Sewer Commissioner (Relief)	Stewart, Andrew			6	12/31/2015	N	0.33		
OTHER APPOINTED OFFICIALS									
Director, Investigative Technologies Sppt Ctr	Landers, Josiah K. - Retired			8					
Assistant District Attorney	McGowan, John			8	12/31/2015	Y			
Assistant District Attorney	Peterson, Michael J.			8	12/31/2015	Y			
Assistant Public Defender PT	Tierney, Michelle L.			8	12/31/2013	Y			
Assistant Public Defender PT	Ripps, Jonathan B.			8	12/31/2013	Y			
Commissioner of Elections	Stavisky, Kristin			8	12/31/2016	Y			
Commissioner of Elections	Babcock, Louis C.			8	12/31/2016	Y			
Confidential Secretary to the Commissioner of Hospitals	Murphy, Kathryn M.			7	12/31/2013	Y			
Director, Drug Task Force	Goldrick, Christopher			8	12/31/2015	Y			
Senior Assistant District Attorney	McLeod, Nabeela			8	12/31/2015	Y			
Senior Assistant Public Defender	Waters, Christopher M.			8	12/31/2013	Y			

Introduced by: Referral No. 9495
Hon. Harriet D. Cornell, Sponsor
Hon. Michael M. Grant, Co-Sponsor
Hon. Jay Hood, Jr., Co-Sponsor
Hon. Toney L. Earl, Co-Sponsor
Hon. Nancy Low-Hogan, Co-Sponsor
Hon. Philip Soskin, Co-Sponsor
Hon. Frank A. Sparaco, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor
Hon. Alden H. Wolfe, Co-Sponsor

RESOLUTION NO. 280 OF 2013
APPROVING AGREEMENT IN EXCESS OF $100,000
WITH O'CONNOR DAVIES LLP
FOR THE REVIEW AND ANALYSIS OF THE PROPOSED
FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF ROCKLAND
IN THE AMOUNT OF $104,000, FOR THE
PERIOD FROM APRIL 8, 2013 THROUGH DECEMBER 31, 2013
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
[ROCKLAND COUNTY LEGISLATURE]
($104,000)

Mr. Grant offered the following resolution, which was seconded by Mr. Earl and unanimously adopted:

WHEREAS, The Chairwoman to the Legislature of Rockland County recommends to the County Executive and the Legislature of Rockland County that the County enter into an agreement in excess of $100,000, with the firm of O'Connor Davies, LLP, 500 Mamaroneck Avenue, Suite 301, Harrison, New York 10528, for the analysis and review of the proposed County budget for fiscal year 2014, in the amount of $104,000 for the period from April 8, 2013 through December 31, 2013; and

WHEREAS, The firm of O'Connor Davies, LLP has previously provided these services to the County Legislature for several years; and

WHEREAS, Sufficient funding for this contract is provided for in the 2013 Budget of the County Legislature; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of $100,000 entered into by the County"; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the contract in excess of $100,000 with O'Connor Davies, LLP, 500 Mamaroneck Avenue, Suite 301, Harrison, New York 10528, for the analysis and review of the proposed County budget for fiscal year 2014, in the amount of $104,000 for the period from April 8, 2013 through December 31, 2013, and authorizing its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this contract is provided for in the 2013 Budget of the County Legislature.

Mr. Schoenberger moved to table Referral No. 4817 - Calling Upon The New York State Legislature To Support New York Senate Bill S.01561 And New York Assembly Bill A.00934 – An Act Relating To State Reimbursement To Counties For Amounts Paid On Behalf Of Non-Resident Students In Attendance At The Fashion Institute Of Technology, which was seconded by Mr. Jobson and passed.

The vote resulted as follows:

Ayes:	9	(Legislators Carey, Day, Earl, Jobson, Murphy, Paul, Schoenberger, Sparaco, Wolfe)
Nays:	03	(Legislators Grant, Low-Hogan, Cornell)
Absent:	05	(Legislators Hood, Jr., Meyers, Moroney, Soskin, Wieder)

Debate:

Mr. Schoenberger

I was the sponsor of this resolution and unfortunately the night it went before the committee I was unable to attend. I am going to ask that it be sent back to committee for further discussion. I put in a resolution to support the State Senate and Assembly bills and in committee it got reversed/flipped. This is now in opposition to the bill, because the State Legislature has a bill before them by Senate and Assembly members and this is not supporting that bill. This is a resolution in essence opposing the bill for certain conditions. I would have liked to have the opportunity to present relevant discussion and arguments to the committee.

I am moving to table. I am going to refer the original resolution that I submitted back to committee again.

Mr. Jobson

I second.

Introduced by: Referral No. 9494
Hon. Michael M. Grant, Sponsor
Hon. Harriet D. Cornell, Co-Sponsor
Hon. Jay Hood, Jr., Co-Sponsor
Hon. Toney L. Earl, Co-Sponsor
Hon. Philip Soskin, Co-Sponsor
Hon. Frank Sparaco, Co-Sponsor
Hon. Douglas J. Jobson, Co-Sponsor
Hon. Alden H. Wolfe, Co-Sponsor

RESOLUTION NO. 281 OF 2013
SETTING A DATE FOR A PUBLIC HEARING ON THE PROPOSED BUDGET OF ROCKLAND COMMUNITY COLLEGE FOR THE YEAR 2013-2014

Mr. Grant offered the following resolution, which was seconded by Mr. Day and Mr. Jobson and unanimously adopted:

WHEREAS, Section 4.08 (2) of the Rockland County Charter requires that the Legislature of Rockland County adopt a budget for Rockland Community College for the fiscal year beginning September 1, 2013 and ending August 31, 2014, not later than August 7, 2013; and

WHEREAS, the proposed budget of Rockland Community College is to be filed with the Clerk to the Legislature of Rockland County not later than June 24, 2013, and a public hearing must be held no later than July 22, 2013; and

WHEREAS, the Budget and Finance Committee has met, considered and by a unanimous vote, approved this resolution; now therefore be it

RESOLVED, that the Clerk to the Legislature be and he is hereby directed to cause one hundred (100) copies of the proposed budget to be printed and available for public distribution, as required by law; and be it further

RESOLVED, that a public hearing on the proposed budget for Rockland Community College, which will include the budget for the Retired Senior Volunteer program for the year beginning September 1, 2013 and ending August 31, 2014, be held by the Legislature of Rockland County on the 2nd day of July 2013 at 7:05 P.M.; and be it further

RESOLVED, that the Clerk shall publish a notice of the said hearing in the official newspapers of Rockland County not later than ten (10) days before the date set for the public hearing.

Introduced by: Referral No. 8372
Hon. Philip Soskin, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Patrick J. Moroney, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 282 OF 2013
ACCEPTANCE OF OFFER FROM NYACK HOSPITAL
TO PURCHASE REMAINING EQUIPMENT FROM
PRENATAL PROGRAM
(DEPARTMENT OF HEALTH)
($2,000)

Mr. Grant offered the following resolution, which was seconded by Mrs. Paul and Mr. Sparaco and unanimously adopted:

WHEREAS, The Rockland County Department of Health ceased operating the PreNatal Program at Nyack Hospital as of December 31, 2012; and

WHEREAS, Nyack Hospital will continue to operate the PreNatal Program; and

WHEREAS, The transition from the Rockland County Department of Health to Nyack Hospital necessitated an inventory of the remaining equipment; and

WHEREAS, The Commissioner of the Health Department has advised the County Executive and the Legislature of Rockland County that Nyack Hospital has offered to purchase the remaining equipment from the PreNatal Program for the amount of $2,000; and

WHEREAS, The price offered by Nyack Hospital is reasonable under the circumstances; and

WHEREAS, It is necessary to obtain approval of the Legislature to accept this purchase; and

WHEREAS, The Multi-Services and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby accepts the offer from Nyack Hospital to purchase the remaining equipment from the PreNatal Program for the amount of $2,000 and authorizes the County Executive to execute any and all documents necessary to effectuate this resolution, subject to the approval of the County Executive; and be it further

RESOLVED That the Legislature hereby directs the Clerk to the Legislature to express the appreciation of the County of Rockland to Nyack Hospital.

Introduced by: Referral No. 7342
Hon. Michael M. Grant, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 283 OF 2013
APPROVING ACCEPTANCE OF INSURANCE RECOVERY FUNDS IN THE AMOUNT OF $16,759.71 (NCTD) AND APPROPRIATING $1,700.00 OF ANTICIPATED F.E.M.A. FUNDS (NCTD) FOR A TOTAL AMOUNT OF $18,459.71 IN ORDER TO COVER REPAIR AND RECOVERY COSTS RELATED TO A SHERIFF MARINE UNIT BOAT THAT WAS DAMAGED BY HURRICANE SANDY
[OFFICE OF THE SHERIFF]

Mr. Grant offered the following resolution, which was seconded by Mr. Jobson and Mrs. Paul and unanimously adopted:

WHEREAS, The Rockland County Sheriff has advised the County Executive and the Rockland County Legislature that his department has received $16,759.71 of insurance recovery funds in order to repair a Sheriff Marine Unit boat that was damaged by Hurricane Sandy; and

WHEREAS, Total cost related to said damage is $18,459.71, of which remaining boat repairs and boat recovery expenses of $1,700.00 not covered by said $16,759.71 will be reimbursed by Federal Emergency Management Agency (FEMA) funds; and

WHEREAS, Due to said insurance recovery funds and anticipated FEMA reimbursement, no County tax dollars (NCTD) are required to appropriate said total cost of $18,459.71; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of $16,759.71 of insurance recovery funds in order to repair a Sheriff Marine Unit boat that was damaged by Hurricane Sandy; and be it further

RESOLVED, That total cost related to said damage is $18,459.71, of which remaining boat repairs and boat recovery expenses of $1,700.00 not covered by said $16,759.71 will be reimbursed by Federal Emergency Management Agency (FEMA) funds; and be it further

RESOLVED, That due to said insurance recovery funds and anticipated FEMA reimbursement, no County tax dollars (NCTD) are required to appropriate said total cost of $18,459.71; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):		
A -SHF-3113-E4090	Fees for Services, Non-Employee	18,460
Increase Est. Rev. Acct. (Debit):		
A-SHF-3113-R2680	Insurance Recoveries	16,760
A-SHF-3113-R4511	Federal Aid	1,700

Introduced by: Referral No. 9355
Hon. Michael M. Grant, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 284 OF 2013
APPROVING PURCHASES IN EXCESS OF $100,000
FROM GOOSETOWN ENTERPRISES, INC.
D/B/A GOOSETOWN COMMUNICATIONS
FOR LEASE OF RADIO EQUIPMENT
FOR THE SHERIFF'S DEPARTMENT
UNDER RFB-RC-2013-030
IN AN AMOUNT NOT TO EXCEED $36,180
FOR THE FIRST YEAR PERIOD FROM 2013 THROUGH 2014
AND IN A TOTAL AMOUNT NOT TO EXCEED $180,900
FOR THE FULL FIVE (5) YEAR PERIOD FROM 2013 THROUGH 2018
WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
($180,900)

Mr. Grant offered the following resolution, which was seconded by Mr. Day and Mr. Jobson and unanimously adopted:

WHEREAS, The Director of Purchasing requested bids for lease of radio equipment under RFB-RC-2013-030 (the "RFB") for a period of five (5) years from the date of receipt and acceptance of the radio system with each year being subject to the availability of funds; and

WHEREAS, One hundred thirty-two (132) vendors were notified of the RFB, two (2) bids were received and one (1) no bid was received; and

WHEREAS, The Director of Purchasing determined that Goosetown Enterprises, Inc. d/b/a Goosetown Communications ("Goosetown"), 58 North Harrison Avenue, Congers, New York, 10920, was the lowest responsive, responsible bidder; and

WHEREAS, The purpose of this bid is to establish a five (5) year closed end lease contract to provide for the lease of a Land Mobile Radio (LMR) system for special use by the Rockland County Sheriff's Office Correctional Center to provide radio coverage at the facility; and

WHEREAS, The monthly price of $3,015.00 is based on a firm fixed five (5) year lease F.O.B. any point in Rockland County, for a total annual cost of $36,180 and a total five (5) year cost of $180,900; and

WHEREAS, The lease will commence once the resolution is approved and the equipment is installed; and

WHEREAS, Continuation of the lease for years two (2) through five (5) is subject to the availability of funds, and the lease can be cancelled at any time during the period with no penalties; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the purchases in excess of $100,000 from Goosetown for lease of radio equipment for the Sheriff's Department under the RFB in an amount not to exceed $36,180 for the period 2013 through 2014 and for a total amount not to exceed $180,900 for the full five (5) year period from 2013 through 2018, subject to the availability of funds, with all purchases to be made by formal purchase order; and

WHEREAS, All purchases will be initiated by formal purchase order; and

WHEREAS, Sufficient funding for the purchases is provided for in the 2013 Budget of the Sheriff's Department and is contingent upon 2014-2018 budget appropriations; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of $100,000 entered into by the County"; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the purchases in excess of $100,000 from Goosetown Enterprises, Inc. d/b/a Goosetown Communications, 58 North Harrison Avenue, Congers, New York, 10920, for lease of radio equipment for the Sheriff's Department under RFB-RC-2013-030 in an amount not to exceed $36,180 for the period 2013 through 2014 and for a total amount not to exceed $180,900 for the full five (5) year period from 2013 through 2018, subject to the availability of funds, with all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for the purchases is provided for in the 2013 Budget of the Sheriff's Department and is contingent upon 2014-2018 budget appropriations.

Introduced by: Referral No. 9007
Hon. Michael M. Grant, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 285 OF 2013
APPROVING FIRST EXTENSION OF AND AMENDMENT TO AGREEMENT WITH ENHERENT CORP. FOR CONSULTING, IT, SYSTEM INTEGRATION, TRAINING, ONGOING MAINTENANCE/REPAIR SERVICES – QSL ON AN AS NEEDED BASIS UNDER RFP-RC-2011-024 EXTENDING THE TERM OF THE AGREEMENT FROM MAY 1, 2013 THROUGH APRIL 30, 2014 AND INCREASING THE AMOUNT OF THE AGREEMENT BY $80,000 FOR A TOTAL AMOUNT NOT TO EXCEED $160,000 FOR THE FULL PERIOD FROM JULY 11, 2012 THROUGH APRIL 30, 2014 WITH THREE (3) REMAINING ONE (1) YEAR OPTIONS AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE EXTENSION/AMENDMENT
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
($160,000)

Mr. Grant offered the following resolution, which was seconded by Mr. Murphy and unanimously adopted:

WHEREAS, The Director of Purchasing advertised for proposals for Consulting, IT, System Integration, Training, Ongoing Maintenance/Repair Services – Qualified Suppliers List (QSL) on an as needed basis under RFP-RC-2011-024 (the "RFP") for a period of one (1) year from the date of the award with four (4) one (1) year options; and

WHEREAS, Two hundred fifty-two (252) vendors were notified of the RFP through the County's electronic bid notification system, seventy-nine (79) firms downloaded the RFP and nineteen (19) vendors responded; and

WHEREAS, The evaluation committee, which was comprised of members of the Department of General Services - MIS Division, evaluated all of the responses and recommended that the top eleven (11) firms be placed on the QSL including Enherent Corp., 6800 Jericho Turnpike, Suite 116E, Syosset, NY 11791; and

WHEREAS, MIS and the Sheriff's Department initially requested contracts with four (4) of the eleven (11) vendors on the QSL, all of which the County has used in the past; and

WHEREAS, On July 11, 2012, the County entered into an agreement with Enherent Corp. under the RFP in an amount not to exceed $80,000 for the period from July 11, 2012 through April 30, 2013 with four (4) one additional one (1) year options; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the first extension of and amendment to the agreement with Enherent Corp. for Consulting, IT, System Integration, Training, Ongoing Maintenance/Repair Services –QSL on an as needed basis under the RFP, extending the term of the agreement from May 1, 2013 through April 30, 2014, and increasing the amount of the agreement by $80,000, for a total amount not to exceed $160,000 for the full period from July 11, 2012 through April 30, 2014, with three (3) remaining one (1) year options; and

WHEREAS, All purchases will be initiated by formal purchase order; and

WHEREAS, Sufficient funding for the extension/amendment to the agreement is provided for in the 2013 Budgets of the various Departments utilizing such services and is contingent upon 2014 budget appropriations; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of $100,000 entered into by the County"; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the first extension of and amendment to the agreement with Enherent Corp., 6800 Jericho Turnpike, Suite 116E, Syosset, NY 11791, for Consulting, IT, System Integration, Training, Ongoing Maintenance/Repair Services – Qualified Suppliers List (QSL) on an as needed basis under RFP-RC-2011-024, extending the term of the agreement from May 1, 2013 through April 30, 2014, and increasing the amount of the agreement by $80,000, for a total amount not to exceed $160,000 for the full period from July 11, 2012 through April 30, 2014, with three (3) remaining one (1) year options, and hereby authorizes the County Executive to execute the extension/amendment, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for the extension/amendment to the agreement is provided for in the 2013 Budgets of the various Departments utilizing such services and is contingent upon 2014 budget appropriations.

Introduced by: Referral No. 9007
Hon. Michael M. Grant, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 286 OF 2013
APPROVING FIRST EXTENSION OF AND AMENDMENT TO AGREEMENT WITH UNIQUE COMP, INC. FOR CONSULTING SERVICES, IT, SYSTEM INTEGRATION, TRAINING, ONGOING MAINTENANCE/REPAIR SERVICES – QSL ON AN AS NEEDED BASIS UNDER RFP-RC-2011-024 EXTENDING THE TERM OF THE AGREEMENT FROM MAY 1, 2013 THROUGH APRIL 30, 2014 AND INCREASING THE AMOUNT OF THE AGREEMENT BY $80,000 FOR A TOTAL AMOUNT NOT TO EXCEED $160,000 FOR THE FULL PERIOD FROM JUNE 26, 2012 THROUGH APRIL 30, 2014 WITH THREE (3) REMAINING ONE (1) YEAR OPTIONS AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE EXTENSION/AMENDMENT
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
($160,000)

Mr. Grant offered the following resolution, which was seconded by Mrs. Low-Hogan and unanimously adopted:

WHEREAS, The Director of Purchasing advertised for proposals for Consulting Services, IT, System Integration, Training, Ongoing Maintenance/Repair Services – Qualified Suppliers List (QSL) on an as needed basis under RFP-RC-2011-024 (the "RFP") for a period of one (1) year from the date of the award with four (4) one (1) year options; and

WHEREAS, Two hundred fifty-two (252) vendors were notified of the RFP through the County's electronic bid notification system, seventy-nine (79) firms downloaded the RFP and nineteen (19) vendors responded; and

WHEREAS, The evaluation committee, which was comprised of members of the Department of General Services - MIS Division, evaluated all of the responses and recommended that the top eleven (11) firms be placed on the QSL including Unique Comp, Inc. ("Unique"), 27-08 42nd Road, Long Island City, New York 11101; and

WHEREAS, MIS and the Sheriff's Department initially requested contracts with four (4) of the eleven (11) vendors on the QSL, all of which the County has used in the past; and

WHEREAS, On July 11, 2012, the County entered into an agreement with Unique under the RFP in an amount not to exceed $80,000 for the period from June 26, 2012 through April 30, 2013 with four (4) one additional one (1) year options; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the first extension of and amendment to the agreement with Unique for Consulting Services, IT, System Integration, Training, Ongoing Maintenance/Repair Services – Qualified Suppliers List (QSL) on an as needed basis under the RFP, extending the term of the agreement from May 1, 2013 through April 30, 2014, and increasing the amount of the agreement by $80,000, for a total amount not to exceed $160,000 for the full period from June 26, 2012 through April 30, 2014, with three (3) remaining one (1) year options; and

WHEREAS, All purchases will be initiated by formal purchase order; and

WHEREAS, Sufficient funding for the extension/amendment to the agreement is provided for in the 2013 Budgets of the various Departments utilizing such services and is contingent upon 2014 budget appropriations; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of $100,000 entered into by the County"; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the first extension of and amendment to the agreement with Unique Comp, Inc., 27-08 42nd Road, Long Island City, New York 11101, for Consulting Services, IT, System Integration, Training, Ongoing Maintenance/Repair Services – Qualified Suppliers List (QSL) on an as needed basis under RFP-RC-2011-024, extending the term of the agreement from May 1, 2013 through April 30, 2014, and increasing the amount of the agreement by $80,000, for a total amount not to exceed $160,000 for the full period from June 26, 2012 through April 30, 2014, with three (3) remaining one (1) year options, and hereby authorizes the County Executive to execute the extension/amendment, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for the extension/amendment to the agreement is provided for in the 2013 Budgets of the various Departments utilizing such services and is contingent upon 2014 budget appropriations.

Introduced by: Referral No. 7300
Hon. Michael M. Grant, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 287 OF 2013
APPROVING ADDITIONAL PURCHASES IN EXCESS OF $100,000
FROM ALARM SPECIALISTS, INC.
FOR ALARM SYSTEM INSPECTION, TESTING, MAINTENANCE
AND REPAIR FOR FIRE ALARM, CCTV SECURITY,
NURSE CALL AND RELATED ALARM SYSTEMS
FOR THE DEPARTMENT OF GENERAL SERVICES
UNDER RFB-RC-2010-047
IN THE ADDITIONAL AMOUNT OF $50,000
FOR THE SECOND YEAR OPTION TERM
FROM JULY 1, 2012 THROUGH JUNE 30, 2013
AND FOR A TOTAL AMOUNT NOT TO EXCEED $250,001
FOR THE FULL PERIOD FROM JULY 1, 2010 THROUGH JUNE 30, 2013
WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
($250,001)

Mr. Grant offered the following resolution, which was seconded by Mr. Earl and unanimously adopted:

WHEREAS, The Director of Purchasing awarded a contract to Alarm Specialists, Inc., 333 Old Tarrytown Road, White Plains, New York 10603, for alarm system inspection, testing, maintenance and repair for fire alarm, CCTV security, nurse call and related alarm systems for the Department of General Services under RFB-RC-2010-047 (the "RFB") in an amount not to exceed $60,000 for the period from July 1, 2010 through June 30, 2011, with the option to renew for two (2) additional one (1) year terms; and

WHEREAS, By Resolution No. 474 of 2011, the Legislature approved the additional purchases in excess of $100,000 from Alarm Specialists, Inc. in the additional amount of $65,000 for the first year option term from July 1, 2011 through June 30, 2012 and for a total amount not to exceed $125,000 for the full period from July 1, 2010 through June 30, 2012, with one (1) remaining one (1) year option; and

WHEREAS, By Resolution No. 16 of 2012, the Legislature approved the additional purchases in excess of $100,000 from Alarm Specialists, Inc. in the additional amount of $50,000 for that same first year option term from July 1, 2011 through June 30, 2012 and for a total contract amount not to exceed $175,000 for the full period from July 1, 2010 through June 30, 2012, with one (1) remaining one (1) year option; and

WHEREAS, By Resolution No. 524 of 2012, the Legislature approved the additional purchases in excess of $100,000 from Alarm Specialists, Inc. in the additional amount of $25,000 for the second year option term from July 1, 2012 through June 30, 2013 and for a total contract amount not to exceed $200,001 for the full period from July 1, 2010 through June 30, 2013; and

WHEREAS, $195,932.29 was spent through March 16, 2013, and it is anticipated that an additional $50,000 will be required through June 30, 2013; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the additional purchases in excess of $100,000 from Alarm Specialists, Inc. in the additional amount of $50,000 for the second year option term from July 1, 2012 through June 30, 2013 and for a total amount not to exceed $250,001 for the full period from July 1, 2010 through June 30, 2013; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2013 Budget of the Department of General Services; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of $100,000 entered into by the County"; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the additional purchases in excess of $100,000 from Alarm Specialists, Inc., 333 Old Tarrytown Road, White Plains, New York 10603, for alarm system inspection, testing, maintenance and repair for fire alarm, CCTV security, nurse call and related alarm systems for the Department of General Services under RFB-RC-2010-047 in the additional amount of $50,000 for the second year option term from July 1, 2012 through June 30, 2013 and in a total amount not to exceed $250,001 for the full period from July 1, 2010 through June 30, 2013, with all purchases of services to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2013 Budget of the Department of General Services.

Introduced by: Referral No. 7300
Hon. Michael M. Grant, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 288 OF 2013
AMENDING 2013 ADOPTED CAPITAL BUDGET TO INCREASE FUNDING IN THE AMOUNT OF $450,000 FOR A TOTAL PROJECT BUDGET IN THE AMOUNT OF $1,300,000 FOR THE REPLACEMENT OF THE ROOF ON THE SHERIFF'S BUILDING
CAPITAL PROJECT NO. 1384
[DEPARTMENT OF GENERAL SERVICES/FACILITIES MANAGEMENT]
($1,300,000)

Mr. Grant offered the following resolution, which was seconded by Mr. Day and Mr. Sparaco and unanimously adopted:

WHEREAS, Capital Project No. 1384 provides for the replacement of the roofs for the Sheriff's Building and Eugene J. Grogan Correctional Center in the amount of $850,000; and

WHEREAS, The roof on the Eugene J. Grogan Correctional Center was replaced in 2007; and

WHEREAS, The roof on the Sheriff's Building has been experiencing numerous leaks for the past two years and is now in need of replacement; and

WHEREAS, Preventive maintenance has been performed on the roof, but it continues to leak; and

WHEREAS, The new replacement roof has been designed by Jan Degenshein Architect Planners, P.C.; and

WHEREAS, The Commissioner of General Services and the Director of Facilities Management requests that the County Executive and the Legislature of Rockland County approve an amendment of the 2013 Adopted Capital Budget for Capital Project No. 1384 to increase funding in the additional amount of $450,000 for the replacement of the roof on the Sheriff's Building for a total capital project amount of $1,300,000; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, The Legislature of Rockland County hereby approves an amendment to the 2013 Capital Budget for Capital Project No. 1384 to increase funding in the additional amount of $450,000 for the replacement of the roof of the Sheriff's Building roof for a total project budget of $1,300,000; and be it further

RESOLVED, The Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

CAPITAL PROJECTS FUND

Increase Approp. Acct.:

H1384	Sheriff's Building & Correctional Center Roofs	450,000

Increase Est. Rev. Acct.:

H5710	Proceeds from Bonds	450,000

Referral No. 7300

RESOLUTION NO. 289 OF 2013

BOND RESOLUTION DATED MAY 21, 2013

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING THE FINANCING OF CONSTRUCTION OF IMPROVEMENTS TO ROOFS FOR BUILDINGS LOCATED AT THE COUNTY SHERIFF'S COMPLEX AND CORRECTIONAL CENTER, STATING THE ESTIMATED MAXIMUM COST OF SUCH PROJECT IS $1,300,000, APPROPRIATING $450,000 THEREFOR, IN ADDITION TO THE $850,000 PREVIOUSLY APPROPRIATED; AND AUTHORIZING THE ISSUANCE OF $450,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

Mr. Grant offered the following bond resolution, which was seconded by Mr. Schoenberger and Mr. Wolfe and by roll call vote was unanimously adopted:

(Adopted) May 21, 2013

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to continue existing Capital Project No. 1384 for the Department of Planning, consisting of construction of improvements to roofs for buildings located at the County Sheriff's Complex and Correctional Center including design and construction, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $1,300,000, and $450,000 is hereby appropriated therefor, in addition to the 850,000 previously appropriated pursuant to Resolution No. 344 of 2001 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of $450,000 bonds of the County herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of $450,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The existing buildings are of at least Class "B" construction as defined by Section 11.00 a. 11. (a) of the Law, and the period of probable usefulness applicable to the specific objects or purposes for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 12.(a)(1) of the Law, is twenty-five (25) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Rockland, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk of the Rockland County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the “ROCKLAND JOURNAL NEWS”, West Nyack, New York and the “ROCKLAND COUNTY TIMES’, published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter.

* * *

The adoption of the foregoing resolution was seconded by Legislators Ilan S. Schoenberger and Alden H. Wolfe and duly put to a vote on roll call, which resulted as follows:

AYES:	12	(Legislators Carey, Day, Earl, Grant, Jobson, Low-Hogan, Murphy, Paul, Schoenberger, Sparaco, Wolfe, Cornell)
NOES:	0	
ABSENT:	5	(Legislators Hood, Jr., Meyers, Moroney, Soskin, Wieder)

The resolution was declared adopted.

Roll Call:

Legislator Schoenberger – Yes.

Legislator Sparaco – Yes.

Legislator Carey – Yes.

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

Introduced by: Referral No. 7300
Hon. Jay Hood, Jr., Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon Christopher J. Carey, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 290 OF 2013
APPROVING A THIRD AMENDMENT AND EXTENSION TO AN AGREEMENT IN AN ADDITIONAL AMOUNT OF $30,000 FOR A TOTAL CONTRACT SUM NOT TO EXCEED $155,000 BETWEEN THE COUNTY OF ROCKLAND AND DONAHOO CONSULTING, LLC (RFP-RC-2010-008) FOR RAILWAY SECURITY AND TRAINING EXERCISES AS NEEDED FROM AUGUST 13, 2013 THROUGH AUGUST 12, 2014 WITH ONE (1) ADDITIONAL ONE (1) YEAR OPTION AND AUTHORIZING EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
($155,000)

Mr. Grant offered the following resolution, which was seconded by Mrs. Low-Hogan and unanimously adopted:

WHEREAS, On August 10, 2010, the County of Rockland entered into an agreement with Donahoo Consulting, LLC, 201 Somerstown Road, Yorktown Heights, New York 10598 for the period from August 13, 2010 through August 12, 2011 in a total contract sum not to exceed $40,000; and

WHEREAS, There was a first amendment to this agreement on April 20, 2011 in the amount of $21,000; and

WHEREAS, the contract was extended through August 12, 2012 by agreement dated September 28, 2011; and

WHEREAS, By Resolution 95 of 2012, the Legislature of Rockland County approved a second amendment to an agreement with Donahoo Consulting, LLC, 201 Somerston Road, Yorktown Heights, New York 10598 in an additional amount of $64,000, for a total contract not to exceed $125,000, for railway security and training exercises as needed from August 13, 2012 through August 12, 2013, with two (2) additional one (1) year options; and

WHEREAS, The Sheriff's Department wishes to amend this agreement a third time with Donahoo Consulting, LLC in an additional amount of $30,000, for a total contract sum not to exceed $155,000, for railway security and training exercises as needed from August 13, 2013 through August 12, 2014, with one (1) additional one (1) year option; and

WHEREAS, Sufficient funding for additional $30,000 amount exists within the 2013 Operating Budget of Sheriff grant department GS29, line E4090; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of $100,000 entered into by the County;" and

WHEREAS, The Public Safety and Budget and Finance Committees of the Legislature have met considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the execution of a third amendment and extension between the County of Rockland and Donahoo Consulting, LLC in an additional amount of $30,000, for a total contract sum not to exceed $155,000, for railway security and training exercises as needed from August 13, 2013 through August 12, 2014, with one (1) additional one (1) year option, and authorizing execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for additional $30,000 amount exists within the 2013 Operating Budget of Sheriff grant department GS29, line E4090.

Introduced by: Referral No. 6394
Hon. Michael M. Grant, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 291 OF 2013
APPROVING EXTENSION OF AND AMENDMENT
TO AGREEMENT IN EXCESS OF $100,000
WITH BECKMANN APPRAISALS, INC.
FOR REAL ESTATE APPRAISAL AND RELATED SERVICES
INCLUDING RIGHT OF WAY - QUALIFIED SUPPLIERS LIST
ON AN AS NEEDED BASIS UNDER RFP-RC-2010-010
EXTENDING THE TERM OF THE AGREEMENT FROM
NOVEMBER 2, 2012 THROUGH NOVEMBER 1, 2013
WITH TWO (2) REMAINING ONE (1) YEAR OPTIONS
AND INCREASING THE AMOUNT OF THE AGREEMENT BY $50,000
FOR A TOTAL AMOUNT NOT TO EXCEED $145,000
FOR THE FULL PERIOD FROM
NOVEMBER 2, 2010 THROUGH NOVEMBER 1, 2013
AND AUTHORIZING THE COUNTY EXECUTIVE
TO EXECUTE SUCH EXTENSION/AMENDMENT
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
($145,000)

Mr. Grant offered the following resolution, which was seconded by Mr. Jobson and unanimously adopted:

WHEREAS, The Director of Purchasing advertised for proposals for real estate appraisal and related services including right of way – qualified suppliers list (QSL) on an as needed basis under RFP-RC-2010-010 (the "RFP") for a period of one (1) year from the date of the award with the option to renew for three (3) additional one (1) year terms; and

WHEREAS, Ninety-four (94) firms were notified of the RFP through the County's electronic bid notification system, fifty-eight (58) firms were mailed notices indicating that the RFP was available and providing instructions on how to download it, twenty-seven (27) firms downloaded the RFP and three (3) firms responded; and

WHEREAS, The County's evaluation committee, which consisted of the Highway Department, the Rockland County Sewer District No. 1 and Environmental Resources, evaluated the responses and recommended that all three (3) firms be placed on the County's QSL; and

WHEREAS, Beckmann Appraisals, Inc. ("Beckmann"), 67 Main Street, Tappan, New York 10983, was one of the three (3) firms placed on the County's QSL; and

WHEREAS, On November 12, 2010, the Department of General Services – Division of Purchasing entered into an agreement with Beckmann in the amount of $95,000 for the period from November 2, 2010 through November 1, 2012 with three (3) additional (1) year option terms; and

WHEREAS, To date, the County has spent $76,780 under the RFB; and

WHEREAS, By this resolution, the Director of Purchasing seeks to exercise the first year option term of the agreement, extending the term of the agreement from November 2, 2012 through November 1, 2013, with two (2) remaining one (1) year options, and increase the amount of the agreement by $50,000 for a total amount not to exceed $145,000 for the full period from November 2, 2010 through November 1, 2013; and

WHEREAS, All purchases of service will be initiated by formal purchase order; and

WHEREAS, Sufficient funding for the extension/amendment to the agreement is provided for in the 2013 Budgets of the various Departments utilizing such services; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of $100,000 entered into by the County"; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the extension of and amendment to the agreement in excess of $100,000 with Beckmann Appraisals, Inc., 67 Main Street, Tappan, New York 10983, for real estate appraisal and related services including right of way – qualified suppliers list (QSL) on an as needed basis under RFP-RC-2010-010, extending the term of the agreement from November 2, 2012 through November 1, 2013 with two (2) remaining one (1) year options, and increasing the amount of the agreement by $50,000 for a total amount not to exceed $145,000 for the full period from November 2, 2010 through November 1, 2013, with all purchases of services to be made by formal purchase order, subject to the approval of the Director of Purchasing, and hereby authorizes the County Executive to execute such extension/amendment to the agreement, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for the extension/amendment to the agreement is provided for in the 2013 Budgets of the various Departments utilizing such services.

Introduced by: Referral No. 6394
Hon. Michael M. Grant, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Nancy Low-Hogan, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 292 OF 2013
APPROVING AMENDMENT TO THE 2013 CAPITAL BUDGET TO INCREASE FUNDING IN THE AMOUNT OF $350,000 FOR REPLACEMENT OF OAK TREE ROAD BRIDGE OVER SPARKILL CREEK, LOCATED IN THE TOWN OF ORANGETOWN INCREASING THE AMOUNT FOR CAPITAL PROJECT NO. 3300 TO $2,956,800
(HIGHWAY DEPARTMENT)
($2,956,800)

Mr. Grant offered the following resolution, which was seconded by Mrs. Low-Hogan and unanimously adopted:

WHEREAS, The Legislature of Rockland County previously appropriated $1,645,000 by Resolution No. 351 of 1999 and $961,800 by Resolution No. 308 of 2010 for a total sum of $2,606,800 for Capital Account No. 3300 which project includes the replacement of the Oak Tree Road Bridge over Sparkill Creek, located in the Town of Orangetown; and

WHEREAS, Approximately $700,000 has been expended or is encumbered for design, consultant construction inspection and miscellaneous project costs; and

WHEREAS, The Superintendent of Highways is requesting that the Legislature of Rockland County amend the 2013 Capital Budget to Capital Project No. 3300 in the amount of $350,000 for the replacement of Oak Tree Road Bridge Over Sparkill Creek, located in the Town of Orangetown increasing the amount of Capitol Project No. 3300 to $2,956,800; and

WHEREAS, The additional funding is being requested for costs related to the replacement of the Oak Tree Road Bridge over Sparkill Creek, located in the Town of Orangetown (the "Project"), including the construction contract award for the replacement of the bridge in the amount of $2,168,000, and Highway Department engineering salary for project management, construction and construction inspection oversight, and project coordination with the NYSDOT in the amount of approximately $88,800; and

WHEREAS, The Project is eighty (80%) percent Federally funded and fifteen (15%) percent State funded. The Department of Highway is currently in the process of soliciting the State for additional construction and construction inspection funding; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves an amendment to the 2013 Capital Budget to increase funding in the amount of $350,000 to Capital Project No. 3300, for the
replacement of Oak Tree Road Bridge over Sparkill Creek, located in the Town of Orangetown, bringing the total amount of the Project to $2,956,800, and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

CAPITAL PROJECTS FUND

Increase Approp. Acct.:		
H3300	Bridge Replacement-Oak Tree Road/Sparkill Creek	350,000
Increase Est. Rev. Acct.:		
H5710	Proceeds from Bonds	350,000

Introduced by: Referral No. 6394B
Hon. Michael M. Grant, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Nancy Low-Hogan, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 293 OF 2013
ACCEPTING THE BID OF THE LOWEST RESPONSIBLE BIDDER AND APPROVING A CONTRACT IN EXCESS OF $100,000 WITH HVB CONSTRUCTION INC. IN AN AMOUNT NOT TO EXCEED $2,168,000.00 FOR THE REPLACEMENT OF THE OAK TREE ROAD BRIDGE OVER SPARKILL CREEK, IN THE TOWN OF ORANGETOWN, AND AUTHORIZING EXECUTION OF THE CONTRACT BY THE COUNTY EXECUTIVE
[DEPARTMENT OF HIGHWAYS]
($2,168,000.00)

Mr. Grant offered the following resolution, which was seconded by Mrs. Low-Hogan and unanimously adopted:

WHEREAS, By Resolution No. 227 of 2009, the Legislature of Rockland County authorized its Clerk to advertise for bids for the replacement of Oak Tree Road Bridge over Sparkill Creek located in the Town of Orangetown, Capital Project No. 3300 pursuant to plans and specifications prepared by TranSystems Architect and Engineer, P.C.; and

WHEREAS, A public bid was advertised and performed and twelve (12) bids were received and opened and a bid analysis was performed by the Highway Department that determined that there were no unfair bidding practices and that the contract should be awarded to the low bidder; and

WHEREAS, HVB Construction, Inc., 144 Route 17M, Suite B, Harriman, New York 10926, was the lowest bidder, who submitted a bid for the replacement of Oak Tree Road Bridge over Sparkill Creek, in the amount of $2,168,000.00, and

WHEREAS, The Highway Department has verified, and is satisfied that HVB Construction, Inc. is a responsible firm and recommends that the Rockland County Legislature accept its bid and approve a contract with said firm, in the amount of $2,168,000.00; and

WHEREAS, General Municipal Law Section 103 requires that contracts for public work involving an expenditure of more than $20,000 be awarded to the lowest responsible bidder; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve “execution of all contracts in excess of $100,000 entered into by the County;” and

WHEREAS, All construction inspection services will be performed by C & S Engineers Inc. and Highway Department engineering staff; and

WHEREAS, All costs associated with this project will be reimbursed eighty (80%) with federal funds and fifteen (15%)percent with state funds; and

WHEREAS, Sufficient funding for this contract exists in the 2013 Adopted Capital Budget, Capital Project No. 3300; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County accepts the bid of $2,168,000.00 from HVB Construction, Inc. the lowest responsible bidder, and approves the contract in excess of $100,000 with HVB Construction, Inc., 144 Route 17M, Suite B, Harriman, New York 10926, in an amount not to exceed $2,168,000.00 for the replacement of Oak Tree Road Bridge over Sparkill Creek located in the Town of Orangetown, Capital Project No. 3300 pursuant to plans and specifications prepared by TranSystems Architect and Engineer P.C., and authorizes the execution of the contract by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That all costs associated with this project will be reimbursed eighty (80%) with federal funds and fifteen (15%)percent with state funds; and be it further

RESOLVED, That sufficient funding for this contract exists in the 2013 Adopted Capital Budget, Capital Project No. 3300.

Referral No. 6394

RESOLUTION NO. 294 OF 2013

BOND RESOLUTION DATED MAY 21, 2013

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING THE FINANCING OF REPLACEMENT OF OAK TREE ROAD BRIDGE, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS $2,956,800; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF $350,000 BONDS HEREIN AUTHORIZED; IN ADDITION TO THE $2,606,800 BONDS PREVIOUSLY AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND AUTHORIZING $2,808,960 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF SAID OBJECTS OR PURPOSES OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

Mr. Grant offered the following bond resolution, which was seconded by Mrs. Low-Hogan and by roll call vote was unanimously adopted:

(Adopted) May 21, 2013

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to continue existing Capital Project No. 3300 for the Department of Highways, consisting of replacement of the Oak Tree Bridge including replacement of guide rails, reconstruction of approach roads, stream channel improvements, embankment stabilization, utility coordination, guide railing work and traffic protection, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $2,956,800, and $350,000 is hereby appropriated therefor, in addition to the $961,800 previously appropriated pursuant to Resolution No. 308 of 2010 and $1,645,000 previously appropriated pursuant to Resolution No. 351 of 1999 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of $350,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes, and authorizing $2,808,960 expected to be received from the United States of America and/or the State of New York to be expended towards the cost of said specific object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. Bonds of the County in the principal amount of $350,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the specific object or purpose for which said $350,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Rockland, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk of the Rockland County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the "ROCKLAND JOURNAL NEWS", West Nyack, New York and the "ROCKLAND COUNTY TIMES', published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter.

* * *

The adoption of the foregoing resolution was seconded by Legislator Nancy Low-Hogan and duly put to a vote on roll call, which resulted as follows:

AYES:	12	(Legislators Carey, Day, Earl, Grant, Jobson, Low-Hogan, Murphy, Paul, Schoenberger, Sparaco, Wolfe, Cornell)
NOES:	0	
ABSENT:	5	(Legislators Hood, Jr., Meyers, Moroney, Soskin, Wieder)

The resolution was declared adopted.

Roll Call:

Legislator Schoenberger – Yes.

Legislator Sparaco – Yes.

Legislator Carey – Yes.

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

Introduced by: Referral No. 5906
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Nancy Low-Hogan, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 295 OF 2013
APPROVING PURCHASES IN EXCESS OF $100,000
FROM CLEAN WATERS, INC. OF POLYMER FOR CENTRIFUGES
FOR THE ROCKLAND COUNTY SEWER DISTRICT NO. 1
UNDER RFB-RC-2013-018
IN AN AMOUNT NOT TO EXCEED $205,620.45
FOR THE PERIOD FROM MARCH 20, 2013 THROUGH MARCH 19, 2014
WITH FOUR (4) REMAINING ONE (1) YEAR OPTIONS
WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER
[DEPARTMENT OF GENERAL SERVICES – DIVISION OF PURCHASING]
($205,620.45)

Mr. Grant offered the following resolution, which was seconded by Mr. Jobson and unanimously adopted:

WHEREAS, The Director of Purchasing advertised for bids for polymer for centrifuges for the Rockland County Sewer District No. 1 (the "Sewer District") under RFB-RC-2013-018 (the "RFB") for a period of one (1) year from the date of the award with four (4) one (1) year options; and

WHEREAS, Eighty-one (81) vendors were notified of the RFB, and four (4) vendors responded to it; and

WHEREAS, The four (4) vendors were required to perform a Bench Test and a Performance Test of the proposed polymer; and

WHEREAS, Two (2) of the four (4) vendors were deemed "no bids" because they failed to complete the Performance Test after they completed the Bench Test; and

WHEREAS, The two (2) remaining vendors, Clean Waters, Inc. and Neo Solutions, Inc., completed both the Bench Test and the Performance Test, but Neo Solutions, Inc. failed the Performance Test; and

WHEREAS, Clean Waters, Inc., 26808 Co. Rt. 3, Plessis, New York 13675, passed the Performance Test using its Polymer – ChargePack282A, with an average sludge cake of 27.93% solid (The sludge cake percent solid of the polymer tested was required to average 26% or greater.); and

WHEREAS, The Purchasing Department determined that Clean Waters, Inc. was the lowest responsive, responsible bidder; and

WHEREAS, The Director of Purchasing recommends to the County Executive and the Legislature of Rockland County that the County approve the purchases in excess of $100,000 from Clean Waters, Inc. for polymer for centrifuges to be used by the Sewer District under the RFB for the period from March 20, 2013 through March 19, 2014 with four (4) remaining one (1) year options; and

WHEREAS, All purchases will be initiated by formal purchase order; and

WHEREAS, Sufficient funding for the purchases is provided for in the 2013 Budget of the Rockland County Sewer District No. 1 and is contingent upon 2014 budget appropriations; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of $100,000 entered into by the County"; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the purchases in excess of $100,000 from Clean Waters, Inc., 26808 Co. Rt. 3, Plessis, New York 13675, for polymer for centrifuges to be used by the Rockland County Sewer District No. 1 under RFB-RC-2013-018 for the period from March 20, 2013 through March 19, 2014 with four (4) remaining one (1) year options, and authorizes all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for the purchases is provided for in the 2013 Budget of the Rockland County Sewer District No. 1 and is contingent upon 2014 budget appropriations.

Introduced by: Referral No. 5906
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Nancy Low-Hogan, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 296 OF 2013
APPROVING AN AMENDMENT AND EXTENSION TO AGREEMENT WITH CHU AND GASSMAN IN EXCESS OF $100,000 FOR ENGINEERING SERVICES IN THE ADDITIONAL AMOUNT OF $10,500 FOR A TOTAL CONTRACT SUM NOT TO EXCEED $119,658 FOR UPGRADE OF EXISTING ELECTRICAL SUBSTATION #2 AT THE ROCKLAND COUNTY SEWER DISTRICT FACILITIES IN ORANGEBURG AND FURTHER EXTENDING THE ORIGINAL AGREEMENT FROM AUGUST 1, 2013 TO JUNE 30, 2014 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
[ROCKLAND COUNTY SEWER DISTRICT NO. 1]
($119,658)

Mr. Grant offered the following resolution, which was seconded by Mrs. Low-Hogan and unanimously adopted:

WHEREAS, The County entered into an agreement with Chu and Gassman, 559 Union Avenue, Middlesex, New Jersey 08846, on October 26, 2009 in the amount of $109,158 for engineering services for an upgrade of existing electrical substation #2 at the Rockland County Sewer District Facilities in Orangeburg for the period from February 8, 2007 through February 9, 2009; and

WHEREAS, The County and Chu and Gassman amended the original agreement with extensions from February 9, 2009 to December 31, 2010; January 1, 2011 to January 31, 2012; and from January 31, 2012 to August 1, 2013 while maintaining the original contract sum not to exceed $109,158; and

WHEREAS, Due to recent storm events and increased risk of large scale power outages, additional work has been added to the scope of services to this agreement; and

WHEREAS, Chu and Gassman submitted a cost proposal on March 11, 2013 requesting an increase to their agreement by an additional amount of $10,500 for a total contract amount not to exceed $119,658; and

WHEREAS, By Resolution No. 13 of 2013, the Board of Sewer Commissioners upon recommendation of the Executive Director of Rockland County Sewer District No. 1 authorized an amendment of the agreement with Chu and Gassman, in the amount of $10,500 for engineering services for an upgrade of existing electrical substation #2 at the Rockland County Sewer District Facilities in Orangeburg and extended the terms of the existing contract for the period from August 1, 2013 through June 30, 2014; subject to the approval of the Rockland County Legislature; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve “execution of all contracts in excess of $100,000 entered into by the County;” and

WHEREAS, Sufficient funding for this contract exists in the 2013 Capital Budget of the Rockland County Sewer District No. 1, Capital Account No. 6210; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the amendment and extension to the contract in excess of $100,000, for engineering services and construction administration with Chu and Gassman, 559 Union Avenue, Middlesex, New Jersey 08846, in the amount of $10,500 for an upgrade of existing electrical substation #2 at the Rockland County Sewer District Facilities in Orangeburg and extends the terms of the existing contract for the period from August 1, 2013 through June 30, 2014; for a total contract sum not to exceed $119,658 and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this contract exists in the 2013 Capital Budget of the Rockland County Sewer District No. 1, Capital Account No. 6210.

Referral No. 6306

RESOLUTION NO. 297 OF 2013

BOND RESOLUTION DATED MAY 21, 2013

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING THE FINANCING OF PARTIAL RECONSTRUCTION OF BUILDING "L" AT THE DR. ROBERT L. YEAGER HEALTH CENTER, STATING THE ESTIMATED MAXIMUM COST OF SUCH PROJECT IS $900,000, APPROPRIATING $300,000 THEREFOR, IN ADDITION TO THE $600,000 PREVIOUSLY APPROPRIATED; AND AUTHORIZING THE ISSUANCE OF $300,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

Mr. Grant offered the following resolution, which was seconded by Mrs. Paul and by roll call vote was unanimously adopted:

(Adopted) May 21, 2013

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to continue existing Capital Project No. 2078 for the Department of General Services Facilities Management, consisting of partial reconstruction of Building "L" at the Dr. Robert L. Yeager Health Center, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is $900,000, and $300,000 is hereby appropriated therefor, in addition to the $300,000 previously appropriated pursuant to Resolution No. 42 of 2003 and $300,000 previously appropriated pursuant to Resolution No. 59 of 2011 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of $300,000 bonds of the County herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of $300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The existing building is of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and the period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 12.(a)(2) of the Law, is fifteen (15) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Rockland, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The Clerk of the Rockland County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the “ROCKLAND JOURNAL NEWS”, West Nyack, New York and the “ROCKLAND COUNTY TIMES’, published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 9. This Resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter.

* * *

The adoption of the foregoing resolution was seconded by Legislator Aney Paul and duly put to a vote on roll call, which resulted as follows:

AYES:	12	(Legislators Carey, Day, Earl, Grant, Jobson, Low-Hogan, Murphy, Paul, Schoenberger, Sparaco, Wolfe, Cornell)
NOES:	0	
ABSENT:	5	(Legislators Hood, Jr., Meyers, Moroney, Soskin, Wieder)

The resolution was declared adopted.

Roll Call:

Legislator Schoenberger – Yes.

Legislator Sparaco – Yes.

Legislator Carey – Yes.

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

Introduced by: Referral No. 7945
Hon. Michael M. Grant, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 298 OF 2013
AUTHORIZING AND DIRECTING THE
CLERK TO THE LEGISLATURE TO ADVERTISE FOR BIDS
FOR THE DESIGN AND CONSTRUCTION OF THE
DUTCH GARDEN PARKING AND ENTRANCE GATEWAY
CAPITAL PROJECT # 1390
[DEPARTMENT OF GENERAL SERVICES – FACILITIES MANAGEMENT]

Mr. Grant offered the following resolution, which was seconded by Mr. Day and Mr. Jobson and unanimously adopted:

WHEREAS, The Legislature of Rockland County authorized the design and construction of the Dutch Garden parking and entrance gateway under Capital Project #1390; and

WHEREAS, Plans and specifications for this project have been prepared by the Behan Planning Associates; and

WHEREAS, The Commissioner of General Services and the Director of Facilities Management recommend to the County Executive and the Legislature of Rockland County that the Clerk to the Legislature be authorized and directed to advertise for bids for the design and construction of the Dutch Garden parking and entrance gateway; and

WHEREAS, Funding for this project is provided in Capital Project #1390; and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Clerk to the Legislature is hereby authorized and directed to advertise for bids for the design and construction of the Dutch Garden parking and entrance gateway, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding for this project is provided in Capital Project #1390.

Debate:

Mr. Day

There was much work done to get this particular partials so we would be able to expose Dutch Gardens to public view and have a nice entrance way. I want to acknowledge a colleague who has since passed on, former Planning and Public Works Chairman VJ Pradhan.

We were supposed to get a copy of the plans. Were those plans ever submitted to the committee?

Chairwoman Cornell

No, I had asked to see them and I honestly have not.

Mr. Day

I think it is critical that we see the plans. We were supposed to be partners in this. There was a lot of time getting public input on what the design was to have here when it was done. I think it is important know the plans to make sure it reflects the communities desire. I would ask that we immediately get the plans and have them brought to committee.

Mr. Schoenberger

Despite some inaccurate comments by some people to the contrary the County's capital improvements budget for our parks had appropriated $450,000 in 2013 of which $150,000 was budget and all but $2,788 was spent. I believe we still have $300,000 left in capital improvements budget for the parks for this year.

Chairwoman Cornell

We will certainly get those plans. .

Referral No. 9125

RESOLUTION NO. 299 OF 2013

BOND RESOLUTION DATED MAY 21, 2013

BOND RESOLUTION OF THE COUNTY OF ROCKLAND, NEW YORK, AUTHORIZING THE FINANCING OF PARTIAL RECONSTRUCTION OF BUILDING A LOCATED AT THE SUMMIT PARK HOSPITAL & NURSING CARE CENTER (DR. ROBERT L. YEAGER HEALTH CENTER) IN POMONA, STATING THE ESTIMATED MAXIMUM COST THEREOF IS $500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF $500,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

Mr. Grant offered the following bond resolution, which was seconded by Mrs. Paul and by roll call vote was unanimously adopted:

(Adopted) May 21, 2013

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ROCKLAND, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Rockland, New York (herein called "County"), is hereby authorized to undertake new capital project No. 4472 for the Department of General Services Facilities Management, consisting of partial reconstruction of Building A located at the Summit Park Hospital & Nursing Care Center (Dr. Robert L. Yeager Health Center) in Pomona, including but not limited to: architectural and engineering design and construction of building improvements to Building A interior space, mechanical, electrical, and plumbing systems, painting, carpeting, flooring, ceilings, lighting, doors, heating, signage, HVAC, and related improvements, all as more particularly described in the County's 2013 Capital Budget, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is $500,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of $500,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of $500,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The existing building is of at least Class "B" construction as defined by Section 11.00 a. 11. (b) of the Law, and the period of probable usefulness applicable to the specific object or purpose for which the bonds authorized by this resolution is to be issued within the limitations of Section 11.00 a. 12.(a)(2) of the Law, is fifteen (15) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Rockland, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Rockland County Legislature is hereby directed to publish the foregoing bond resolution, in summary, in the “ROCKLAND JOURNAL NEWS”, West Nyack, New York and the “ROCKLAND COUNTY TIMES’, published by Citizen Publishing Corp., Nanuet, New York, each of said newspapers having been designated the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect in accordance with Section C2.02 of the Rockland County Charter.

* * *

The adoption of the foregoing resolution was seconded by Legislator Aney Paul and duly put to a vote on roll call, which resulted as follows:

AYES:	12	(Legislators Carey, Day, Earl, Grant, Jobson, Low-Hogan, Murphy, Paul, Schoenberger, Sparaco, Wolfe, Cornell)
NOES:	0	
ABSENT:	5	(Legislators Hood, Jr., Meyers, Moroney, Soskin, Wieder)

The resolution was declared adopted.

Roll Call:

Legislator Schoenberger – Yes.

Legislator Sparaco – Yes.

Legislator Carey – Yes.

Legislator Day – Yes.

Legislator Earl – Yes.

Legislator Grant – Yes.

Legislator Jobson – Yes.

Legislator Low-Hogan – Yes.

Legislator Murphy – Yes.

Legislator Paul – Yes.

Vice Chairman Wolfe – Yes.

Chairwoman Cornell - -Yes.

Introduced by: Referral No. 8293
Hon. Michael M. Grant, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Aney Paul, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 300 OF 2013
APPROVING ACCEPTANCE OF SUPPLEMENTAL AGREEMENT NO. 11
IN THE AMOUNT OF $650,000 (NCTD)
WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
TO FUND THE COUNTY OF ROCKLAND'S
TRAVEL DEMAND MANAGEMENT (TDM) PROGRAM
FOR THE PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013
AND AUTHORIZING EXECUTION OF ALL NECESSARY
DOCUMENTS BY THE COUNTY EXECUTIVE
[DEPARTMENT OF PUBLIC TRANSPORTATION]
($650,000)

Mr. Grant offered the following resolution, which was seconded by Mr. Schoenberger and unanimously adopted:

WHEREAS, The Commissioner of Public Transportation has advised the County Executive and the Legislature of Rockland County that he desires to enter into a supplemental agreement in the amount of $650,000 with the New York State Department of Transportation for the period October 1, 2012 through September 30, 2013 in order for the County to be reimbursed for $520,000 of work performed in connection with the County of Rockland's Travel Demand Management (TDM) Program (with a local share of $130,000, which involves the expenditure of no county tax dollars); and

WHEREAS, On October 1, 2001 the County of Rockland entered into an agreement with New York State Department of Transportation for the Travel Demand Management (TDM) Program Comptroller's Contract NO. DO17592 with a term of October 1, 2001 through September 30, 2002; and

WHEREAS, Supplemental agreements to Comptroller's Contract No. DO17592 have been entered into by the County of Rockland and New York State Department of Transportation on an annual basis since September 30, 2002, the last such agreement for the term October 1, 2011 through September 30, 2012 approved by the Legislature of Rockland County on January 17, 2012 under Resolution No. 15 of 2012; and

WHEREAS, Funding for the contract is provided through the Federal Congestion Mitigation and Air Quality Program (CMAQ) and administered by New York State Department of Transportation; and

WHEREAS, Supplemental Agreement No. 11 in the amount of $650,000 with the New York State Department of Transportation for the County to be reimbursed for $520,000 of work performed in connection with Rockland's Travel Demand Management (TDM) Program for the period October 1, 2012 through September 30, 2013 requires the expenditure of no county tax dollars because the local share of $130,000 is funded through MTA discretionary funds and staff time; and

WHEREAS, No funding clause is required since the agreement amount was already appropriated in the Department of Public Transportation Budget for said period; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of $100,000 entered into by the County;" and

WHEREAS, The Planning & Public Works and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County approves the acceptance of a supplemental agreement in the amount of $650,000 with the New York State Department of Transportation in order for the County to be reimbursed for $520,000 of work performed in connection with Rockland's Travel Demand Management (TDM) Program (with a local share of $130,000 which involves the expenditure of no county tax dollars) for the period October 1, 2012 through September 30, 2013, and authorizes execution of all necessary documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That no funding clause is required since the agreement amount was already appropriated in the Department of Public Transportation Budget for said period.

Introduced by: Referral No. 9348
Hon. Michael M. Grant, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 301 OF 2013
APPROVING ACCEPTANCE OF CONTINUATION GRANT
IN THE AMOUNT OF $116,718.60 (NCTD)
WITH A POSSIBLE COLA OF NO MORE THAN 10% OR $11,671.86
FOR A TOTAL GRANT AMOUNT NOT TO EXCEED $128,390.46
FROM THE NEW YORK STATE DEPARTMENT OF HEALTH
TO COVER COSTS ASSOCIATED WITH MANDATED RABIES CONTROL
FOR A FIVE (5) YEAR PERIOD
FROM APRIL 1, 2012 THROUGH MARCH 31, 2017
AND AUTHORIZING EXECUTION OF ALL NECESSARY
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
(DEPARTMENT OF HEALTH)
($128,390.46)

Mr. Grant offered the following resolution, which was seconded by Mrs. Paul and unanimously adopted:

WHEREAS, The Acting Commissioner of Health has advised the County Executive and the Legislature of Rockland County that her department has been awarded a continuation grant from the New York State Department of Health for a five (5) year period in the amount of $116,718.60, with a possible COLA of no more than 10% or $11,671.86 for a total grant amount not to exceed $128,390.46, to cover costs associated with mandated rabies control for the period April 1, 2012 through March 31, 2017; and

WHEREAS, The Department of Health's rabies control program provides human rabies treatment, specimen collection and three (3) pet vaccination clinics annually; and

WHEREAS, No County tax dollars (NCTD) are required to accept this grant; and

WHEREAS, No funding clause is required since sufficient grant appropriations and estimated revenue for mandated rabies control was provided for in the 2012 and 2013 adopted budgets of the Department of Health and will continue to be provided for in the 2014 through 2017 adopted budgets of the Department of Health; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of $100,000 entered into by the County;" and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a continuation grant from the New York State Department of Health for a five (5) year period in the amount of $116,718.60, with a possible COLA of no more than 10% or $11,671.86 for a total grant amount not to exceed $128,390.46, to cover costs associated with mandated rabies control for the period April 1, 2012 through March 31, 2017, and authorizes the execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept this grant; and be it further

RESOLVED, That no funding clause is required since sufficient grant appropriations and estimated revenue for mandated rabies control was provided for in the 2012 and 2013 adopted budgets of the Department of Health and will continue to be provided for in the 2014 through 2017 adopted budgets of the Department of Health.

Introduced by: Referral No. 3977
Hon. Philip Soskin, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Patrick J. Moroney, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 302 OF 2013
APPROVING THE ACCEPTANCE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) FUNDS FROM THE NEW YORK STATE HOUSING TRUST FUND CORPORATION'S OFFICE OF COMMUNITY RENEWAL (OCR) AND APPROVING EXECUTION BY THE COUNTY EXECUTIVE OF ALL NECESSARY INSTRUMENTS AND DOCUMENTS
(NO COUNTY TAX DOLLARS)
[OFFICE OF COMMUNITY DEVELOPMENT]
($11,000,000.00)

Mr. Grant offered the following resolution, which was seconded by Mrs. Low-Hogan and unanimously adopted:

WHEREAS, Earlier this year, New York State was notified that it would receive $1.7 billion in funding from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant Disaster Recovery Program (CDBG-DR) to assist in the recovery of communities affected by Hurricane Sandy, Hurricane Irene and Tropical Storm Lee; and

WHEREAS, Attached as Exhibit "A", is the State of New York Action Plan for Community Development Block Grant Program Disaster Recovery; and

WHEREAS, The County of Rockland has been advised by the New York State Housing Trust Fund Corporation's Office of Community Renewal (OCR), that it anticipates a total estimated award of $11,000,000.00 and in the first round of funding has been awarded $1,000,000.00 in CDBG-DR funding to assist property owners in repairing and rebuilding their damaged residential structures; and

WHEREAS, The County of Rockland, through the Office of Community Development, has developed a Comprehensive Project List for the funding the County will receive, (a copy of the Project List is attached herein as Exhibit "B"); and

WHEREAS, The County of Rockland will be responsible for administering the Grant Funds in accordance with the terms of CBDR Project No. 1299 DR3-13 (the Agreement) and subject to the approval of the OCR; and

WHEREAS, It is necessary, in order to obtain the funds, that the County Executive execute and submit to OCR the Agreement (a copy of which is attached as "Exhibit C"), and

WHEREAS, It is necessary, in order to implement CBBG-DR Project No. 1299 DR3-13 and its projects and all remaining grant agreements, not to exceed the estimated award of $11,000,000, that the County Executive execute on behalf of the County of Rockland various instruments and documents for this project; and

WHEREAS, No County funds are required for this program, and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve "execution of all contracts in excess of $100,000 entered into by the County;" and

WHEREAS, The Multi-Services and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the execution and submission by the County Executive of the Agreement for the acceptance of funds under DR-Project No. 1299DR3-13 and all remaining grant agreements, not to exceed the estimated award of $11,000,000.00, with OCR; and be it further

RESOLVED, That, upon approval of the Agreement for CBDR-DR Project No. 1299 DR3-13, the Legislature of Rockland County hereby approves, generally and pursuant to Local Law No. 18 of 1996, the execution by the County Executive of the grant agreement and of any and all necessary instruments and documents with respect to the federal funds in furtherance of the project and program, subject to the approval of the County Attorney, and be it further,

RESOLVED, That, upon approval and execution of the agreement by the County Executive and by OCR, the Commissioner of Finance of the County of Rockland be and is hereby authorized, empowered and directed to establish new accounts for the CBDR-DR Project No. 1299 DR3-13 and all remaining grant agreements, not to exceed the estimated award of $11,000,000.00 Community Development funds.

SCHEDULE A

STATE OF NEW YORK ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM DISASTER RECOVERY

Utilizing Supplemental CDBG Disaster Recovery Funding from the Allocation, Common Application, Waivers, and Alternative Requirements for Community Development Block Grant Disaster Recovery Grantees Under the Department of Housing and Urban Development Appropriations Act, 2013 (Public Law 113-2)

Through the US Department of Housing and Urban Development
Office of the Assistant Secretary for Community Planning and Development

Federal Register Docket No. FR-5696-N-01

Andrew M. Cuomo, Governor, NYS
Darryl C. Towns, Commissioner/CEO, NYS HCR

Prepared by
New York State Homes and Community Renewal
Office of Community Renewal
April 3, 2013

New York State Office of Community Renewal
CDBG-DR Action Plan
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Persons with disabilities or non-English speakers who may need these documents presented in a different format are encouraged to contact New York State Homes and Community Renewal who will provide the document in an accessible format.

1-866-ASK-DHCR (1-866-275-3427)

1. Introduction

In late October 2012, the largest storm in New York's recorded history swept ashore. Hurricane Sandy's effect was devastating, causing widespread damage to lives, homes, businesses, core infrastructure, government property and an economy just recovering from the financial crisis. Fourteen counties were declared as Federal disaster areas. Sixty New Yorkers died and two million customers lost power with some blackouts lasting up to three weeks. The storm damaged or destroyed as many as 300,000 housing units, affected or closed over 2,000 miles of roads, produced catastrophic flooding in subways and tunnels, and damaged major power transmission systems.

Hurricane Sandy's impact was particularly tragic coming on the heels of Hurricane Irene and Tropical Storm Lee, which in 2011 devastated many communities in Upstate New York and the Hudson Valley region, as well as on Long Island. Tens of thousands of homes incurred damage in these storms, many of them destroyed by flood waters and wind. Businesses and infrastructure suffered substantial damage as well. Communities affected by these storms are still working hard every day to build back their lives.

In response to Hurricane Sandy, Hurricane Irene and Tropical Storm Lee, New York State has developed a Storm Recovery Plan to help define how the State will effectively use all available funding to recover and rebuild, and just as importantly, to stimulate economic growth in every affected community. That plan encompasses the full range of critical recovery and rebuilding, including transportation and energy infrastructure, coastal protections and natural infrastructure, water treatment plants, housing, business recovery, and many others.

On Tuesday, March 5, 2013, the U.S. Department of Housing and Urban Development (HUD) published Federal Register Notice 5696-N-01, which established the requirements and processes for the first $1.7 billion in Federal CDBG-DR aid appropriated by the United States Congress, and allocated to New York State, for disaster relief. This document, the State's required CDBG-DR Action Plan, addresses exclusively one portion of the State's Storm Recovery Plan; the State's proposed use of the first allocation of these CDBG-DR funds to New York State. Using this first allocation, the State will focus principally on meeting the immediate needs for housing and business assistance in the communities affected by recent storms; assisting county and local governments to cover both their emergency expenses and the matching fund requirements that must be met to repair and mitigate key infrastructure projects; and, by leveraging private financing, assisting critical facilities that suffered damage to install energy-related mitigation (e.g., combined heat and power systems) to withstand future natural disasters. The State will use later allocations not only to continue to address these needs, but also to fund critical infrastructure repair and mitigation and community-driven plans to improve resilience and economic growth.

HUD allocated the first one-third of these CDBG-DR funds based on its estimate of the most critical unmet needs for severe damage to businesses, infrastructure and housing

that remain to be addressed in the most impacted states and counties, after taking into account data on insurance, Federal Emergency Management Agency (FEMA) assistance, and Small Business Administration (SBA) disaster loans. Per this evaluation, New York State Homes and Community Renewal (NYS HCR), through its Office of Community Renewal (OCR) and the Housing Trust Fund Corporation (HTFC), will oversee the administration of approximately $1.71 billion to assist impacted communities with disaster recovery. NYS HCR consists of all the State's major housing and community renewal agencies, including the State of New York Mortgage Agency, the Affordable Housing Corporation, the Division of Housing and Community Renewal, the Housing Finance Agency, the Housing Trust Fund Corporation and others. In addition to the State's allocation, New York City will receive approximately $1.77 billion of CDBG-DR funding to administer directly.

The State of New York is required to publish an Action Plan for Disaster Recovery that describes the proposed use of HUD CDBG-DR funding as provided under the *Allocation, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant Disaster Recovery (CDBG-DR) Funds in Response to Hurricane Sandy.*

Under Federal Law, the Action Plan must describe:

- How the proposed use of CDBG-DR funds will address long-term recovery needs;
- Eligible affected areas and the distribution of CDBG-DR funds to those areas;
- Activities for which CDBG-DR funds may be used;
- The Citizen Participation process used to develop the Action Plan; and
- Grant administration standards.

The overall Action Plan will be used as a guide by the State of New York and the OCR for the distribution of $1,713,960,000 of CDBG-DR funding to meet the unmet housing, economic development, community planning, and infrastructure needs of impacted communities. As outlined in the Federal Register Notice a minimum of 80%, or $1,371,168,000 of the State's allocation, must be expended in the most impacted Counties, identified by HUD in that initial Notice as Nassau, Suffolk and Rockland. The use of the first tranche of these funds, as outlined in the Federal Register Notice, will also be used to address remaining unmet needs in declared counties impacted by Hurricane Sandy, Hurricane Irene and Tropical Storm Lee.

At this time, New York State is submitting a comprehensive Action Plan proposal for the use of the first $1.7 billion allocation to the State, but intends to draw down from this allocation in smaller increments, as agreed to in consultation with HUD, in order to control the expenditure and delivery of these funds in the most efficient and effective manner. The Action Plan proposal that follows contains a preliminary assessment of the State's needs, but as the State continues to identify the full scope of needs and programs require additional funding the State will seek additional funds from this allocation to support those programs.

2. Needs Assessment and Rationale for Prioritization of Funds

In response to Hurricane Sandy, Hurricane Irene and Tropical Storm Lee, New York State has developed a Storm Recovery Plan to help define how the State will effectively use any available funding to recover and rebuild, and just as importantly, to stimulate economic growth in every affected community through a community-driven planning process. The plan is based on six key principles:

1. *Building back better and smarter* – As New Yorkers repair the significant damage wrought by Hurricane Sandy, the State will use the opportunity not to replace damaged buildings with the same structures, but to invest in additional mitigation to prevent similar damage from recurring.
2. *State-led, community-driven recovery* – The State is collaborating closely with local governments and other organizations to ensure a coordinated and holistic response, while looking to individual communities to develop forward-looking local recovery plans that meet their specific needs.
3. *Recovery from Irene and Lee* – The recovery efforts will also extend to those communities still recovering from Hurricane Irene and Tropical Storm Lee.
4. *Leveraging private dollars* – The State will undertake programs that will help unlock capital markets and increase the amount of low-interest financing of key projects by reducing the risk for private sector lenders.
5. *Spending accountability and transparency* - To make certain that funds are spent appropriately and responsibly, the State will put rigorous spending accountability systems in place and employ an independent auditing firm.
6. *Urgency in action* - The recovery is a long-term endeavor but people need help today, so the projects and programs have been shaped to achieve the fastest delivery and best support possible.

In order to identify how best to apply these principles to distribute recovery funds, New York State performed a needs assessment across three damage categories:

- Housing
- Economic development
- Infrastructure

The needs assessment described herein was conducted in consultation with FEMA, the SBA, and representatives of county and local governments, as well as impacted homeowners and businesses most affected by Sandy, Irene, and Lee.

A. Housing

Hurricane Sandy

The FEMA Individual Assistance Program (FEMA IA) registration and inspection data available to date indicates that in the State of New York alone, the homes of over 90,000 owners and over 33,000 renters were damaged by Hurricane Sandy. These numbers are expected to grow as more data is made available. Approximately 10,000 homes were damaged by more than half of their value; over 4,000 individuals have been deemed eligible for the maximum award under FEMA IA and almost 1,000 families are still living in emergency housing or hotels. Many more continue to live with friends and family, or in rental units, until their homes can be repaired. A total of 14 counties sustained some level of damage by Hurricane Sandy with 13 counties receiving Federal disaster declarations making them eligible for FEMA IA. The majority of the damage, according to the chart below, occurred in four counties: Nassau, Queens, Kings and Suffolk.

The following tables outline FEMA's housing damage estimates to date for owner-occupied homes and for renters by county, for Hurricane Sandy:

Owner Occupied Homes

[redacted]					
Bronx	872	41	3	1	917
Kings	11,419	3,126	425	83	15,053
Nassau	20,005	11,279	3,353	768	35,405
New York	269	70	15	3	357
Orange	290	3	0	0	293
Putnam	70	7	0	0	77
Queens	8,700	5,256	1,520	405	15,881
Richmond	5,427	2,589	768	258	9,042
Rockland	589	67	11	8	675
Suffolk	7,394	3,164		271	11,840
Sullivan	122	4	3	0	129
Ulster	88	15	2	0	105
Westchester	963	34	9	2	1,008

RPFVL = Real Property FEMA Verified Loss

Rental Properties

Bronx	65	6	46	0	117
Kings	3,393	2,097	2,435	24	7,949
Nassau	4,002	1,899	3,221	21	9,143
New York	1,115	310	412	2	1,839
Orange	10	0	6	0	16
Putnam	2	1	7	1	11
Queens	4,531	2,346	2,945	89	9,911
Richmond	735	983	822	35	2,575
Rockland	47	13	31	0	91
Suffolk	801	300	628	7	1,736
Sullivan	2	1	4	0	7
Ulster	9	1	3	0	13
Westchester	39	10	10	1	60
Grand Totals	[illegible]	7,96[illegible]	10,570	7[illegible]	[illegible]

Hurricane Irene

Tens of thousands of homes across a broad area of New York State suffered damage as a result of Hurricane Irene, and many lost their homes. FEMA data shows that 26,837 owner-occupied homes suffered damaged, with 155 such homes incurring more than $50,000 worth of verified loss; in addition, at least 38 rental homes were destroyed by the storm. The table below shows damage to owner-occupied properties by county, for Hurricane Irene:

Albany	548	22	2	1	573
Bronx	242	1	0	0	243
Clinton	245	7	1	1	254
Columbia	168	5	0	0	173
Delaware	227	37	16	4	284
Dutchess	1,548	10	3	1	1,562
Essex	233	55	4	2	294
Greene	691	93	36	44	864
Herkimer	178	3	0	0	181
Kings	1,365	4	0	0	1,369
Montgomery	283	19	12	6	320
Nassau	2,612	334	34	6	2,986
Orange	4,240	191	44	2	4,477
Otsego	105	1	1	0	107
Putnam	418	10	2	2	432
Queens	1,374	50	1	0	1,425
Rensselaer	506	15	5	2	528
Richmond	2,302	24	1	0	2,327
Rockland	1,380	51	5	0	1,436
Saratoga	210	30	8	3	251
Schenectady	469	76	15	5	565
Schoharie	627	176	141	57	1,001
Suffolk	843	77	7	1	928
Sullivan	245	7	2	0	254
Ulster	1,965	113	24	18	2,120
Warren	67	1	1	0	69
Washington	148	10	1	0	159
Westchester	1,569	79	7	0	1,655

Tropical Storm Lee

Tropical Storm Lee also had a devastating effect on many New York families; coming only months after Hurricane Irene impacted the State: according to FEMA estimates, 9,071 owner-occupied homes and 2,143 rental homes were damaged by the storm. 29 owner-occupied homes incurred more than $50,000 in damage, and 12 rental homes were destroyed. The below tables show FEMA estimates of damage to owner-occupied and rental homes by county for Tropical Storm Lee.

Broome	4,190	743	137	15	5,087
Chemung	75	5	1	0	81
Chenango	466	51	3	0	520
Delaware	162	77	5	1	245
Fulton	31	0	0	0	31
Herkimer	49	0	0	0	49
Oneida	349	1	1	0	351
Orange	323	2	0	0	325
Otsego	305	18	4	1	328
Schenectady	26	2	1	0	29
Schoharie	25	2	0	0	27
Tioga	1,307	472	122	12	1,913
Ulster	81	3	1	0	85
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Broome	720	324	462	5	1,511
Chemung	1	2	2	0	5
Chenango	38	2	21	0	61
Delaware	48	11	20	0	79
Fulton	0	0	2	0	2
Herkimer	0	0	2	0	2
Oneida	9	0	7	0	16
Orange	10	0	0	0	10
Otsego	10	0	4	1	15
Schenectady	3	0	0	0	3
Tioga	137	99	191	6	433
Ulster	2	1	3	0	6

In determining the impact on housing during its inspection process, FEMA uses the following definitions:

> ***Moderate damage:*** *Moderate structure damage includes less than (6) inches of water on the first occupied floor of the dwelling. Other event types, such as fire, may have visible soot and ash that impacts habitability requiring professional cleaning. Access to the dwelling can be considered Minor due to conditions such as minor washouts requiring some road fill that prevents routine access to the dwelling.*
>
> ***Substantial Damage:*** *Substantial structure damage should be noted with water levels greater than six (6) inches and less than four (4) feet. Items such as collapsed chimney, furnace damage, water heater damage, exterior siding damages, and or roof damages affecting one or both sides of the dwelling, compromised windows and or doors. Access to the dwelling can be considered substantial when access may be blocked with down trees or private road is substantially washed out.*
>
> ***Major Damage:*** *Major structure damage is identified when approximately four (4) feet of water, or more, is on the first occupied floor. Other items can substantiate major structure damage such as collapsed foundation walls and or piers and or significant separation in the walls from the dwelling. Wind events that have removed/damaged the majority of the roof and or wall components. Access to the dwelling can be considered major when the only access is by a bridge that has collapsed.*

The State's needs assessment, conducted using data available from FEMA and SBA, as well as through consultation and coordination with our partners in county and local governments, other State and local government agencies and affected New Yorkers, has revealed substantial loss across a wide range of housing types, including single-family and two-family homes and larger multi-family structures. Furthermore, Sandy, Irene and Lee affected both market-rate rental properties and a substantial number of subsidized and affordable rental properties. New York State aims to help affected families to rebuild and return to their homes as soon possible by addressing unmet housing rehabilitation and repair needs and incorporating mitigation measures in order to reduce impacts of future disasters. To ensure that the rental market rebounds and affordable housing options persist for those in storm-affected areas, it will be important to direct assistance to rental properties in addition to owner-occupied properties.

Across the affected region, excluding New York City, in response to Hurricane Sandy alone, the FEMA Individuals and Households Program (FEMA IHP) has already distributed $340 million in assistance to homeowners, with an additional $474 million in loans to homeowners from the SBA. Further, insurers have paid or expect to pay out substantial sums to homeowners - including at least $1.3 billion under flood insurance policies and approximately $1.1 billion in other residential property claims. Finally, the New York State Homeownership Repair and Rebuilding Fund (HRRF) and the Empire

State Relief Fund (ESRF) have paid out over $29 million combined in aid to over 4,500 households. Each of these funds provides a payment of up to $10,000 to homeowners to cover the needs gap left unmet by the maximum amount of FEMA assistance ($31,900).

Despite all of this assistance there is still a great level of unmet need. The same is true for Irene and Lee: FEMA paid out over $92 million in Housing Assistance for Irene and over $47 million for Lee. While many homeowners have recovered, there remains real unmet need for those who suffered serious damage that was not fully covered by the assistance available to them.

Hurricane Sandy severely affected not-for-profit and State agencies providing temporary housing services to displaced individuals. In addition to causing widespread damage to their facilities, Hurricane Sandy negatively affected their ability to provide temporary housing aid in the near term. The State will direct funds to reimburse or support efforts to assist those who need special housing services in the wake of the storm. Working with community organizations and volunteers, agencies across New York State have and will continue to support those displaced by Hurricane Sandy.

Public Housing Authorities
The State of New York is committed to ensuring that public housing is better prepared for future disasters. The State expects that needed repairs and mitigation will be a critical part of New York State's public housing recovery efforts and the efforts of other communities.

Across the State, approximately 450,000 New Yorkers reside in public housing. Many of the public housing complexes impacted by Hurricane Sandy were located in coastal areas of the State, with the majority of these complexes serving approximately 45,000 people located within New York City's mandatory evacuation zone. These facilities are part of the NYC Housing Authority (NYCHA) and their disaster-related needs will be addressed by New York City using its allocation(s) of Federal disaster aid.

Outside of New York City, HUD initially identified the Long Beach and Freeport Public Housing Authorities (PHAs) on Long Island as two that sustained significant damage in Hurricane Sandy. Since the designation of these most impacted PHAs, further research has identified the Hempstead Housing Authority as also having sustained significant damage. New York State has consulted with each of the three housing authorities to determine the extent of their unmet needs. The following is a summary of the needs identified in each of the PHA's service areas.

Freeport Public Housing Authority
The Village of Freeport Public Housing Authority manages and maintains 351 low-income and senior apartments in five locations throughout the Village. Three of its sites sustained significant damage including major flooding damage to all mechanical, electrical and specialty systems. Over $200,000 was expended by the housing authority just to address the immediate repair needs of the facilities. However, because many of the systems that needed to be replaced as a result of Hurricane Sandy also had to be replaced in previous disasters, the Housing Authority is seeking mitigation assistance to elevate and relocate major systems in order to alleviate potential costs from future disasters.

Long Beach Public Housing Authority
The Long Beach Housing Authority manages and maintains 374 low-income and senior apartments in five locations within the city. The storm caused significant damage to residential and administrative units. Most of the repair needs include addressing water damage and subsequent environmental hazards such as mold remediation, damage to major electrical, heating, and hot water systems, wind damage to roofs, and removal of sand and other debris. Estimated damage repair costs exceed $2 million. This damage estimate does not include mitigation measures that would be implemented in hopes of reducing the impacts of any future damage resulting from other natural disasters.

Hempstead Housing Authority
The Town of Hempstead Housing Authority (TOHHA) has identified 14 low-income and senior housing complexes as having sustained damage from Hurricane Sandy. The majority of the damage stems from downed trees and roof damage. The TOHHA has

completed most of the clean-up and immediate repairs, but has identified additional, secondary issues that need to be addressed including assistance with mitigation measures to alleviate damage that may occur should similar disasters hit the area. These include replacing HVAC systems and elevating boiler rooms, generators and other structures above flood stage and storm surge levels. Currently, TOHHA has received $750,000 (maximum allowed) in insurance payments for damage to three buildings in the Inwood Gardens complex. Additional insurance claims are pending as is funding form FEMA Public Assistance. At this time, the TOHHA estimates that there was nearly $7 million in damage to its facilities.

While the State continues to consult with the Freeport, Long Beach, and the Town of Hempstead PHAs about the full extent of damage that they sustained and their remaining unmet need, these PHAs have FEMA Public Assistance (FEMA PA) projects in process with the State Department of Homeland Security and Emergency Services (DHSES) related to flood-damaged buildings, boilers, electrical systems and backup generators, debris removal, and other emergency protective measures. As will be discussed later in this Action Plan, the State intends to use a portion of its initial allocation of CDBG-DR to cover the non-Federal match requirement for CDBG-DR eligible activities, including FEMA PA projects. To the extent allowable, the FEMA PA needs of these PHAs will be included in this use of CDBG-DR funding.

Emergency Shelters and Homeless Housing

Very low-income homeless individuals who have special needs (such as mental illness, chemical dependency, chronic illnesses including HIV/AIDS, and/or cognitive impairments), as well as families headed by these adults, have historically been amongst the most challenging populations for which to locate appropriate housing, a challenge that has become even more complex in the post-Sandy housing market. Many lack both the income and the supports needed to obtain and retain stable housing. Since Sandy, the State and its local service agency partners have focused on assessing the disaster-related needs of persons with special needs that have been left homeless. Many of these persons and their families were precariously housed before the disaster, living in only marginally habitable housing and/or doubled up with friends or family members who can no longer care for them in the aftermath of the disaster. Some were not adequately linked to treatment and other supports before Sandy hit; others were able to function effectively until faced with the trauma or worsened medical conditions caused by the disaster. While many persons with special needs will be able to obtain appropriate housing if provided adequate ongoing rental assistance, some individuals and their families require the more sustained support that is provided by permanent supportive housing.

The New York State Homeless Housing and Assistance Program (HHAP) has a long history of effectively serving those among this population who cannot be appropriately housed by traditional affordable housing programs, both because they lack the financial resources to pay for even what is considered "affordable housing", and because they require supportive services (e.g., case management, life skills training, transportation, child care, employment placement and training, financial assistance) in order to remain stably housed. HHAP, one of the first programs in the country to specifically target supportive housing development, contracts with not-for-profit providers to construct and rehabilitate homeless housing units for individuals and families. HHAP-funded projects range in scale from "stand-alone" projects of two units in rural areas to "mixed use" projects in large urban settings in which a percentage of the units are set-aside for homeless individuals with special needs and their families.

Current estimates of need for new HHAP projects as a result of the disaster are based on waiting list demand and lack of turnover on those projects in the non-metropolitan areas being financed solely with HHAP, and 600 units in New York City being constructed with mixed funding from HHAP and other sources, such as Low-Income Housing Tax Credits, NYS Housing Trust Fund, and NYC Department of Housing and Preservation Development.

Mitigation Needs in Existing Homeless Housing and Assistance Program (HHAP) Projects and Homeless Shelters

There are approximately 150 existing HHAP-funded projects in the disaster-impacted region. Many of these were without generators and sources of heat after the disaster; some remained that way for weeks afterward because generators were in short supply and building basements were flooded. This resulted in very vulnerable populations being either evacuated or remaining in conditions which negatively impacted their health and safety. It is essential for all such programs to secure generators or permanent backup

power systems before the next disaster; it is also important for them to move heating and electrical systems out of the basement into a more secure place in the building. In the disaster, a number of HHAP projects either temporarily or permanently lost access to client and program records, making it very challenging for them to adequately address client needs. It is necessary to develop electronic storage systems that ensure secure access to client and programmatic records from off-site locations in case of future emergencies.

In addition to the HHAP-funded projects in the region impacted by Sandy, there are approximately 100 homeless emergency shelters serving both homeless individuals and families. During the disaster, many of these emergency shelters also experienced flooding, loss of electricity and heat, and lack of access to client records, making it necessary for them to either evacuate their clients or serve them in a very diminished capacity. The ability to allow these clients to remain housed in place after a disaster instead of having to relocate them to evacuee shelters would greatly enhance recovery efforts in the future.

Mitigation funding is needed to assist both HHAP-funded programs and homeless shelters with purchasing replacement/back-up generators or power systems, revamping electrical and heating systems to ensure integrity in flooding situations, and developing electronic storage systems to preserve client and program data. As previously indicated, there are approximately 100 emergency shelters (most owned by not-for-profit providers but a few by municipalities) and 150 homeless housing projects constructed by the State's Homeless Housing and Assistance Program in the disaster area. Projects needing mitigation assistance range in scale from two-unit HHAP projects to 400-bed emergency shelter facilities.

Together, the repair, construction and mitigation costs to assist this at-risk population of New Yorkers are estimated to exceed $150 million. New York State is still conducting assessment of the damage to these facilities. It is anticipated that Hazard Mitigation Grant Program (HMGP) funds may cover immediate costs of repair and rehabilitation. However, once final assessments have been completed, New York State will determine the level of CDBG-DR funds to be allocated to address these needs.

Temporary Rental Housing Assistance

As identified earlier in this needs assessment, more than 1,000 individuals and families are still living in emergency housing or hotels, and many more continue to live with family and friends, or in rental units until their homes can be repaired. Addressing the needs of this displaced population and ensuring their return to safe, decent and long-term affordable housing is a priority of the State's overall recovery plan.

The Federal Emergency Management Agency (FEMA) will be offering continued temporary housing assistance for those disaster survivors requiring longer-term rental assistance through the Disaster Housing Assistance Program (DHAP). DHAP will be administered by HUD pursuant to an Interagency Agreement (IAA) with FEMA. FEMA will determine eligibility and will refer eligible applicants to HUD. HUD will then work with the State to administer the program. It is anticipated the program will be administered locally by the New York City Department of Housing Preservation and Development for disaster survivors within New York City, and by New York State Homes and Community Renewal for eligible survivors in counties outside New York City.

Participation in DHAP will require survivors to take part in the State of New York or City of New York's Disaster Case Management (DCM) Program. Eligible families will receive a maximum of 12 months of rental assistance under DHAP, and will contribute a portion of the rent pursuant to a rent calculator tool. Recipients of DHAP assistance will work with their DCM case manager to develop a permanent housing plan that transitions them to a sustainable housing solution. This plan will, where applicable, include application of available CDBG-DR assistance for residential home repair, rehabilitation and/or mitigation. DHAP recipients will receive priority, to the extent possible and practicable, under the State administered CDBG-DR programs for home repair and mitigation. Further, in recognition that DHAP assistance will run out after a period of 12 months, the State will closely monitor the long-term needs of this population to ensure that no one is left without this critical assistance at the end of this period of time. To the extent necessary and applicable, the State may elect to use a portion of its CDBG-DR allocation to fund needed assistance. This Action Plan will be updated accordingly as the DHAP program runs its course and additional need is identified.

Estimation of unmet need for housing repair & reconstruction from Hurricane Sandy

To determine unmet need for housing repair and reconstruction assistance, New York State utilized three methodologies:

(1) Top-down estimation of replacement cost for damaged housing stock across affected NYS counties (excluding NYC);
(2) Consultation with county officials and public housing authorities; and
(3) Analysis of indications of interest in different types of housing assistance through pre-registrations with New York State.

Findings are described below.

Quantification of unmet need from top-down analysis of assessed damage across the housing stock

The State obtained detail on each applicant for FEMA Individual Assistance, including owners and renters, and used this information as a starting point to assess aggregate unmet need for housing repair and reconstruction. Based on initial inspections of each property, FEMA calculates FEMA Verified Loss (FVL), which represents the estimated cost to make critical repairs to each home affected by the storm. Since FVL is based on a rapid assessment process that does not attempt to estimate the cost to fully restore the home to its pre-storm condition, FVL systematically underrepresents damage incurred by homeowners. FVL furthermore focuses on owner-occupied properties, and is generally not calculated for properties if they are occupied by renters at the time of the storm. It therefore systematically underrepresents the extent of damage to the rental stock; given the large proportion of minority and low income New Yorkers who require affordable rental properties, the State believes it is critical to understand damage incurred by this segment of the housing market.

New York State used FVL as a starting point to assess damage. To correct for the aforementioned limitations of FVL and scale up to represent true damage incurred, the State made two key adjustments to the FVL measure applied to each IA application record:

(1) *Adjustment for renter-occupied properties*: To represent damage incurred by rental properties, the State 'geocoded' data from FEMA based on property addresses, such that each property could be plotted geographically into a Geographic Information System (GIS). Using the GIS, each address location, and therefore each IA record was linked to the containing U.S. Census block. The average FVL of owner-occupied properties was calculated for each block. This average block-level FVL was then applied to each rental property in that block to estimate the FVL for each rental property. While this methodology is not an accurate measure of loss for each rental property and cannot substitute for an in-person assessment by a qualified independent assessor, the State believes that, in aggregate, it provides an unbiased estimate of FVL for rental properties that can be used to ascertain overall unmet need.

(2) *Adjustment for true replacement cost*: Since FVL underestimates the replacement cost to return properties to their pre-storm condition NYS relied on scaling factors initially developed by HUD to translate FVL into an estimate of the cost to repair housing damage. These scaling factors were developed by identifying matched pools of properties that were assessed by FEMA and received an FVL estimate, and were also assessed by the Small Business Administration (SBA) and received a Real Property Damage estimate. Scaling factors were created for each FVL range covered by FEMA's damage classification. Ranges and scaling factors used are detailed in the below table:

528	$3,000	392	19,433	44.2x
700	$3,000 - $8,000	4,896	54,294	11.1x
838	$8,000 - $15,000	5,998	59,687	10.0x
3,572	$15,000 - $28,000	12,370	81,256	6.6x
2,713	> $ 28000	37,564	115,047	3.1x

Based on this analysis, New York State estimates total real property damage to homes outside of New York City at approximately $6.8 billion. This damage is across owner-occupied and rental properties, and includes single-family and duplex homes, apartments, condos and other property types. The distribution of estimated real property loss in the four hardest hit New York counties (outside of New York City) is shown in the below table.

Owner:	*3,545*	*4*	*80*	*43*	*3,673*
Renter:	*753*	*642*	*16*	*118*	*1,530*
Total:	**4,298**	**646**	**97**	**161**	**5,202**
Owner:	*1,117*	*0*	*3*	*8*	*1,128*
Renter:	*188*	*105*	*1*	*26*	*320*
Total:	**1,305**	**105**	**4**	**34**	**1,448**

Owner:	*44*	*0*	*1*	*3*	*49*
Renter:	*5*	*20*	*0*	*4*	*29*
Total:	**49**	**20**	**2**	**7**	**77**
Owner:	*33*	*-*	*2*	*11*	*46*
Renter:	*6*	*11*	*0*	*4*	*21*
Total:	**39**	**11**	**2**	**15**	**67**

** Includes Boats, Mobile Homes, Townhouses and Travel Trailers. Only housing units will be assisted with these funds.*

Relative to New York City, damage in the most affected counties outside of New York City is relatively more concentrated on owner-occupied housing. There was, however, significant loss to rental units of different types – including many one- or two-family structures. It is critical to identify and repair damage to rental properties, since many low-income and vulnerable persons rely on a well-functioning rental market. The structures most damaged across these four counties were primarily free-standing one- or two-family homes, but many multi-family properties (including condominium and co-op buildings) incurred significant damage as well.

To arrive at estimated unmet need, New York State has compiled estimates of other types of assistance that have been or will be provided to affected homeowners for personal property damage. For the purposes of this Action Plan, unmet need for repair & reconstruction assistance is calculated in the following manner:

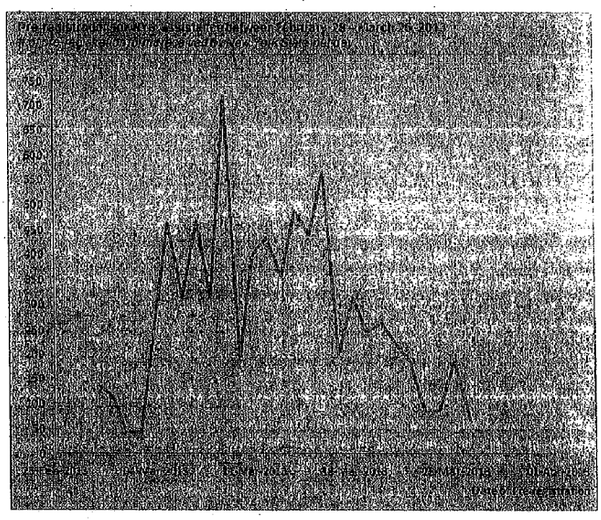
Category of assistance		*Amount in $ millions*
	Total real property loss:	$6,838
Less	Flood insurance coverage:	($1,345)*
Less	Other private insurance coverage:	($1,118)**
Less	FEMA IHP Housing Assistance:	($340)
Less	Other FEMA repair assistance:	(~$5)
Less	SBA Housing loans:	($474)
Less	Previous New York State assistance:	($29)
	Estimated Unmet Need =	***$3,527***

** NFIP Hurricane Sandy claims for NYS as of 1/31/2013, excluding NYC*

*** Residential property Sandy claims for NYS as of 3/21/2013, excluding NYC*

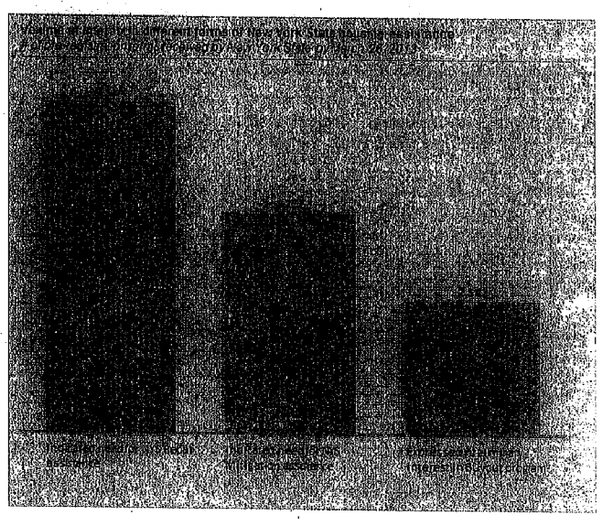
Analysis of preliminary indications of interest from affected homeowners
In order to prepare the State to initiate the process of delivering assistance to struggling families as early as possible, New York State launched a pre-registration process for homeowners. One of the State's goals in initiating pre-registrations was to gauge homeowner interest in the different types of assistance that New York State envisioned providing for repair, mitigation and buyouts, pending final policy design and approval from HUD. Note that analysis in this section *includes* New York City, since New York City homeowners meeting certain criteria are eligible for the State-run Buyout program.

Since launching its online pre-registration system, the State has received over 7,000 pre-registrations from homeowners located throughout the affected areas, including New York City, claiming unmet need. The State and its partners will continue to review applications individually to determine program eligibility, but the sheer volume of registrations is indicative of substantial unmet need across counties and for different types of assistance. The below chart shows the trend in the volume of pre-applications received daily between February 28 – March 26, 2013. The State recognizes a recent drop-off in pre-registrations, but believes that this will increase substantially as public awareness and outreach campaigns surrounding program launch bring in a new wave of applicants that were not initially aware of the ability to pre-register.



The distribution of pre-registrants in need of different types of assistance reflects some of the most acute funding needs. 84% of homeowners expressed an unmet need for repair or reconstruction grant funding, while 56% indicated need for mitigation assistance (including elevation) and 34%, over 2,500 homeowners, expressed initial interest in a

buyout of their home. The State believes a sizeable portion of these pre-registrants may ultimately not be eligible for the types of assistance for which they expressed interest, and in the case of buyouts many who are eligible will ultimately choose to stay in their homes; however the observed volume of documented interest means there is a clear and undeniable need for immediate assistance. The following chart shows the distribution of homeowner-indicated unmet need derived from New York State pre-registrations:



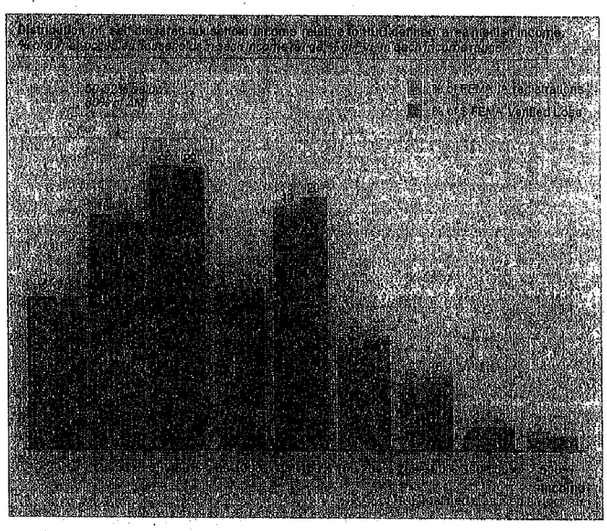
Furthermore, while over 75% of homeowners who pre-registered have already begun the repair process, many with assistance from FEMA and other sources, nearly 25% have not begun to rebuild nearly 6 months after the storm. In many cases those homeowners who have begun repairing their homes have needed to tap into their personal savings and retirement plans or borrow from friends and family in order to begin work; this has resulted in serious liquidity constraints for these homeowners.

New York State has observed that only 10% of pre-registrants were owners of rental properties, which suggests a lack of awareness among rental property owners about the expected availability of State funding for rental property repair (rental units represent over 30-40% of the market in most of the affected areas). New York State is particularly concerned with restoring a deep and stable market for affordable rental housing, in order to direct assistance to those underserved populations including minorities and low income households, as well as special needs individuals and families, who are generally more likely to live in rental properties. Based on its analysis of pre-registrations, the State will focus additional attention on marketing and outreach to owners of affordable rental properties to address this lack of awareness going forward.

Estimation of relative need among Low and Moderate Income Households for Sandy

In creating CDBG-DR funded programs for Housing recovery, New York State is particularly concerned with need among those with low- and moderate-income who incurred damage from the storm. To understand the extent of need among this population, the State conducted detailed analysis of household income for FEMA Individual Assistance (IA) applicants, across affected areas of New York State (*excluding* New York City). For each applicant, the State determined the applicant's household income as a proportion of the HUD-determined Area Median Income (AMI). Those households with incomes below 80% of AMI are classified as low- or moderate-income households.

The following chart illustrates the distribution of household income among households in different income ranges, expressed as % of AMI. Owner-occupied households are grouped into income ranges, and the proportion of the total number of FEMA IA applicant households is shown as light blue bars. The same analysis was conducted based on the total amount of loss for households in each income range (as seen by dark blue bars in the below chart, dollar-weighted damage distribution is skewed very slightly towards households with higher income; this is because high income households tend to own larger houses of greater value, on average resulting in higher FEMA Verified Loss).



This analysis illustrates that within the affected counties, damage was greatest among households with low and moderate income (note that over 50% of the households analyzed had income below 80% of AMI). The analysis described excludes New York

City; due to demographic differences, if New York City were included the proportion of households below 80%of AMI would be substantially higher.

Analysis of damage and demographics for the communities most affected by Sandy, Irene and Lee

In addition to consultation with County and local officials, as well as individual homeowners and businesses affected by Sandy, Irene and Lee, the State has conducted detailed analysis of specific communities most affected by these storms to ascertain the extent of damage and to better focus recovery efforts towards the specific vulnerable populations most in need of assistance.

New York State conducted independent analyses of communities affected by Sandy, Irene and Lee. It began by obtaining property-level data from FEMA for each household that applied for Individual Assistance after each of the three storms. The State 'geocoded' this data based on property addresses to plot damaged addresses onto GIS (maps) and to link this data to specific communities within counties affected by the storms. The State then obtained Census data characterizing the household income distribution within each community, as well as the racial and ethnic composition of communities. This data was combined into the tables and maps presented in this section.

While the specific data are limited to housing damage, the State believes that in most cases housing damage is a good proxy for other types of damage that a community has sustained (with the exception of damage to large infrastructure projects and large institutions, the presence of which is not always correlated to housing prevalence in a given community). Furthermore, because FEMA Verified Loss estimates are based on the dollar value of damage (based on uniform construction cost estimates that are closely linked to property size rather than property value), it is likely that such methodology underestimates the impact that storms had on low-income communities, which tend to have smaller property sizes on average. However, as the most reliable damage assessment tool available that is also comprehensive across the communities affected, this methodology is a very useful means for comparing the extent of damage across communities.

Hurricane Sandy

Many of the communities hit hardest by Hurricane Sandy also have relatively high proportions of low-income[1] and minority[2] (non-white, non-Hispanic/Latino) populations. Of the ten municipalities that suffered the most damage from Sandy, seven have high concentrations of low-income households – Long Beach, Freeport, Babylon, Islip, Island Park, Lindenhurst, Amityville, and Brookhaven. Three of the top ten hardest hit communities also have substantial minority populations, above the national average: Hempstead, Freeport, and Islip. Freeport and Islip in particular contain numerous households that are both low-income and minority households.

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[1] Defined as areas with more than 50% of households with less than 80% of the area median income, or AMI.

[2] Defined as areas greater than 42% of non-white, non-Hispanic population, which is the New York State average.

The following table shows the amount of individual claims damage as a result of Hurricane Sandy for the 10 hardest-hit municipalities and identifies above-average[3] low-income and minority populations (communities with >50% LMI households or >40% minority population are highlighted in pink):

Sandy: Housing damage and demographics of 10 most affected communities

[illegible]	[illegible]	[illegible]	[illegible]
Town of Hempstead	$307,165,092	48%	[illegible]
City of Long Beach	$103,633,495	[illegible]	25%
Town of Oyster Bay	$94,933,428	41%	22%
Town of Freeport	$70,641,946	[illegible]	[illegible]
Town of Babylon	$52,462,546	[illegible]	39%
Town of Islip	$33,105,329	[illegible]	[illegible]
Village of Island Park	$29,366,572	[illegible]	34%
Village of Babylon	$24,951,740	45%	13%
Village of Lindenhurst	$24,454,626	[illegible]	15%
Village of Amityville	$22,176,726	[illegible]	26%

[3] Cut-off for high-proportion communities are: more than 50% of households at less than 80% AMI and more than 42% non-white, non-Hispanic/Latino (New York State average).

Hurricane Irene and Tropical Storm Lee

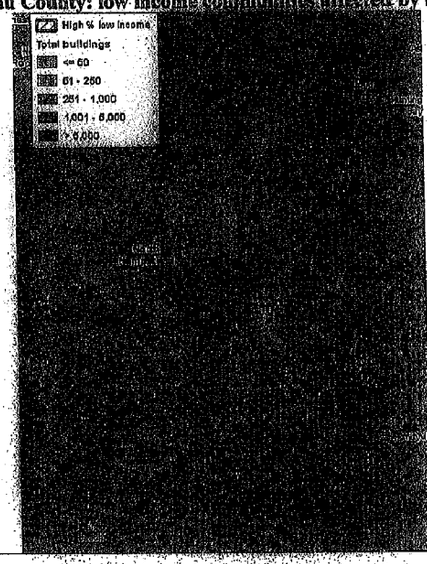
Though Irene and Lee caused less concentrated damage in the municipalities they affected, all but one of the 32 municipalities that suffered significant damage were more than disproportionately low-income. All but one of those 32 municipalities also had lower than average minority populations. As the table indicates, though the damage caused by Irene and Lee were significantly less than that caused by Sandy, the dispersion of the damage across municipalities followed the same pattern – a few communities that suffered enormous damage followed by a large number of communities that were affected but to a lesser degree (communities with >50% LMI households or >40% minority population are highlighted in pink):

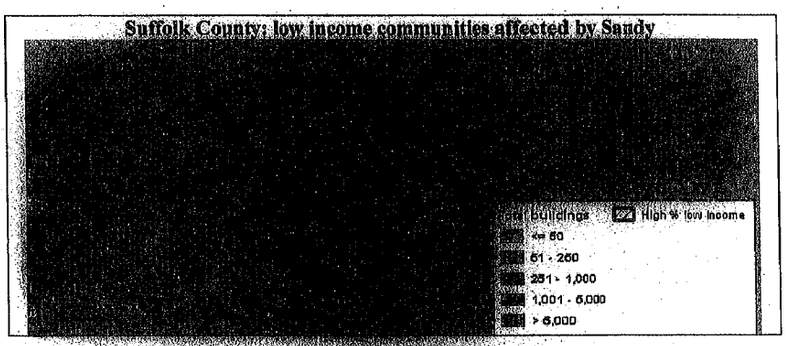
Irene & Lee: Housing damage and demographics of 10 most affected communities

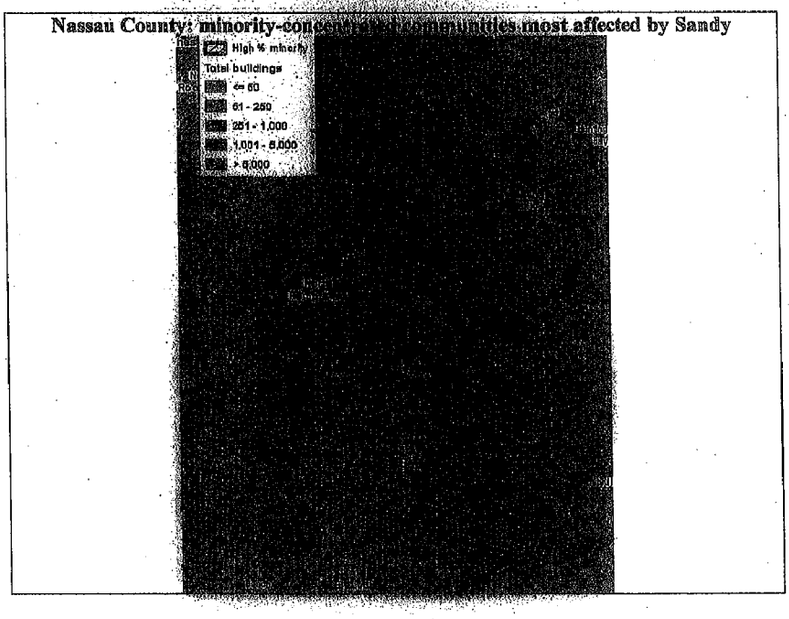
[illegible]	[illegible]	[illegible]	[illegible]
Town of Union	$10,299,492	[illegible]	14%
Village of Owego	$10,021,294	[illegible]	8%
Town of Vestal	$9,307,010	49%	20%
Town of Hempstead	$8,363,318	48%	[illegible]
Village of Schoharie	$5,943,703	[illegible]	4%
Town of Owego	$5,123,221	49%	5%
City of Binghamton	$4,709,757	[illegible]	27%
Village of Johnson City	$4,447,351	[illegible]	21%
Village of Freeport	$4,219,467	[illegible]	[illegible]
Town of Conklin	$4,095,232	[illegible]	4%

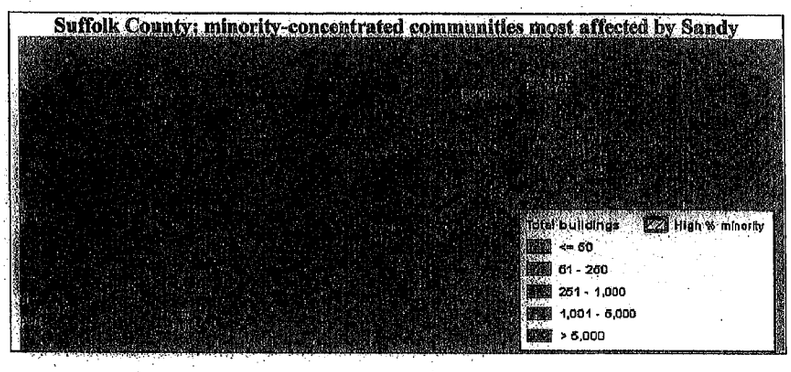
The below maps help illustrate the distribution and extent of damage to the most vulnerable communities as a result of Hurricane Sandy. Maps show the cities, towns, and villages in the two most affected counties, Nassau and Suffolk, by the total number of structures affected by Hurricane Sandy and those areas with high concentrations of low income and minority households. Damage identified on the maps that follow is based on Hurricane Sandy Imagery Based Preliminary Damage Assessments from NOAA aerial imagery and the Civil Air Patrol, which in aggregate show damage to more than 59,000 structures due to wind and flooding as a result of Hurricane Sandy.

Nassau County: low income communities affected by Sandy




Suffolk County: low income communities affected by Sandy
High % low income
<= 60
61 - 250
251 - 1,000
1,001 - 5,000
> 5,000


Nassau County: minority-con
most affected by Sandy
High % minority
Total buildings
<= 60
61 - 250
251 - 1,000
1,001 - 5,000
> 5,000


Suffolk County: minority-concentrated communities most affected by Sandy
Total buildings
High % minority
<= 60
61 - 250
251 - 1,000
1,001 - 5,000
> 5,000

B. Economic Impact

Economic impact damage includes, but is not limited to, structural damage to businesses, loss of inventory, general loss of business due to lack of infrastructure, and in some instances, costs related to temporary relocation, where the business has made a commitment to return to the original facility.

While there is currently no single comprehensive data source that captures the full extent of damage to businesses affected by the storms, the negative impact of Hurricane Sandy, Hurricane Irene and Tropical Storm Lee on small businesses in the affected counties was significant and remains a critical area of concern. The types of businesses impacted by these storms vary; for Hurricane Sandy, many of the affected businesses were retail establishments (NAIC Sector 44-45), coastal fishing (NAIC Sector 11) and tourism related businesses including accommodation, food service, arts, entertainment, and recreation (NAIC Sector 71-72). On Long Island alone, roughly 90% of the impacted businesses are retail establishments, which would fall into NAICS categories of business starting with a 44 or 45. New York State, in coordination with our partners in county and local governments, identified existing economic and small business recovery needs in the affected communities through conversations with countless business owners affected by Sandy. As New York State collects registrations from affected businesses, it will refine its estimates of aggregate economic impact as a result of the storm. While available data sources do not accurately quantify the full magnitude of economic losses, the distribution of such losses across counties impacted by these storms is reflected in data captured by the U.S. Small Business Administration (SBA). The below table represents the distribution of affected businesses within the counties covered by this allocation of funds, for Hurricane Sandy:

SBA Business Application Data				
Data as of 4/2/2013	Applications Distributed	Applications Submitted	Applications Approved	Total Amount Approved
Nassau	11,512	798	140	$14,092,300
Suffolk	4,307	275	56	$5,579,300
Rockland	469	18	3	$121,200
Westchester	866	37	6	$474,000
Ulster	49	3	0	0
Orange	140	5	0	0
Putnam	46	2	0	0
Sullivan	79	3	0	0
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

As demonstrated by the above table, there is substantial demand for assistance from businesses affected by Sandy:

* 17,468 New York businesses requested applications from the SBA after Sandy (outside of New York City). While these businesses have different levels of underlying need and many will ultimately not be eligible for NYS programs, this number is indicative of the extent of damage to businesses across the State.

* Of these 17,468 requests, only 1,141 businesses ultimately submitted applications. In consultation with the New York Small Business Development Center, New York State has determined that this low application rate is attributable primarily to four factors:
  (1) Businesses perceive SBA interest rates to be high;
  (2) SBA loans require a large amount of documentation, often not readily available, for processing;
  (3) Many businesses are reluctant to accept SBA loan terms, for example requirements that business owners post personal residential property as collateral to qualify for loans; and
  (4) Many impacted firms acquired incremental debt during the recession and are reluctant to take on additional debt for recovery.

* Of the 1,141 applications received, only 205 were ultimately approved for assistance by the SBA. Many of these applicants had true unmet need, but lacked necessary collateral or credit needed to qualify for loans.

* Outside of the 17,468 SBA application requests, New York State believes there are many other businesses in need of assistance. Estimates from Dun & Bradstreet suggest that as many as 37,282 businesses were in the Sandy surge areas[4].

Based on its analysis of a representative sample of businesses, which is described in detail later in this document, Empire State Development estimates that the average unmet need for businesses affected by Sandy was $67,500. This number represents the average uncompensated loss for each business, which is net of assistance expected to be provided by SBA and/or private insurers.

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[4] Businesses in the Sandy surge areas within nine of the fourteen impacted counties account for 5.2% of all businesses in those counties, or 37,282. Long Island & the Lower Hudson Valley account for over 14,000 of these businesses (96% of which are in Nassau and Suffolk Counties), which employ over 73,000 employees.

Using the above facts, New York State in consultation with the New York Small Business Development Center and Empire State Development estimates unmet need for CDBG-DR grant and/or loan assistance as follows:

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Applied for and received SBA assistance	205	10%	21	$77,500	1,588,750
Applied for but did not receive SBA assistance	936	75%	702	$77,500	54,405,000
Asked for SBA application but did not apply for assistance	16,327	50%	8,164	$77,500	632,671,250
Total who asked for SBA applications	*17,468*				
% of affected businesses that requested SBA applications	*75%*				
Did not ask for SBA application but were affected by Sandy	5,823	25%	1,456	$77,500	112,814,167
Total:	**17,468**	-	**13,840**		**$801,479,167**

** NYS assumes the average eligible mitigation cost per business of $10K

Small businesses suffered substantial losses under Hurricane Irene and Tropical Storm Lee as well. Data from the SBA on loans to affected businesses provide a glimpse into the magnitude of the damage: SBA received nearly 400 applications and loaned over $12 million to businesses affected by Lee, and received nearly 750 applications and loaned over $24 million to businesses affected by Irene. Damage extended well beyond these businesses as many did not qualify for SBA assistance and have had to find funding elsewhere or continue to face unmet need in their efforts to recover from these storms.

Estimation of average unmet need for small businesses affected by Sandy

To assess the average unmet need of the business impacted by Sandy, New York State conducted an analysis of a sample of the 532 businesses outside of New York City that have:

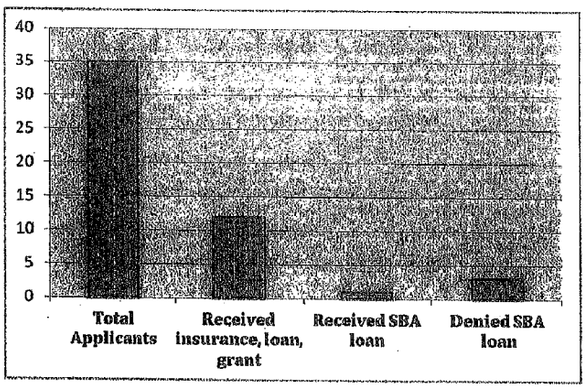
(1) Registered with New York State by completing the small business pre-application; and
(2) Provided sufficient financial data to assess the capital requirements of rebuilding their business and corresponding proceeds received (e.g., SBA disaster loan, insurance proceeds, and other grant funds).

[6] Dauer, Ulrike. "Sandy's Insurance Bill Estimated at $25 Billion for Industry," *Wall Street Journal*, 3 January 2013 http://online.wsj.com/article/SB10001424127887323374504578219293555274084.html

This sample of 35 businesses, which Empire State Development analyzed in detail, comprises 29 businesses from Nassau County and six (6) from Suffolk County, a ratio consistent with the overall number of pre-registrations to date.

As of the date of the pre-registrations, insurance proceeds for these businesses covers only 24% of the stated capital cost of rebuilding. Twelve out of the 35 businesses have unmet need for capital projects of more than $100,000, including five with more than $250,000 in need. In addition to substantial capital needs, many of these businesses are facing immediate liquidity constraints while waiting for insurance and other funding to come in: the average gap between the estimated physical damage and the amount the businesses have received as of application submission was nearly $104,000.

Only 12 of the 35 businesses report that they have received any insurance proceeds, an SBA disaster loan, and/or a grant to cover part of the cost of rebuilding (one had received an SBA loan and three others had been rejected). Several of the businesses sampled report that they are awaiting response on an SBA application, insurance claim or both. Once these funds arrive, Empire State Development expects that actual unmet need for these businesses will be lower than the $104,000 average unmet need referenced above. Based on its assessment of the sample of businesses analyzed, Empire State Development projects that average unmet need for each Sandy-affected businesses will be $67,500.



This $67,500 estimated average unmet need would be roughly 49% of the average of what the sample of 35 businesses reported as their total physical damage (nearly $139,000). This finding is in line with Munich Re AG's estimate that businesses will incur 50% of the cost in uninsured losses out of the $50 billion in total damage associated with Superstorm Sandy.[6]

[6] Dauer, Ulrike. "Sandy's Insurance Bill Estimated at $25 Billion for Industry," *Wall Street Journal*, 3 January 2013 http://online.wsj.com/article/SB10001424127887323374504578219293555274084.html

While some impacted regions of New York State have a diverse business community and are better equipped to handle a drop off in sales and foot traffic off-season, other regions, especially those along the Long Island shorelines and in the Lower Hudson Valley, rely heavily on tourism during the summer months for the vast majority of their annual revenue. These waterfront communities house nearly 1,100 seasonal tourism and travel businesses, and stand to lose an estimated $500 million in revenue if they are not ready to reopen for the 2013 summer season.[7]

These seasonal tourism and travel businesses, as well as the nearly 9,000 affected retail businesses on Long Island and in the Lower Hudson Valley, provide crucial job opportunities for low to moderate-income individuals, who are defined as earning 80% or less of the Area Median Income. Across Nassau, Suffolk, Westchester and Rockland counties, 27% of census tracts have a per capita income of $30,238 or less, 80% of the median income in these counties.[8] New York State is therefore particularly concerned that CDBG-DR funded business programs address the recovery needs of the retail businesses that are a chief support of LMI communities.

Access to grant funding and low-cost financing

The State has secured valuable input regarding the needs of the business community through structured "town hall" meetings and tours of impacted communities organized by local chambers of commerce and other business associations, as well as in hundreds of meetings, phone calls and email correspondence with local officials, community groups and businesses who experienced loss from the Storm. This feedback helped shape the grant and low-interest loan programs the State proposes to launch that are detailed further in the Action Plan.

Through this information-gathering the State has learned from stakeholders that:

(1) Traditional financial institutions were not providing loan capital because, in part, business' assets were destroyed and could no longer be used for collateral;
(2) Insurance carriers were offering to pay out smaller than expected amounts, and even these amounts were slow in arriving; and
(3) Grant funds and low-interest loans to help bridge the gap between need and proceeds available (through savings, insurance proceeds and SBA disaster loans) would be crucial.

The State's economic development agency, Empire State Development, launched a loan program post-Sandy in conjunction with a lending intermediary that offered affected businesses loans of up to $25,000 at 1% interest rate for two years with a six-month payment deferral. This program is available to businesses outside of New York City (NYC launched a comparable program). To date, the State's program has extended loans to 134 businesses for over $3.2 million. This represents 47% of all applications that have been reviewed.

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[7] Economic Modeling Specialists, Intl. assessment of $1.5 billion tourism economy in Nassau, Suffolk, Rockland and Westchester counties; and ESD Research Dept. estimate of impact in summer season

[8] 2012 Census Data, prepared by the U.S. Census Bureau, 2011.

C. **Infrastructure**

Hurricanes Sandy and Irene and Tropical Storm Lee exposed significant vulnerabilities in the various infrastructure systems that support the State and our local communities. The damage caused by these storms has created a need in the following five areas: (1) transportation, (2) energy, (3) wastewater and treatment facilities, (4) State and local government facilities, and (5) coastal and natural infrastructure.

Hurricane Sandy caused extensive damage to transportation infrastructure. Using available Federal funds, the State will repair that transportation infrastructure and make it far more resilient to future severe natural disasters. In particular, the State will work with the Metropolitan Transportation Authority (MTA) and its subcomponents (the Metro-North Railroad, Long Island Rail Road (LIRR), NYC Transit, and MTA Bridges and Tunnels), the Port Authority of New York and New Jersey (PANYNJ) and its subcomponents (PATH, airports, maritime systems, bridges and tunnels, and the World Trade Center), the New York State Thruway Authority, the NYS Canal Corporation (NYS Canals), the New York State Department of Transportation (NYS DOT), and other agencies to ensure successful reconstruction and mitigation.

Hurricane Sandy left thousands of people without electrical power for weeks, exposing the need for new technologies to provide real-time information about outages to utilities and limit the scope of such outages in future disasters, as well as the need to harden substations and transmission lines to prevent outages. To address this need, the State will use a portion of its first allocation of CDBG-DR funding to strengthen critical energy infrastructure, modernize its electrical systems, and increase its energy flexibility in order to minimize future power disruptions. On Long Island, in particular, utilities need support to help transform the electrical grid without burdening ratepayers with the costs of such upgrades. With respect to liquid fuels, the State will focus on efforts that will increase liquid fuel capacity in the event of a crisis, such as the creation of a strategic fuel reserve that will provide a short-term fuel supply in the event of another shortage, like the one that resulted in gas rationing in New York City and on Long Island in the days and weeks following Hurricane Sandy.

Numerous wastewater and other treatment plants were also severely damaged by these storms. Flooding and storm surge caused corrosion and other damage to facilities, pumps, motors, and electrical and other equipment. Further, the storms exposed the vulnerabilities of certain plants – for example, the fact that many large treatment plants lack disinfection systems to treat wastewater before it is released into a waterway. Through its support of county and local infrastructure projects using CDBG-DR funding, New York State will help to repair storm-damaged facilities and to replace or upgrade equipment to help them withstand future storms more effectively.

Additionally, many State and local government facilities suffered physical damage because of Sandy. The State will assist with the repair of government facilities and purchase necessary emergency equipment that was damaged.

The storm also removed protective coastal and natural infrastructure, including sandbars and dune systems, significantly eroded beaches across Long Island, including the City of Long Beach and the Rockaways, and surged over bulkheads into streets, tunnels, homes, businesses and critical infrastructure. In partnership with the US Army Corps of Engineers and with local governments, the State will continue to work to bring damaged parks, recreational and other public infrastructure back before the summer and the next storm season, while building natural infrastructure, such as dunes and wetlands, to minimize damage from future storms.

New York State has thoroughly catalogued infrastructure damage incurred across agencies and geographies, and has prioritized funding for the most critical repair and mitigation projects. The New York State Division of Homeland Security and Emergency Services maintains a database of infrastructure projects that have applied for FEMA Public Assistance funding. Based on this list of nearly 3,000 distinct projects across over 900 applicants, as of this writing infrastructure needs across New York counties (excluding New York City) for which FEMA PA funding has been sought break down as follows:

County	Total estimated FEMA PA funding need ($)
Statewide	$1,520,662,356
Nassau	$585,691,527
Suffolk	$253,700,261
Westchester	$92,862,490
Rockland	$18,018,185
Orange	$3,826,482
Ulster	$2,555,825
Putnam	$1,914,179
Sullivan	$1,344,366
Greene	$349,023
Total	**$2,480,924,694**

Notably, this chart does not include large infrastructure needs in the transportation and energy systems of the State, for which other federal funding sources will be used to supplement FEMA PA funds. Those other sources include, among others, FTA ER funding for public transportation infrastructure and funds administered by EPA for water treatment plants and other environmental infrastructure.

As of this writing, the applicants for FEMA Public Assistance related to infrastructure within New York State (including New York City), with the greatest stated need are as follows:

Applicant	Total Estimated FEMA PA Spending [illegible]
New York / Health And Hospitals Corporation	$934,071,144
Long Island Power Authority	$810,043,552
New York University	$806,753,024
New York / Transportation, Department of	$450,990,808
New York / Housing Authority, New York City	$443,331,600
New York / Environmental Protection, Department of	$424,894,580
Metropolitan Transportation Authority (MTA)	$364,040,968
New York / Parks And Recreation, Department of	$337,075,258
Nassau (County) / Nassau County Public Works	$229,813,968
New York / School Construction Authority	$226,000,000
New York / Police Department	$220,399,184
Port Authority of New York & New Jersey	$214,227,356
NYU Medical Center	$202,858,988
NYC Department of Small Business Services / NYCEDC	$167,212,169
New York / Sanitation, Department of	$152,878,543
Parks, Recreation, Historic Preservation	$142,950,412
Dept. of Transportation (DOT)	$103,969,922
Total	**$7,653,788,025**

3. Proposed Use of Funds

In the days immediately following Sandy, New York State began an extensive outreach effort in the areas impacted by the disaster. This outreach included coordination with FEMA and the City of New York on the setup and staffing of Disaster Recovery Centers (DRCs) where property owners could go to register for Federal and State disaster-related aid, or to obtain information on Sandy-related recovery efforts. In addition to the Disaster Recovery Centers, the State created the Sandy Helpline, 1-855-NYS-Sandy, for individuals to call with disaster-related questions and to receive guidance, assistance, and up-to-date information on the State's recovery efforts.

Since the end of February, New Yorkers from every county impacted by Irene, Lee or Sandy, have been able to submit registrations for the State's proposed housing and business assistance programs through the Sandy Help website, www.NYSandyHelp.ny.gov. Registration is the first part of the application process for all impacted individuals, and will allow State and county officials to follow up with registrants in the coming weeks to complete full applications for assistance. Each registrant for housing and business assistance will be assigned an individual case manager at the time of follow up. Case managers will work with each registrant to determine final program eligibility, and will then work side-by-side with those who are eligible throughout the entire grant process. This follow-up consultation and final determination of eligibility will occur as soon as the necessary Federal approvals have been obtained.

In addition to allowing for registration for assistance, the Sandy Help website provides fact sheets about the housing and business programs the State is proposing to make available with this initial allocation of CDBG-DR funding, pending final Federal approval.

In the short time since the State began accepting registrations, over 8,000 homeowners have registered for housing assistance and over 700 businesses have registered for business assistance (including registrants in NYC). It is anticipated that these numbers will increase dramatically as the State begins its outreach and marketing campaign for these funds, which will include an aggressive outreach campaign by State and county employees and other volunteers – collectively known as the Sandy Help Team. Team members will be holding public forums, meetings, and other similar outreach events, as well as staffing DRCs throughout the impacted region to ensure broad outreach to all residents. Team members at these sites have been trained on the proposed program offerings and will be able to answer questions from residents in need of assistance. In addition, all Sandy Help Team events will be equipped with internet-enabled computers, as well as paper applications for those who need them, and Team Members will assist all interested parties in completing their registration, including those with limited resources and/or accessibility issues.

A. Housing

In consultation with FEMA, the State has identified approximately 10,000 housing units that were substantially damaged by Hurricane Sandy (i.e. more than 50% damaged), and it has identified properties that suffered extensive damage under Hurricane Irene and Tropical Storm Lee. In addition, many thousands of properties were damaged to a lesser degree, and still pose a risk to health and safety of their owners or tenants and demand additional financial assistance to repair, replace, or mitigate the homes. To assist property owners in their recovery efforts, the State has developed supplemental programs that target a wide variety of housing types.

The State anticipates that over time it will allocate approximately $788 million from its first allocation of CDBG-DR funds to programs in this category. However, depending on the eligible activities identified and the total costs committed to projects under all eligible categories, additional funds may be provided to eligible housing activities. The exact allocation will be dependent upon the total number of all eligible activities identified and the total amount of funding approved for all other eligible activities.

As identified in the needs description, New York State has identified more than $6 billion in damage to residential structures in the areas most impacted by Hurricane Sandy. Once other forms of assisted are deducted from this amount, a balance of approximately $3 billion still remains in unmet needs. Since this anticipated amount of unmet needs exceed the entire amount allocated to the State, New York State has allocated the greatest amount of funding to address unmet housing related needs. It is anticipated that future tranches of CDBG-DR funds will be used to continue the efforts of addressing unmet housing needs in the greatest impacted areas.

New York State will subgrant funds to Nassau, Suffolk and Rockland counties, and others with identified needs, to undertake the housing programs within their respective areas. New York State anticipates directly undertaking the buyout/acquisition activities from its central recovery team and HCR.

Housing Assistance Programs
The State proposes the following programs for housing assistance:

- Recreate NY Smart Home Repair and Reconstruction
  - Available to owners of one- and two-unit homes located outside of New York City whether owner occupied or income generating, including Condominiums, Co-Ops and Garden Apartments. New York City will administer its own CDBG-DR programs directly.
  - Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.
  - Assistance shall be for unmet rehabilitation or repair needs after accounting for all Federal, State, local and/or private sources of disaster-related

assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

- ☐ Assistance for repair and mitigation funding will be capped at the lesser of a specified dollar amount to be determined by New York State, or the unmet repair, rehabilitation and mitigation need as described above. To direct sufficient levels of assistance to those most in need, especially low- to moderate-income and minority households, a higher overall dollar cap amount may be applied to those households of low or moderate-income, where the need is justified.
- ☐ All new construction of residential buildings or replacement and/or reconstruction of substantially damaged buildings must incorporate Green Building Standards.
- ☐ Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.
- ☐ Household income will be required for reporting purposes even for those households assisted under the National Objective of urgent need.
- ☐ Households earning less than 80% of the area median income will be prioritized in the order of processing applications for assistance.

➢ Recreate NY Smart Home Resilience

- ☐ Available to owners of one- and two-unit homes located outside of New York City whether owner occupied or income generating, including: Condominiums, Co-Ops and Garden Apartments. New York City will administer its own CDBG-DR programs directly.
- ☐ Property is located within a 100-year floodplain and damaged, or property was substantially damaged (i.e., lost more than 50% of pre-storm FMV), and still needs additional rehabilitation.
- ☐ Will cover costs to mitigate future damage.
- ☐ Assistance shall be for unmet rehabilitation or repair and mitigation needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.
- ☐ Assistance for repair and mitigation funding will be capped at the lesser of a specified dollar amount to be determined by New York State, or the unmet repair, rehabilitation and mitigation need as described above. To direct sufficient levels of assistance to those most in need, especially low- to moderate-income and minority households, a higher overall dollar cap amount may be applied to those households of low or moderate- income, where the need is justified.
- ☐ All reconstruction or mitigation of substantially damaged buildings must meet Green Building Standards.
- ☐ Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.
- ☐ Household income will be required for reporting purposes even for those households assisted under the National Objective of urgent need.

- Households earning less than 80% of the area median income will be prioritized in the order of processing applications for assistance.

➢ Recreate NY Home Buyout Program

- Voluntary buyout for one- and two-unit homes
  - Standard Buyout, at 100% of pre-storm FMV, for substantially storm-damaged (>50%) properties inside the highest risk areas along the water referred to as the "V Zone" in FEMA flood maps, and, in most cases, 100% of post-storm FMV (plus eligible relocation or other assistance) inside the 500-year floodplain but outside of that V Zone. The latter buyouts will be considered "acquisitions" for purposes of HUD's guidelines for the use of CDBG funds, and will be able to be redeveloped in a resilient manner rather than remain undeveloped in perpetuity.
  - Enhanced Buyouts in select pre-defined targeted buyout areas, which will be determined in consultation with county and local governments: enhanced buyouts will include an incentive(s) ranging from 5%-15% on top of the pre-storm FMV of property acquired through the buyout program. Reconstruction may not occur on lots in these areas. Lots will be maintained as coastal buffer zones or other non-residential/commercial uses, and may also include acquisition of vacant or undeveloped land in these targeted areas.
  - The State will use the 2013 FHA loan limits as the ceiling for the purchase price for properties that participate in this buy-out program.
- Incentives may include the following for residents in select pre-defined targeted buyout areas who participate in a buyout; participants may be eligible for one or more incentive in combination, for a maximum of up to 15%:
  - 5% In-County Relocation Incentive. The State will provide residents who participate in a buyout inside an enhanced buyout area this incentive if they permanently relocate within the same county in which their storm damaged property is located, either before or at the completion of their buyout. The rationale for such an incentive is to protect and preserve the community while, at the same time, facilitating the reclamation of land in high risk areas for natural protection against future damage. NOTE: for New York City residents this will be available for permanent relocation anywhere within the five boroughs of New York City.
  - 10% Enhanced Buyout Incentive. In an effort to relocate homeowners out of these high risk enhanced buyout areas - to protect as many as possible from future disasters - the State will seek the maximum level of homeowner participation by offering this individual incentive so that as much land as possible within these areas can be returned to and reclaimed by nature, land that will be maintained in perpetuity as coastal buffer zones. This level of incentive was selected in order to ensure that a sufficient incentive is available, as the number of properties involved will need to be significant in these areas to produce the intended outcome.
  - In the rare areas in which the purchase of a group of properties together makes sense in order to re-purpose that area, the State believes that

graduated incentives are an essential component to induce homeowners to sell their properties.

- Outside of the enhanced buyout areas, the State may, in rare circumstances, provide a 10% Group Buyout Incentive to certain very limited clusters of homeowners (i.e., 2-10 consecutively located properties) whose properties are located inside the high risk V Zone but not inside an identified enhanced buyout area. This incentive may be necessary in certain rare cases to facilitate the reclamation of a concentrated area of high risk and to avoid the patchwork effect of purchasing all but one or two properties inside such a cluster of properties.
- Assistance shall be for property purchased after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.
- All customary costs associated with the acquisition of private property, including appraisal, legal, survey, title preparation and insurance, may be paid for using this source of funds.
- Demolition costs may also be paid using this source of funds.
- Site work and property maintenance costs, including environmental remediation, grading and security, may also be paid for using this source of funds.
- Households earning less than 80% of the area median income will be prioritized in the order of processing applications for assistance.

➢ Small Multi-Family Repair and Reconstruction

- Available to owners of multi-unit (3-7 units) residential buildings located outside of New York City including: Rental properties, including owner-occupied rental properties, non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate does not exceed a total of seven (7) units. New York City will administer its own CDBG-DR programs directly.
- Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.
- Assistance shall be for unmet rehabilitation or repair needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.
- Assistance for repair and mitigation funding will be capped at the lesser of a specified dollar amount to be determined by New York State, or the unmet repair, rehabilitation and mitigation need as described above. To direct sufficient levels of assistance to those most in need, especially low- to moderate- income and minority households, a higher overall dollar cap amount may be applied to those households of low or moderate- income, where the need is justified.

- All reconstruction of substantially damaged buildings must incorporate Green Building Standards.
- Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.
- Household income will be required for reporting purposes even for those households assisted under the National Objective of urgent need.
- Priority will be given to owners of buildings where a minimum of 51% of the units are occupied by or will be occupied by low- and moderate-income persons.

➢ Small Multi-Family Mitigation

- Available to owners of multi-unit (3-7) residential buildings located outside of New York City, including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate do not exceed a total of seven (7) units. New York City will administer its own CDBG-DR programs directly.
- Will cover costs to mitigate future damage.
- Assistance shall be for unmet rehabilitation or repair and mitigation needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.
- Assistance for repair and mitigation funding will be capped at the lesser of a specified dollar amount to be determined by New York State, or the unmet repair, rehabilitation and mitigation need as described above. To direct sufficient levels of assistance to those most in need, especially low- to moderate- income and minority households, a higher overall dollar cap amount may be applied to those households of low or moderate- income, where the need is justified.
- All reconstruction or mitigation of substantially damaged buildings must incorporate Green Building Standards.
- Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.
- Household income of tenants may be used in determining eligibility for assistance under this program, or may, at a minimum, be required for reporting purposes.
- Priority will be given to owners of buildings where a minimum of 51% of the units are occupied by or will be occupied by low- and moderate-income persons.

➢ Large Multi-Family Mitigation

- Available to owners of multi-unit properties with eight or more units located outside of New York City including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, or detached/scattered site. New York City will administer its own CDBG-DR programs directly.

- ☐ Property is located within a 100-year floodplain and sustained damage as a result of the disaster.
- ☐ Will cover costs to mitigate future damage.
- ☐ Assistance shall be for unmet mitigation and associated rehabilitation or repair needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.
- ☐ Assistance for repair and mitigation funding will be capped at the lesser of a specified dollar amount to be determined by New York State, or the unmet repair, rehabilitation and mitigation need as described above. To direct sufficient levels of assistance to those most in need, especially low- to moderate- income and minority households, a higher overall dollar cap amount may be applied to those households of low or moderate- income, where the need is justified.
- ☐ All reconstruction or mitigation of substantially damaged buildings must incorporate Green Building Standards.
- ☐ Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.
- ☐ A minimum of 51% of the units of any building must be occupied by, or the owner commits to renting to, persons who are earning less than 80% of area median income.

Estimated Unit Counts and Beneficiaries

Repair and Mitigation

The State has two primary means of estimating the number of beneficiaries of its housing repair and mitigation program. The first is indications of interest solicited from homeowners through pre-registrations that the State has collected. The second is top down analysis, based on the methodology used to calculate aggregate unmet need, which is then modified to approximate the State's program eligibility guidelines.

From its analysis of homeowner pre-registrations, nearly 5,500 homeowners have self-declared unmet need for repair assistance from the State, and over 3,500 have unmet need for mitigation assistance (excluding New York City). The State believes these estimates greatly understate the true number of homeowners with unmet need, especially among non-English speaking populations and those who for other reasons were not aware of the pre-registration process. While some portion of these applicants will ultimately not be eligible for assistance, the State regards these totals as the minimum expected number of beneficiaries for its programs.

Based on detailed data from FEMA, the State estimates that there are over 50,000 homeowners with 'unmet need' after FEMA assistance (defined as the total amount of real property loss to their home less the amount of assistance provided to the homeowner by FEMA). Of this population, the State estimates that over 38,000 had flood insurance, while nearly 16,000 did not. If 25-50% of those with flood insurance have remaining unmet need, considering all available sources of assistance, and 50-75% of those without flood insurance have such need, this suggests that approximately 17,500-31,000 homeowners will be in need of additional assistance from the State. Based on these facts, the State expects to provide repair and/or mitigation assistance for 15,000-25,000 owners of eligible properties. In the coming weeks the State will continue working with Counties and its partners to refine these estimates based on actual observed demand for its programs.

Buyouts

The methodology used to estimate the number of participants in the Buyout program necessarily differs from the methodology used for repair and mitigation, since homeowners offered buyouts will understandably often not accept the offer even if it is their economic best interest.

Analysis of pre-registration data for homeowners across New York State shows initial indications of interest from just over 2,500 homeowners (including New York City). While the State expects to receive more interest in the program as marketing and outreach efforts ramp up, New York ultimately expects to conduct far fewer buyouts than this initial interest might suggest. Much of the interest expressed in this option to date is likely to be from those who are either ineligible for the program or if they are eligible, will opt to rebuild under the repair and mitigation program instead after consultation with a case manager.

Many local floodplain managers are still making substantial damage determinations, but initial estimates suggest that there were as many as 9,500 substantially damaged homes that incurred damage in excess of 50% of their pre-storm value. Outside of designated enhanced buyout areas, which will be very limited in scope, this is the primary eligibility criteria for the buyout program. Although each disaster is unique, based on historical precedent the State estimates that approximately 10% of those eligible for buyout offers tend to accept the offer. Furthermore, a portion of substantially damaged homes will not be eligible under the State's buyout program (e.g., second properties). Based on these facts, the State expects to conduct between 750-1,000 buyouts of eligible properties. New York State will continue to refine these estimates in consultation with Counties, local communities and homeowners expressing interest in the Buyout program.

B. Economic Development

The State estimates that over time it will allocate approximately $415 million from its first CDBG-DR allocation to programs in this category. The exact allocation will depend upon the total number of eligible activities identified and the total amount of funding approved for all other eligible activities. New York State anticipates undertaking these activities through designated subrecipients.

As identified in the needs assessment earlier in this Plan, New York State has identified more than $800 million in unmet business needs in the areas greatest impacted by Hurricane Sandy. Since this amount exceeds the State's approximate allocation for this activity it is anticipated that future tranches of CDBG-DR funds will be used to continue the efforts of addressing unmet business needs in the greatest impacted areas. However, in order to maximize the reach of CDBG-DR funds, and to cover as many unmet needs as possible, the State will be partnering with intermediaries that will be supplementing assistance offered in the form of a loan with additional private equity.

Business Assistance Programs
The State proposes the following programs for economic development:

- Small Business Grant Program
  - Grants will be provided to eligible businesses to help purchase or repair needed equipment, renovate facilities that were damaged or destroyed, to support mitigation efforts to protect the business from future storms, or to cover any of the eligible activities listed in Section 4 of this document.
  - Grants of up to $50,000 will be available to cover eligible uncompensated losses with a potential to extend grants up to $100,000 for businesses that suffered physical damage and are at risk of closure or significant employment loss.
  - Available to businesses located in one of New York State's designated disaster areas. New York City will administer its own CDBG-DR programs directly.
  - Priority will be given to businesses that have fewer than 100 full-time equivalent employees either at the time of application or at the time of the storm that inflicted damage upon the business.
  - Priority will be given to businesses who will meet a low- and moderate-income benefit whether by qualifying as a low- and moderate-income microenterprise owner or creating or retaining jobs principally for low- and moderate-income persons.
  - Business must have suffered eligible uncompensated losses as a direct result of Hurricane Sandy, Hurricane Irene or Tropical Storm Lee.
  - Grants may be provided to small businesses (as defined by the SBA), including farming operations.
  - Grants may be provided to non-profit organizations.
  - Salary ranges for those positions created or retained through assistance under this program will be required for reporting purposes.

- Small Business Loan Program
  - Loans of up to $1 million will be provided to eligible businesses to help purchase or repair needed equipment, renovate facilities that were damaged or destroyed, to support mitigation efforts to protect the business from future storms, or to cover any of the eligible activities listed in Section 4 of this document.
  - Available to businesses located in one of New York State's designated disaster areas. New York City will administer its own CDBG-DR programs directly.
  - Low-interest loans may be provided to small businesses (as defined by the SBA), including farming operations.
  - Low-interest loans may be provided to non-profit organizations.
  - Priority will be given to businesses that have fewer than 100 full-time equivalent employees either at the time of application or at the time of the storm that inflicted damage upon the business.
  - Priority will be given to businesses who will meet a low- and moderate-income benefit whether by qualifying as a low- and moderate-income microenterprise owner or creating or retaining jobs principally for low- and moderate-income persons.
  - Business must have suffered eligible uncompensated losses as a direct result of Hurricane Sandy, Hurricane Irene or Tropical Storm Lee.
  - Loans will be targeted at businesses unable to secure SBA disaster loans.
  - Salary ranges for those positions created or retained through assistance under this program will be required for reporting purposes.

- Small Business Consulting and Mentoring Program
  - New York State, in conjunction with the State's Small Business Development Centers (SBDC), will use up to $3 million to provide eligible technical or legal assistance and business coaching to assist businesses in rebuilding their businesses.
  - Consultants and business coaches may be made available to businesses to discuss business development and recovery issues.
  - Available to businesses located in one of New York State's designated disaster areas. New York City will administer its own CDBG-DR programs directly.
  - Priority will be given to businesses that have fewer than 100 full-time equivalent employees either at the time of application or at the time of the storm that inflicted damage upon the business.
  - Priority will be given to businesses who will meet a low- and moderate-income benefit whether by qualifying as a low- and moderate-income microenterprise owner or creating or retaining jobs principally for low- and moderate-income persons.
  - Business must have suffered eligible uncompensated losses as a direct result of Hurricane Sandy, Hurricane Irene, or Tropical Storm Lee.

- Coastal Fishing Industry Program
  - Grants of up to $50,000 will be made available to affected businesses or individuals qualified as a Coastal Fishing Industry.
  - Available to businesses located in one of New York State's designated disaster areas. New York City will administer its own CDBG-DR programs directly.
  - Priority will be given to businesses that have fewer than 100 full-time equivalent employees either at the time of application or at the time of Hurricane Sandy.
  - Priority will be given to businesses who will meet a low- and moderate-income benefit whether by qualifying as a low- and moderate-income microenterprise owner or creating or retaining jobs principally for low- and moderate-income persons.
  - Business must have suffered eligible uncompensated losses as a direct result of Hurricane Sandy.
  - Business must be in the Coastal Fishing industry.
  - Salary ranges for those positions created or retained through assistance under this program will be required for reporting purposes.

- Seasonal Tourism Industry Program
  - Grants of up to $50,000 will be provided to eligible seasonal tourism businesses
  - Available to business located in one of New York State's designated disaster areas. New York City will administer its own CDBG-DR programs directly.
  - Priority will be given to businesses that have fewer than 100 full-time equivalent employees either at the time of application or at the time of Hurricane Sandy.
  - Priority will be given to businesses who will meet a low- and moderate-income benefit whether by qualifying as a low- and moderate-income microenterprise owner or creating or retaining jobs principally for low- and moderate-income persons.
  - Business must have suffered eligible uncompensated losses as a direct result of Hurricane Sandy or have documented loss of job opportunities.
  - Business must be in the Seasonal Tourism industry.
  - Salary ranges for those positions created or retained through assistance under this program will be required for reporting purposes.

- Business Assistance Program and Tourism Promotion Marketing
  - In addition to direct grant assistance to businesses in the Coastal Fishing and Tourism Industries, New York proposes to allocate funds to the State to undertake industry-wide marketing efforts for these two industries, as well as general marketing efforts to promote the availability of assistance under these programs.
  - Marketing will also be used for a tourism promotion effort to encourage visitors to return to the areas that are dependent upon tourism for their

economic livelihood, ensuring a minimal impact on the economic benefit provided to communities and businesses during the upcoming summer season.

Estimated Unit Counts and Beneficiaries

The State has two primary means of estimating the number of ultimate beneficiaries of its economic recovery programs. The first is indications of interest solicited from businesses through pre-registrations that the State has collected. The second is top down analysis, based on data from the Small Business Administration, which is then modified to approximate the State's program eligibility guidelines.

New York State received pre-applications from over 500 businesses outside of New York City, with self-declared unmet need. The State believes this number greatly understates the true number of small businesses with unmet need, especially among non-English speaking populations and those who for other reasons were not aware of the pre-registration process. While some portion of these applicants will ultimately not be eligible for assistance, the State regards these totals as the minimum expected number of beneficiaries for its economic recovery programs.

The Small Business Administration has received approximately 1,100 applications for business loans outside of New York City. Only a small proportion of these loans were ultimately approved, and many of those with approved loans have remaining unmet need for which they will require New York State recovery assistance. Furthermore, through consultation with business owners, the State recognizes that many businesses in need of assistance have not applied for SBA assistance, due to lack of awareness of SBA programs, perceived inability to qualify for assistance or availability of other forms of temporary loan capital. Based on indications of unmet need from businesses and the number of applications received by SBA, New York State estimates that it will provide grant, loan, and/or technical assistance to approximately 13,000 businesses outside of New York City.

C. Resilience and Retrofit

To ensure that communities are not just rebuilt but also become safer, for those areas where there is a high risk of future flooding New York State will support homeowners in making their homes more resilient. The State has evaluated costs of mitigation measures for homes that are at high risk; for example, New York State estimates that a basic 1,000 square foot home with no basement built to a height of 4' below base flood elevation (BFE) would cost $90,250 to raise to 1ft above BFE, and an additional $2,500 to raise to 2ft above BFE. Such additional elevation may decrease a homeowner's flood insurance premiums substantially. As noted already, the State's proposed housing repair and mitigation programs are designed to support elevation and other critical resiliency measures.

As part of this effort, the State will create the Smart Rebuild NYS public awareness and educational campaign to provide homeowners, businesses, municipalities, organizations and building professionals with quality up-to-date information and instruction to facilitate the rebuilding of homes and properties and protect them from future extreme weather events and climate change. This multi-faceted outreach campaign will inform the public on how best to rebuild to protect homes and properties. The campaign will provide guidance on mandatory code requirements as well as cost-effective voluntary initiatives that go beyond the minimum code requirements to save homeowners money and better protect them from future natural disasters. Such public education must be a priority in order to address the anticipated impact of sea level rise on the risks faced by those communities inside the flood plains.

In addition, the State has developed a program akin to the existing Energy Star program to be applied to the home building sector to improve resiliency in the face of increasing sea level rise and climate change. Specifically, homes that are built or rebuilt from the storms that use best practices to maximize resiliency will be eligible for designation. Such properties will gain the value of such designation and become models for communities in the future. This program will involve public education as well as workshops with builders, contractors, and local officials. This program will be a lasting legacy of the recent storms and, it is expected, an important driver of long-term resiliency in residential and commercial construction.

The State has also identified a significant need to provide assistance for energy-related mitigation to essential services facilities including, in particular, hospitals, nursing homes, group foster care facilities, and other facilities for vulnerable populations. Many essential services facilities did not have backup power systems or had ineffective backup systems that failed during the storm. As a result of this, numerous facilities had to evacuate patients which posed a greater risk to those patients than allowing them to remain in place during the storm.

New York State will establish the Resilience Retrofit program. Over time, the State anticipates allocating approximately $30 million of CDBG-DR funding to provide credit enhancement or leverage for private-sector financing of energy-related mitigation

projects. At this time, however, the OCR is in consultation with HUD and the New York Energy Research Development Authority (NYSERDA), working collaboratively to fully develop this program. As the final needs and program parameters are identified, New York State will submit a request to allocate these funds.

- Resiliency Retrofit Fund
  - Essential services facilities will be eligible to receive assistance to perform energy-related mitigation including, but not limited to, installation of backup power systems.
  - Eligible facilities may include, but are not limited to, hospitals, long- and short-term care facilities, nursing homes, and clinics.

D. Community Planning and Redevelopment

New York State will establish the Community Reconstruction Zone (CRZ) planning grants. The State anticipates allocating approximately $25 million from this first allocation to provide planning grants to targeted communities selected by a CRZ planning committee. Later allocations will be used to implement successful CRZ plans. NYS will ensure that CRZ activities will not overlap or duplicate existing National Disaster Recovery Framework Community Planning and Capacity Building Recovery Support (RSF) efforts. Where possible, CRZ will dovetail with existing RSF plans to allow for further planning and project implementation activities. This program will also complement New York City's ongoing planning process for specified communities.

The planning grants will facilitate the retention of outside experts as consultants to a participating community's planning committee, as well as the completion of critical studies to determine the key vulnerabilities and needs of the community. The State will provide information and guidance to the committees to assist them in identifying and using such outside resources effectively and efficiently.

The Community Reconstruction Zone Planning Committee
Each identified community must convene a CRZ planning committee that includes, among others, a representative from the County, Town or Village, elected legislative representatives, as well as the directors of established organizations and businesses in the community selected by the State in consultation with local officials. The membership of each committee will be reviewed by the State. The members of the planning committees will not be paid, and they will be required to execute a code of ethics that will govern their work on the committee, for which training will be provided by the State.

The Planning Process & Technical Assistance
The CRZ planning committees will be expected to take several months to complete their CRZ reconstruction plans for submission to the State. The planning process will be expected to include the following important steps:

1. *Inventory of Vulnerabilities and Damaged Assets.* The first step in the CRZ planning process will require a rigorous analysis of the community's infrastructure, economy, and assets to determine where the community's greatest vulnerabilities and opportunities lie. This analysis will include assessment of the vulnerability of physical assets – for example, water treatment plants, nursing homes, hospitals, waterfront properties and beaches – and of systems such as local transportation, zoning and building codes, and residential development. Key structures that were damaged by the storm will also be integrated into this analysis.
2. *Public Engagement.* Public input is a critical component of successful planning. Accordingly, the planning committee must offer opportunities for such input and comment at key milestones in the planning process.

3. *Assessment of Economic Need.* The committee will assess the key drivers of the community's economy to identify both weaknesses and potential opportunities for growth.
4. *Identify & Prioritize Options for Investment and Action.* Using these initial assessments, the planning committee will then determine the range of potential investments and their relative priority based upon their cost, benefits, and collateral impacts on multiple aspects of life in the community. In addition, actions such as zoning changes or other policy changes to improve the resilience and economy of the community will also be prioritized.
5. *Engagement in Regional Planning Process.* On Long Island and in other areas if appropriate, each planning committee will be required to participate in planning sessions at the regional level organized by county officials and outside organizations. Such sessions will help to ensure that the regional plan developed through this process reflect the work of the CRZ planning committees and that the CRZ plans are consistent with the regional planning process.
6. *Draft CRZ Reconstruction Plans.* With assistance from the applicable State agencies and outside consultants where appropriate, each planning committee will then draft a CRZ reconstruction plan that seeks to meet the criteria discussed below. The State will provide a template for such reconstruction plans with the award of a planning grant.
7. *Submission of the Reconstruction Plans to the State.* Each planning committee will submit a completed reconstruction plan to the State. The State will then review each plan against the criteria set forth below.

A number of New York State agencies will organize intensive community workshops and provide ongoing technical assistance throughout the planning process to help the planning committees complete their work effectively. In addition, the Rockefeller Foundation will help to sponsor such workshops and bring in experts from around the country and the world to provide lessons and strategies from past rebuilding efforts in other areas. Such assistance will include, but is not limited to, draft templates and standards for conducting inventories of vulnerable assets, data and maps to show the vulnerabilities of the community to various threats, and technical support to help complete these initial assessments.

Characteristics of a Successful Reconstruction Plan

To qualify for an implementation grant from the State, reconstruction plans must address the issues listed below. Any modifications to this list will be provided prior to approval of a planning grant and will be posted on the State's website.

1. *Assessment of risk/vulnerability of key assets and systems.* As the starting point of the reconstruction plans, a comprehensive inventory of the vulnerabilities of key assets and systems is necessary to allow the committee to prioritize various projects and actions. Key assets and systems should be considered for each relevant recovery support function: infrastructure, natural and cultural resources, housing, economic development, and health and social services.
2. *Potential to restore and increase resilience of key assets.* The Reconstruction Plan should address both the restoration of key assets and actions that will make them

more resilient to future threats. Examples of such projects and actions include restoration or mitigation of natural infrastructure (e.g., wetlands, oyster reefs, dunes, and other green infrastructure), changes in land use regulations (e.g., changes in use, increased setbacks, and transfer of density) to encourage sound development outside of vulnerable areas, or investments in transportation or other improvements in community systems to prepare for future threats.

3. *Potential for economic growth co-benefits.* Reconstruction plans should include projects that will improve the future of the local economy while also enhancing the resilience of the community, producing co-benefits. For example, investments in new recreational assets (e.g., new green space that serves as a buffer against coastal flooding) may protect against storm damage or serve as redundant protection in critical areas, while also drawing tourists or facilitating the growth of new businesses.
4. *Protection of Vulnerable Populations.* Reconstruction plans should include new measures to protect vulnerable persons (e.g., elderly and special needs individuals) in the event of a future emergency, such as new protocols for emergency response to ensure rapid assistance is provided to vulnerable persons, new backup power systems for critical facilities (e.g., nursing homes, hospitals) or improved communications systems to ensure that vulnerable persons are not left without aid.
5. *Regional Coordination.* To ensure that reconstruction plans are consistent with regional objectives, and that regional plans serve communities' long-term objectives, Long Island communities and communities in other areas identified by the State must participate in a regional planning process. The regional planning process in Long Island will be a critical part of the State's effort to ensure that rebuilding improves not only individual communities but also the entire region. The details of the regional planning process will be provided prior to approval of a planning grant and will be posted on the State's website.
6. *Detailed Implementation Approach.* Each reconstruction plan must include a clear and detailed proposed approach to implementation of projects and strategies in each recovery support area. The implementation approach must assign responsibility for specific actions to specific individuals or organizations, and establish timelines for each action. The State will work with each committee and local officials to ensure that approaches to implementation are realistic and actionable.

To support initial community planning efforts, the State is allocating funds for planning grants to communities to produce their CRZ plans. This initial funding (which sets the stage for a broader allocation of implementation funding that the State intends to make from future rounds of CDBG-DR) is intended for two purposes.

For communities affected by Sandy, Irene, and Lee, funds will cover expenses associated with developing CRZ plans. The specific number of CRZs that the State will establish is to be determined and subject to change. Initial planning grants and planning-related expenses are expected to be approximately $25 million.

For communities affected by Irene and Lee, many of which have already engaged in comprehensive State-funded planning processes after these earlier storms, funding will also be available for eligible programmatic expenses described in such plans. These 16

communities can apply to New York State for funding approval for CDBG-DR eligible projects under these plans; New York State expects to fund such projects in part under this initial allocation, once all other planning expenses have been fully allocated. Additional funding for programmatic needs for these 16 communities will be allocated under future CDBG-DR tranches, along with programmatic funding needs under the CRZ plans.

E. Public Infrastructure and Facilities and Local Government Support

Public Infrastructure and Facilities
Over time, New York State anticipates allocating up to $200 million from this allocation of CDBG-DR funds to provide the non-Federal match required for CDBG-eligible FEMA Public Assistance Program activities for county and local governments, or as the non-Federal match requirement needed to carry out CDBG-DR eligible activities funded by any other Federal agencies. New York State anticipates subgranting these funds to eligible units of general local government to administer as eligible approved projects are identified.

Local Government Support
Local governments are experiencing financial distress as a result of Superstorm Sandy. Damaged homes and property loss have removed valuable assets from local tax rolls, resulting in a loss of revenue to localities.

In particular, communities across the devastated region are facing a flood of requests from residents and businesses for property assessment reductions due to damage from Hurricane Sandy. For example:

- To date, Nassau County has received approximately 3,870 requests for assessment reductions due to damage caused by Sandy. This represents approximately $50 million in annual property tax revenue to the County, towns, villages, and school districts if reduced by 100%. Assuming only a 50% reduction in assessed value, the annual reduction in property tax revenue is estimated at $25 million. Nassau County anticipates that such reductions will require lay-offs in critical service areas.

- Suffolk County has indicated based on preliminary canvassing of county and local jurisdictions that such reductions will produce a loss of at least $24.5 million this year in property tax revenue alone.

- Rockland County is still estimating what it its county and local governments' lost property tax revenues might be, and will provide this information to the State as soon as it is available.

This loss of revenue is concentrated in the most impacted communities at a time when these communities are already struggling to recover. Many of these communities have also suffered extensive losses in sales tax revenues, or anticipate losing such revenues during the coming tourism season. The additional burden on these communities will mean significant reductions not only to their already bare-boned discretionary programs that serve disadvantaged and at-risk populations but also core services such as police, fire, and educational services. This is on top of communities facing years of fiscal strain because of the impact brought on by the economic downturn and the decreased level of State assistance provided for local services each year.

Nassau and Suffolk County and their coastal cities, towns and villages are struggling to find the necessary funds to provide the basic services that their citizens need. While Section 570.201(e) of the CDBG regulations contains a general restriction on the use of CDBG to cover the cost of ongoing services that the county (or any unit of government) customarily provides, the State will seek approval from HUD pursuant to the same regulation to use these recovery funds to avoid what will otherwise be a clear "decrease in the level of a service [that] was the result of events not within the control of the unit of general local government." Specifically, the State expects that at least $50 million will ultimately be required to cover this threat to critical services in the affected areas.

As an additional avenue of support, local governments are also encouraged to take advantage of the Traditional Community Disaster Loan Program, which is administered by FEMA, and applied for by New York State on the locality's behalf. To qualify jurisdictions must have suffered a loss in excess of 5% of tax or other revenues as a result of the major disaster and demonstrate the need for Federal assistance to perform its governmental functions. The amount of the loan shall not exceed 25% of the annual operating budget of the locality for the fiscal year of the disaster. Maximum amount of the loan is $5,000,000; or 50% up to a maximum of $5,000,000 when the loss of tax and other revenue amounts to 75% of the operating budget for the fiscal year of the disaster. Repayment terms are 5 years, although can in some circumstances be extended to 10 years. Loans can only be used to maintain existing governmental functions or to expand such functions to meet disaster needs. Loans may not be used for capital improvements, repair of disaster damaged facilities or payment of non-federal cost share of any Federal program. FEMA provides the staff to conduct a financial analysis of applicants, and works closely with the applicants in completing the process.

As described in the Needs Assessment section of this document, the FEMA Public Assistance database maintained by the New York State Division of Homeland Security and Emergency Services contains nearly 3,000 projects across 900 applicants, for a total overall New York State funding need (outside of New York City) of $2.5B. While some projects in this database are likely to be deemed ineligible for FEMA assistance and/or CDBG assistance, the State has also determined that a substantial number of projects have not yet been added to the project database, and thus the total eligible need will continue to increase. The State's funding request of $250 million represents its expectation that it will cover the non-federal match for identified FEMA Public Assistance projects within this database for local and county governments and State agencies, and that the list of eligible projects will grow over time such that the eventual need will be substantially greater than $250 million. The State intends to provide further Public Assistance match funding from future allocations of CDBG-DR once specific needs are identified.

F. Infrastructure Bank

New York State will create a dedicated infrastructure bank to help coordinate infrastructure development and investment across the disaster region. CDBG-DR funds will be combined with State funds and committed to financing eligible infrastructure projects that apply for assistance through the Bank. The Bank will benefit New York by introducing a centralized approach to infrastructure related decision making rather than a project-by-project, agency specific process. The focus of the Bank's investments will be on projects that increase the resiliency of the area's infrastructure to withstand future threats or provide redundancy of critical systems.

The Bank will take several steps to carry out these goals, including developing a system for prioritizing infrastructure projects and initiatives, providing a centralized approach to the State's infrastructure planning process, managing State recovery funds for infrastructure and other sources of capital, negotiating opportunities for private sector investment in infrastructure and financing approved projects. The planning processes and expertise of the New York Works Task Force will be embedded into the Bank's functions.

The Bank may make use of funds from several sources, including federally allocated recovery funds, diverted or created revenue, proceeds from the sale of long-term debt and credit enhancements with other state entities. In addition, the Bank will work with both public and private investors to raise funds to finance infrastructure developments. An advantage that the Bank will have is the ability to combine several sources of funds (e.g., Federal funds with private funds) to finance projects as effectively as possible. The Bank will showcase potential projects to engage the private sector in opportunities for investment in infrastructure.

New York State's overall recovery funding plan has identified a sizeable need for infrastructure assistance; in fact infrastructure is the largest category of expected funding for the State (across all funding sources, not limited to CDBG-DR). While the State has identified hundreds of specific high priority infrastructure projects and estimated total funding need of over $40 billion, some of this need will not be covered by federal sources. Furthermore, even for projects that are largely covered by other federal funding sources, the State anticipates opportunities to add on components to such projects that are not covered by these funding sources but result in substantial public benefit and are eligible for CDBG-DR funding (e.g., additional resiliency measures or energy efficiency retrofitting). The State is committed to building an infrastructure bank to better prioritize and leverage capital for infrastructure investment. This plan identifies an allocation over time of $20 million. At this time, however, the OCR is still reviewing and identifying the total amount of unmet need to address these issues. As the final needs are identified, New York State will submit a request to allocate these funds.

4. Eligible & Ineligible Activities

This first tranche of the CDBG-DR funds must be used toward short and long-term recovery activities, addressing disaster relief, restoration of infrastructure and housing and economic revitalization, directly related to the storm damage from Hurricane Sandy, Hurricane Irene or Tropical Storm Lee.

Eligible:
CDBG-DR funds from the HUD disaster appropriation may be used for eligible CDBG activities that meet the State CDBG program regulations as found at 24 CFR 570.482 or any activity for which HUD has issued a waiver. The assistance may be provided for eligible projects to which FEMA has provided assistance, or that other sources, including FEMA, cannot fund or cannot fund in full, but which are nevertheless critical to recovery, or for activities where the costs significantly exceed the amount of assistance that FEMA or other sources can fund. However, any appropriation covered by this Plan (Public Law 113-2) shall be reviewed for compliance with duplication of benefits guidelines at 42 U.S.C. 5155, which specifically prohibit the use of funds for activities reimbursable by, or for which funds have been made available by FEMA, the Small Business Administration (SBA), or other Federal or State sources. Funds may also be used as a matching requirement, share, or contribution for any other Federal program, provided all activities are CDBG-DR eligible and in compliance with duplication of benefit guidelines.

- *Pre-Agreement Costs:* The provisions of 24 CFR 570.489(b) permit a State to reimburse itself for otherwise allowable costs incurred by itself or its sub-grantees on or after the incident date of the covered disaster. Any unit of general local government receiving a direct allocation under this Notice is subject to the provisions of 24 CFR 570.200(h) but may reimburse itself or its sub-grantee(s), a local government, a homeowner, rental property owner, or business owner for otherwise allowable disaster recovery related costs incurred on or after the incident date of the covered disaster. This may include pre-agreement costs for Hurricane Sandy back to October 29, 2012.
- Structures used by religious organizations may be assisted where a structure is used for both religious and secular uses and the rehabilitation and/or construction costs are attributable to the non-religious use. As of this writing, no specific CDBG-DR eligible projects for religious institutions have been identified, however the State reserves the right to assist eligible projects as need is identified.
- Program delivery costs which may include, but are not limited to applicant intake, development of cost estimates, engineering design, underwriting, and compliance actions for environmental hazards

- By the terms of Federal law, activities using NYS CDBG-DR funding may be funded in the following Counties:
  - ☐ Nassau
  - ☐ Suffolk
  - ☐ Westchester
  - ☐ Rockland
  - ☐ Orange
  - ☐ Putnam
  - ☐ Sullivan
  - ☐ Ulster
  - ☐ New York
  - ☐ Richmond
  - ☐ Brooklyn
  - ☐ Kings
  - ☐ Queens
  - ☐ Schoharie
  - ☐ Tioga
  - ☐ Broome
  - ☐ Greene
  - ☐ Sullivan

As of this writing, New York State is working with HUD to ensure that all counties in the State impacted by Hurricane Irene and Tropical Storm Lee are eligible for CDBG-DR assistance, not just those listed above and in the March 5, 2013, Federal Register Notice. The listing above will be updated upon formal confirmation from HUD.

Ineligible:
By the terms of Federal law, ineligible activities include, but may not be limited to, the following:

- General government expense
- Political activities
- Operations and maintenance
- Income payments
- Assistance to second homes
- Replacement of lost business revenue as a result of the storm
- Assistance to Private Utilities
- Purchase of equipment (with several exceptions, e.g., as part of an eligible economic development activity, a public service activity, a solid waste disposal facility or an integral part of a public facility project.)
- Any assistance to a business or property owner who received FEMA assistance in the past where required flood insurance has not been maintained

Funds Provided for Housing Related Activities

- Only housing units located in counties designated as eligible for the FEMA Individual Assistance Program (IAP) will be eligible to receive funding under this category.
- Household income may be used in determining eligibility for assistance under this category, or may, at a minimum, be required for reporting purposes for households assisted under the National Objective of urgent need.
- Second homes are ineligible for assistance. Second homes are defined as follows:
  - ☐ If a second home is not rented out at any time during the year, it is a second home regardless of if it is used by the household or not.

- ☐ If a home is rented out part of the year and the owner uses the home more than 14 days or more than 10% of the number of days during the year that the home is rented, then it is a second home.
- ☐ If a home is rented out for part or all of the year and the owner does not use the home long enough (as defined above) then it is rental property and not a second home.

- Rental units that meet the Internal Revenue Service's definition of a rental unit are eligible for assistance, as are condominium associations, housing cooperatives and garden apartments.
- Funds may be used as a matching requirement, share, or contribution for any other Federal program, provided all activities are CDBG-DR eligible and in compliance with Federal Duplication of Benefit.
- Assistance may also be provided for eligible projects that FEMA or other sources cannot fund, but which are nevertheless critical to recovery or for activities where the costs significantly exceed the amount of assistance that FEMA or other sources can fund.
- CDBG-DR funds from the HUD disaster appropriation may be used as the required match for housing activities funded under FEMA or any other State or Federal sources.
- Any appropriation covered by this Plan (Public Law 113-2) shall be reviewed for compliance with Duplication of Benefits guidelines at 42 U.S.C. 5155, which specifically prohibits the use of funds for activities reimbursable by, or for which funds have been made available by FEMA, the Small Business Administration (SBA), or other Federal or State sources, or private sources, including, but not limited to insurance payments.
- Eligible Housing Activities may include:
  - ☐ Repair/replacement of damage to real property, including, but not limited to:
    - Roof repair/replacement
    - Window/door repair/replacement
    - Siding repair/replacement
    - Flooring repair/replacement
    - Drywall/finishing to pre-event condition
    - Insulation
    - Bathroom repair/rehabilitation
    - Foundation repairs
    - Kitchen cabinet replacement
    - Well/septic replacement or connection to municipal system
    - Electrical system repair/replacement from the weatherhead
    - Replacement of disaster-impacted non-luxury residential appliances, including, but not limited to:
      - ✓ Stoves
      - ✓ Refrigerators
      - ✓ Water heaters
      - ✓ Heating Systems
      - ✓ Fuel tanks (oil/propane but not actual fuel replacement)
      - ✓ Water filtration systems
  - ☐ Engineering, architectural and/or design costs

- ☐ Environmental Health Hazard Mitigation costs related to the repair or rehabilitation of disaster-impacted property (i.e. lead based paint abatement, asbestos removal, mold remediation, or other health hazards) including testing and clearance requirements.
- ☐ Cost-effective mitigation assistance of damaged properties to elevate homes or key utility systems, or to prevent damage that may be caused in a future storm.
- ☐ Buyout/acquisition of residential property, including vacant or undeveloped lots in targeted areas.
- ☐ Replacement of destroyed housing or housing that needs to be demolished due to the severity of damage as a result of the storms or replacement of housing that can be demolished and rebuilt more cost effectively than elevating the existing storm-damaged structure.
- ☐ Reimbursement to local governments for eligible demolition and site restoration costs, and some or all of survey, legal and administrative costs and abatement fees.
- ☐ Emergency mortgage payment or rental assistance.

Funds Provided for Economic Development Related Activities

- Only those businesses located in counties designated as eligible for FEMA Individual Assistance Program (IA) will be eligible to receive funding under this category.
- For-profit businesses must meet the definition of a Small Business as defined under 13 CFR Part 121.
- Not-For-Profit enterprises may also be assisted.
- Funds may be used as a matching requirement, share, or contribution for any other Federal program, provided all activities are CDBG-DR eligible and in compliance with Federal duplication of benefit restrictions.
- Assistance may be provided for eligible projects that FEMA or other sources cannot fund, but which are nevertheless critical to recovery, or for activities where the costs significantly exceed the amount of assistance that FEMA or other sources can fund.
- CDBG-DR funds from the HUD disaster appropriation may be used as the required match for economic development projects funded under FEMA or any other State or Federal sources.
- Any appropriation covered by this Plan (Public Law 113-2) shall be reviewed for compliance with Duplication of Benefits guidelines at 42 U.S.C. 5155, which specifically prohibits the use of funds for activities reimbursable by, or for which funds have been made available by FEMA, the Small Business Administration (SBA), or other Federal or State sources, or private sources including but not limited to insurance payments.
- Property owners who do not own a business, but who lease commercial space to business owners, may also qualify for assistance if the business(es) located in the leased space are qualifying businesses under CDBG-DR rules and regulations.
- Eligible Economic Development Activities include, but are not limited to:
  - ☐ Purchase of equipment, materials, inventory, furniture, fixtures
  - ☐ Employee training

- ☐ Acquisition of real property
- ☐ Working capital
- ☐ Construction, rehabilitation, reconstruction of buildings (Federal Davis-Bacon Wage Rates may apply)
- ☐ Engineering, architectural, and/or design costs
- ☐ Infrastructure directly associated with economic development activities
- ☐ Technical assistance
- ☐ Any other eligible business related activity (consultation and approval by the OCR is required)
- ☐ Marketing and outreach to solicit applications from businesses eligible for any of the State's proposed programs

Funds Provided for Resilience and Retrofit Activities

- Only projects located within counties designated as eligible for FEMA Public Assistance (FEMA PA) can receive funds under this category.
- Any appropriation covered by this Plan (Public Law 113-2) shall be reviewed for compliance with the Federal Duplication of Benefits guidelines at 42 U.S.C. 5155, which specifically prohibits the use of funds for activities reimbursable by, or for which funds have been made available by FEMA, the Army Corps of Engineers (ACE), or other Federal or State sources, or private sources, including, but not limited to insurance payments.
- Any eligible CDBG activity for which a waiver has been issued by HUD.

Funds Provided for Planning and Redevelopment Activities

- Only projects located within counties designated as eligible for FEMA Public Assistance (FEMA PA) can receive funds under this category.
- Any appropriation covered by this Plan (Public Law 113-2) shall be reviewed for compliance with the Federal Duplication of Benefits guidelines at 42 U.S.C. 5155, which specifically prohibits the use of funds for activities reimbursable by, or for which funds have been made available by FEMA, the Army Corps of Engineers (ACE), or other Federal or State sources, or private sources, including, but not limited to insurance payments. Any eligible CDBG planning activity or planning activity for which a waiver has been issued by HUD.

Funds Provided for Infrastructure and Facilities Activities as the non-Federal match to carry out CDBG-DR eligible activities jointly funded by other Federal agencies.

- Only projects located within counties designated as eligible for FEMA Public Assistance Program (FEMA PA) can receive funds under this category.
- Any appropriation covered by this Plan (Public Law 113-2) shall be reviewed for compliance with the Federal Duplication of Benefits guidelines at 42 U.S.C. 5155, which specifically prohibits the use of funds for activities reimbursable by, or for which funds have been made available by FEMA, the Army Corps of Engineers (ACE), or other Federal or State sources, or private sources, including, but not limited to insurance payments.

- CDBG-DR funds from the HUD disaster appropriation may be used for up to the 25 percent required local match for public assistance projects funded under FEMA, or as the non-Federal match requirement needed to carry out CDBG-DR eligible activities funded by any other Federal agency(ies).
- Eligible Infrastructure Activities may include, but are not limited to:
  - Water/sewer treatment facilities and including storm sewer
  - Flood control mitigation projects
  - Streets and sidewalks
  - Boardwalks and other coastal infrastructure
  - Public Utilities
  - Other public infrastructure as needs are identified and in consultation with the State to determine eligibility.

Funds Provided for Infrastructure Bank

- Only projects located within counties designated as eligible for FEMA Public Assistance Program (FEMA PA) can receive funds under this category.
- Any appropriation covered by this Plan (Public Law 113-2) shall be reviewed for compliance with the Federal Duplication of Benefits guidelines at 42 U.S.C. 5155, which specifically prohibits the use of funds for activities reimbursable by, or for which funds have been made available by FEMA, the Army Corps of Engineers (ACE), or other Federal or State sources, or private sources, including, but not limited to insurance payments.
- Eligible Infrastructure Activities may include, but are not limited to:
  - Water/sewer treatment facilities and including storm sewer
  - Flood control mitigation projects
  - Streets and sidewalks
  - Boardwalks and other coastal infrastructure
  - Public Utilities
  - Other public infrastructure as needs are identified and in consultation with the State to determine eligibility.

5. State and Local General Administration

State and local general administration will typically include staff, equipment, consultant, and other operating costs involved in selection, funding, assisting, and monitoring local projects, detailed quarterly reporting to HUD, documentation of adherence to all laws, and other expenses.

At this time the State anticipates allocating up to $85.7 million from its first allocation of CDBG-DR funds to State and Local General Administration. This may include efforts to provide technical assistance, public education, working within existing administrative infrastructure, and expanding on already existing programs to create the greatest efficiency for minimizing administrative costs. However, the exact allocation will be dependent upon the total number of eligible activities identified and the total amount of funding approved for all other eligible activities.

Actual expenses up to 5 percent of all CDBG-DR disaster funds received by the State may be allocated to this activity. Recipients (i.e. sub-grantees and subrecipients) will be strongly encouraged to minimize their administrative costs so that the amount available for program activities will be maximized. To promote this goal, the amount of allowable Recipient administrative costs will be capped at a reasonable amount for each of the various activity categories (i.e. housing repair, economic development, community planning, public infrastructure), but will not exceed 5 percent for any of the categories.

For the initial request of funds, OCR is requesting $25 million in CDBG-DR assistance to address State and Local administrative costs. It is anticipated that of the total amount requested, an appropriate proportion will be provided to the UGLGs and Subrecipients administering the activities on the State's behalf. It is expected that the initial costs incurred by these entities will include program start-up, programmatic environmental reviews as required, implementation of agreements with contractors and non-profit entities, and general day-to-day administrative costs. The State expects that the UGLGs and Subrecipients will bill for both direct administrative costs and indirect costs as identified in an approved indirect cost allocation plan to be submitted to the OCR.

The remaining balance of funds will be used by the State to cover pre-agreement costs incurred to date for preparation of the Action Plan, guidance documents, and agreements with contracting partners; costs associated with implementation software; programmatic environmental review for State-administered funds; and to address day-to-day administrative costs for the CDBG-DR program. Costs for the State will be billed both as direct costs and indirect costs following the State's current indirect cost allocation plan on file with HUD.

A. **Eligible Administrative Costs:**

Generally, these are administrative costs associated with salaries, wages, and related costs of the grant recipient's staff, the staff of local public agencies, or other staff, including consultants and subrecipients engaged in program administration for the awarded NYS CDBG grant award,

- Providing local officials and citizens with information about the CDBG funded project;
- Internal meetings for general program administration and review that is not related to program delivery activities;
- Preparing program budgets and schedules, and amendments thereto;
- Developing systems for assuring compliance with CDBG program requirements;
- Costs associated with the Environmental Review Record for the overall program, including the release of funds;
- Preparing for Requests for Proposals (RFP) with consultants for grant administration or other related work and Requests for Qualifications (RFQ)
- Developing interagency agreements and agreements with subrecipients and contractors to carry out program activities;
- Monitoring program activities for progress and compliance with the program requirements;
- Preparing reports and other documents related to the program for submission to OCR regarding the grant;
- Coordinating the resolution of audit and monitoring findings;
- Evaluating program results against state objectives;
- Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described above;
- Costs incurred for official business travel in carrying out the program and administrative services performed under a third party contract;
- Purchase of capital equipment, such as file cabinets, and used exclusively for CDBG grant administration; and
- Training on CDBG grant administration requirements

B. **Eligible Program Delivery Costs:**
In addition to administrative costs, UGLGs, Subrecipients, and the State can also request funds for specific program delivery costs. These costs are not subject to the 5% administration cap and are generally costs that can be attributed directly to the delivery of the specific proposed activities. These activities include:

For housing activities, these activities can include:
- Marketing grant activities;
- Services verifying client eligibility, applicant in-take and processing;
- Providing education or counseling to beneficiaries;
- Preparation of site specific environmental review and environmental assessment such as SHPO determinations, well testing or phase 1 archaeology;
- Development of construction specifications, bid preparation and contracting;
- Compiling cost data on individual housing units receiving CDBG assistance;
- Construction monitoring and on-site monitoring;
- Payment processing;
- Filing fees and related legal expenses;
- Engineering and/or architectural fees;
- Monitoring;
- Client/contractor troubleshooting
- Any other professional services required to deliver the program

Economic Development program delivery these activities can include
- Marketing grant activities;
- Services verifying client eligibility;
- Providing education or counseling to beneficiaries;
- Preparation of site specific environmental review and environmental assessment such as well testing or phase 1 archaeology;
- Preparation of loan closing documents, all costs associated with perfecting security, repayment processing, loan disbursement;
- Professional service fees including engineering and architectural fees required to deliver the program and review of project documentation, etc.
- Legal expenses related to construction such as temporary or permanent easements and filing fees;
- Any required building or regulatory permit or fees associated with regulatory compliance;
- Development of construction specifications, bid preparation and contracting;
- Labor standards compliance work including completion of required on-site employee interviews, verifying and reviewing certified payrolls;
- Client/contractor troubleshooting;
- Any other professional services required to deliver the program;

Public Infrastructure and Public Facility program delivery these activities can include:
- Marketing grant activities;
- Services verifying client eligibility;
- Providing education or counseling to beneficiaries;

- Preparation of site specific environmental review and environmental assessment such as well testing or phase 1 archaeology;
- Legal expenses related to construction such as temporary or permanent easements and filing fees;
- Any required building or regulatory permit or fees associated with regulatory compliance;
- Labor standards compliance work including completion of required on-site employee interviews, verifying and reviewing certified payrolls;
- Development of construction specifications, bid preparation and contracting;
- Professional service fees including engineering and architectural fees required to deliver the program;
- Client/contractor troubleshooting;
- Any other professional services required to deliver the program;

6. Promoting high quality durable, energy efficient and mold resistant construction methods

All newly constructed multi-family and single-family housing must meet the State Building Code and all locally adopted and approved building codes, standards and ordinances. All newly constructed housing must also meet the requirements of the State Energy Code, based on the 2009 International Energy Conservation Code.

All single- and multi-family housing activities involving rehabilitation and/or mitigation must meet the State Building Code and all locally adopted and approved building or housing codes, standards or ordinances. The State Building Code under the direction of the New York Department of State has adopted the 2006 International Building Code and related International Codes (plumbing, mechanical, etc). In addition, to the extent practicable, construction methods will be required to include the use of mold resistant construction methods and materials. Finally, as per HUD guidance (FR-5696-N-01), New York's Action Plan must account for and address sea level rise. New York will incorporate, where applicable, appropriate mitigation measures and floodplain management throughout proposed programs.

All new construction of residential buildings or replacement and/or reconstruction of substantially damaged buildings must incorporate Green Building Standards; and rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD CPD Green Building Retrofit Checklist. Any construction subject to the Green Building Standards must meet an industry-recognized standard and achieved certification under at least one of the following programs:

- ENERGYSTAR
- Enterprise Green Communities
- LEED
- ICC-700 National Green Building Standard
- EPA Indoor AirPlus
- Any other equivalent comprehensive green building program approved by the OCR.

By utilizing the 2006 International Codes and the 2009 International Energy Conservation Code, the state maintains a robust Building and Energy Code that reflects current construction technology and practice and facilitates a significant level of building resilience and energy efficiency. Indeed, the current State Building Code provides substantially higher elevation requirements than Base Flood Elevation for most residential buildings (BFE plus 2'); a standard that continues to provide significant resilience and protections for newly constructed homes inside the flood plain. However, the state will also monitor ongoing construction and reconstruction efforts to determine if changes to the state codes are necessary to facilitate higher building resilience and efficiency. Also, the state is developing a public awareness campaign to promote increased building resilience, as well as an educational initiative to instruct regulators, design professionals, builders and developers regarding requirements and methods of building resilience and energy efficiency.

7. Provision of adequate, flood resistant housing for all income groups that lived in the disaster impacted areas

As outlined in this Action Plan, the State of New York may provide a portion of its initial CDBG-DR supplemental appropriation for affordable single-family and multi-family housing activities, including rehabilitation, mitigation, and direct buyout assistance in the impacted areas.

New York has a broad array of programs and initiatives to serve individuals with special needs, including the elderly and frail elderly, persons with disabilities, those who are chronically homeless, in danger of becoming homeless, or are making the transition to permanent housing and independent living. Homeless shelters and transitional housing units impacted by the flood will be eligible for assistance through CDBG-DR funds, if these facilities were located outside the 100-year-flood plain. If they were within the 100-year-flood plain the facilities will be eligible for assistance to rebuild outside the flood plain.

The State of New York's 2011-2015 Consolidated Plan, approved by HUD in December, 2010 identifies specific strategies and actions that the State takes to address a variety of housing needs for low- and moderate income-persons, the at-risk population group, as well as those with special needs (e.g., elderly, frail elderly, persons with disabilities, persons with alcohol or other drug addictions and person diagnosed with HIV/AIDS). There is a need for a wide variety of housing options ranging from independent living to supported independent living to group settings to specialized care. Beyond the bricks and mortar is the need to blend required support services with the appropriate affordable housing options. All of these issues will need to be considered as we rebuild our communities following recent storm damage.

All new construction and rehabilitation must keep in mind the needs of the potential occupants of the units, particularly the needs of those with special needs. Lead Centers of Government (COG) and entitlement cities may be required to work with nonprofit agencies as well as persons providing housing to special needs individuals and groups to ensure that their housing is replaced or rehabilitated in a manner appropriate to their needs.

8. Method of Allocation

Through a coordinated outreach effort between NYS HCR, FEMA, the New York State Department of Homeland Security and Emergency Services (DHSES), county and local governments, and other interested parties, New York has developed a list of potential activities to be funded using this allocation of CDBG-DR funding, as described earlier in this Action Plan. The State intends to use the following methodology to allocate CDBG-DR funds within eligible activities.

New York State will allocate its CDBG-DR funds in two ways.

As with its annual non-disaster CDBG allocation, the State will allocate a portion of these CDBG-DR funds directly to Units of General Local Government (UGLG) to assist in administering and delivering housing assistance to eligible residents with a documented unmet need. As of this writing, the State is far along in discussions with representatives of both Nassau and Suffolk Counties regarding the arrangements necessary to enter into contractual agreements that will ensure prompt and efficient delivery of CDBG-DR assistance to eligible residents.

The process by which the State will provide these funds to UGLGs is as follows:

1. The State has developed a program design and will provide specific guidance on administering these funds so that the State's housing assistance program is consistently administered across municipal boundaries and to ensure fairness among Recipients.
2. UGLGs will receive CDBG-DR allocations on a non-competitive entitlement basis, based on an assessment of unmet need within each county for these activities.
3. The OCR through the HTFC will enter in sub-grantee agreements with the UGLGs.
4. UGLGs must follow a citizen participation plan as required by the OCR.
5. UGLGs may administer housing assistance activities directly or may enter into subrecipient agreements with eligible subrecipient entities to assist in the administration of the CDBG DR housing assistance activities. In either case, all funds will be distributed through the OCR and the OCR will retain control of access to the DRGR system, processing of payments, reporting, and authorization of commitment of funds. UGLGs and/or their subrecipients will be responsible for all housing assistance case management and grant administration activities, in accordance with all OCR provided guidance, rules and regulations.
6. The OCR will work closely with each UGLG to ensure a sufficient level of administrative and staff capacity to delivery resources in a timely manner, to ensure all funds are expended in the time allotted for this grant.
7. Unused funds in the program, if any, will be re-allocated based on demand from other UGLGs and the State administered activities.

For those funds not distributed to UGLGs (i.e. economic development) New York has opted to undertake activities directly. The State may administer these resources in one of the following ways:

1. The OCR may undertake activities directly utilizing internal resources to administer and monitor funds.
2. The OCR through the HTFC may enter into interagency agreements with other eligible State agencies and/or authorities. Under this scenario, all funds will still be distributed through the OCR and the OCR will retain control of access to the DRGR system, processing of payments, reporting, and authorization of commitment of funds.
3. The OCR through the HTFC may enter into subrecipient agreements with eligible subrecipient entities to administer portions of the CDBG DR funds. As with the previous scenario, the OCR will retain control of all aspects of DRGR setup, payment processing, reporting, and commitment of funds.
4. The OCR through the HTFC may enter into contractual agreements with consultants and/or contractors to provide administrative and program delivery services. The OCR would follow proper procurement to obtain the services of the consultants and/or contractors. The OCR would retain control of selection of recipients and all other aspects of administration and the consultant and/or contractor would provide general administrative assistance.

Any or all of the above methods of allocation are subject to change to ensure an efficient and timely distribution and expenditure of funds in the time allotted for this grant. Any such changes will be subject to the terms of Section 11, *Amendments to the Disaster Recovery Plan*, of this Action Plan.

9. Tracking and Reporting of Program Performance

The performance of recovery programs and projects will be tracked and monitored using both program specific operational dashboards and recovery level technical solutions.

Operational dashboards will be developed for each recovery program and will provide program leads the opportunity to share progress to date against quantitative targets. Dashboards will provide a singular view of program status and in addition will outline forecasted risks that must be avoided, key next steps and upcoming activities. Major program milestones as outlined in the Tactical Implementation Plans will also flow through to the operational dashboards to ensure stakeholders are aligned on critical dates. For the housing programs specifically, operational dashboards will monitor critical operational metrics like number of grants written per case worker, number of homes waiting for construction, and number of homes repaired to ensure a customer centric view of recovery delivery.

In order to ensure that the right people are getting the information they need, these dashboards will be updated semi-weekly and reviewed in a weekly Sandy Recovery Team meeting. In the event that projects or activities fall behind schedule, this dashboard will quickly inform State leadership of any issues that put at risk the State's goal of delivering funds as quickly as possible.

In addition to operational management tools, NYS will develop an online recovery planning tool that will monitor the progress of each project across funding sources. On a project by project basis this planning tool will outline key information including project status, project owner and recovery funds spent to date to give NYS leaders the information they need to track and monitor every project and every dollar spent. This tool will be updated on a regular basis and will be made available to all Sandy stakeholders to ensure that information is consistent and accurate.

10. Proposed Distribution of Funds

New York State, in consultation with county and local governments and other stakeholders, is currently evaluating all data available to make the best determinations on the distribution of these CDBG-DR funds. This determination will be based, in part, on FEMA and SBA data as well as on pre-registrations currently being collected for housing and economic development assistance throughout the affected areas. The actual distribution of funds within specific affected areas will be dependent upon the unmet needs identified. However, FR Notice FR-5696-N-01 requires that a minimum of 80% of the State's allocation be allocated to the most impacted and distressed counties of Nassau, Suffolk, and Rockland. The remaining 20% may be allocated to all other eligible counties in addition to the three identified by HUD as most impacted.

The following chart summarizes preliminary estimated expenditure of the full amount of the initial allocation of NYS CDBG-DR Funding by category and location (actual expenditure will be determined by applications for assistance based on eligible needs that are submitted by individuals, businesses and others within these counties, and may vary from the figures below):

Category *($ in millions)*	Total Amount	Nassau County	Suffolk County	Rockland County	Other or to be allocated*
Housing	$788	$606	$135	$3	$43
Economic Development	$415	$289	$114	$2	$10
Infrastructure and Facilities and Local Government Support	$250	$64	$28	$2	$157
Infrastructure Bank	$20	$0	$0	$0	$20
Resilience Retrofit Fund	$30	$0	$0	$0	$30
Community Planning	$25	$0	$0	$0	$25
Administration* **	$86	$0	$0	$0	$86
Set-aside for future allocation	$100	-	-	-	$100
Total	$1,714	$959	$277	$8	$470

* Specific allocation amounts to all other counties will be determined as unmet need is identified
** Infrastructure/Facilities match includes region-wide infrastructure projects that are not allocated to specific counties (including MTA and LIPA)
***The total amount for Administration to be allocated to the specific counties will be dependent upon the actual allocation of resources to those counties and the administrative needs identified. However, under no circumstances will the total allocation for Program Administration exceed 5% of the overall allocation.

The above table describes New York State's plan for the full $1.7B initial allocation. Like a line of credit for an individual or business, the State will 'draw' funds from HUD against the above allocations as it prepares to spend those funds, rather than drawing the full $1.7B allocation at once. As additional funds are needed to administer programs described in this plan, the State will submit updated requests to HUD to 'draw' these

funds against the full allocations. Where applicable and warranted, the State will proceed according to the guidelines for a substantial amendment to the Action Plan in advance of submitting these additional funding requests to HUD.

Under this initial 'drawdown' request for funds, New York State is anticipating the following allocations:

Category *($ in millions)*	Total Amount	Nassau County	Suffolk County	Rockland County	Other or to be allocated*
Housing	$280	$215	$48	$1	$15
Economic Development	$180	$125	$50	$1	$4
Infrastructure and Facilities and Local Government Support	$150	$38	$17	$1	$94
Infrastructure Bank	$0	$0	$0	$0	$0
Resilience Retrofit Fund	$0	$0	$0	$0	$0
Community Planning	$5	$0	$0	$0	$5
Administration*	$25	$0	$0	$0	$25
Set-aside for future allocation	$1,074	-	-	-	$1,074
Total	$1,714	$379	$114	$3	$1,217

*The total amount for Administration to be allocated to the specific counties will be dependent upon the actual allocation of resources to those counties and the administrative needs identified. However, under no circumstances will the total allocation for Program Administration exceed 5% of the overall allocation.

11. Development of the Proposed Disaster Recovery Plan

Prior to the submittal of the initial Disaster Recovery Action Plan to the United States Department of Housing and Urban Development (HUD), public notices including a summary of the proposed plan will be made available for public review through statewide distribution providing an opportunity for citizens to comment. The proposed Action plan will be available, at a minimum, through the NYS Homes and Community Renewal (HCR) website at. The State will identify a deadline for the submittal of written comments of at least seven (7) days on the proposed plan as published on the website. More information on the citizen participation plan for disaster recovery can be found in Section 12, *New York State Citizen Participation*, of this Action Plan.

12. Amendments to the Disaster Recovery Plan

A substantial amendment to the Action Plan may be defined as:

- Addition or deletion of any allowable activity (e.g. Housing Assistance, Business Assistance, Public Facilities/Infrastructure) described in the Plan;
- An allocation or reallocations of more than $1 million
- Significant change in the planned beneficiaries;
  - A change of more than 10 percent in the original proposed funding allocation between the various activity categories of housing, economic development/business assistance, and public facilities and services (unless sufficient applications are not received to meet the targeted percentages for each activity.)

Only those amendments that meet the definition of a substantial amendment are subject to the citizen participation process previously identified herein. Substantial amendments are defined as those which eliminate or add a program category or activity, exclude a previously defined geographical area, or involve a change of more than ten (10) percent of the allocation of funds in any one program category or activity.

A summary of the proposed substantial amendment will be published on the HCR website. Copies of the proposed substantial amendment will be distributed via the website and, citizens will be informed for how copies of the proposed substantial amendment can be obtained. A copy of the proposed substantial amendment may also be reviewed in the Office of Community Renewal. The State will identify a deadline for the submittal of written comments on the proposed substantial amendment; that timeframe will allow no less than seven (7) calendar days and a maximum of 30 calendar days depending on the urgency of the substantial amendment proposed. Written comments may be submitted to the Office of Community Renewal, The Hampton Plaza, 38-40 State Street, 9th Floor, Albany, NY 12207-2804. A summary of all comments received and the State's response to the comments will be attached to the substantial amendment to the Disaster Recovery Plan and submitted to HUD.

Localities will be allowed to amend projects through a "minor amendment" process if the proposed changes are minor and do not materially change the project (generally defined as 10 percent budget line-item change, or 10 percent change in beneficiaries). This provision should not be construed as allowing the general administrative budget to exceed the allowable limit.

13. New York State Citizen Participation

The State of New York developed a specific citizen participation plan for disaster recovery. The plan includes citizen participation requirements both for the State as well as for the Counties and other entities implementing activities under this grant. The State will employ innovative methods to communicate with our citizens and to solicit their views on the proposed uses of disaster-recovery funds. As part of this outreach, New York Homes and Community Renewal will prominently post its Disaster Recovery Action Plan, any Action Plan amendments, and any comments received to its website. The State will also work with its government partners, including Nassau, Suffolk and Rockland Counties, as well as others, to cross-post and promote the availability of these items on their publicly accessible websites to ensure broad promotion and notification of these plans. In addition, advocacy groups will be notified when the Action Plan and any amendments are posted. Through blast e-mails, various groups and municipalities will be notified to ensure interested parties have sufficient time to review and comment on the Plan, or related amendments. These comments and the State's response to the comments will be made a part of the Action Plan and Amendments to the plan. The Disaster Recovery Action Plan and Amendments will be published on the Homes and Community Renewal website, http://www.nyshcr.org/Publications/, for review and comments.

The State will consider any comments or views received in writing on the Action Plan and Amendments. Comments should be mailed to:

New York State Homes and Community Renewal
Attention: Alison Russell
The Hampton Plaza, 2nd Floor
38-40 State Street
Albany, New York 12207-2804

Comments may also be e-mailed to HCRConPln@nyshcr.org.

Comments must be received by close of business on Tuesday, March 19, 2013.

The Action Plan will be made accessible to persons with disabilities upon request by telephone or written request to the:

New York State Homes and Community Renewal
Office of Community Renewal
The Hampton Plaza, 9th Floor
38-40 State Street
Albany, New York 12207-2804
Telephone (voice) – (518) 474-2057

In order to facilitate citizen participation requirements and to maximize citizen interaction, the State will take whatever actions are necessary to encourage participation by all citizens, especially those of low-and moderate-income, those living in slum and

blighted areas and in areas where CDBG funds are proposed to be used, non-English speaking persons, minorities, and those with disabilities.

A. **Citizen Participation Requirements for Local Governments Participating in the CDBG-DR Program**

To ensure applicant compliance with Section 508 of the Housing and Community Development Act of 1974, as amended, the citizen participation requirements for units of general local government (UGLG) applying for or receiving Disaster Recovery funds from the State are as follows:

Each applicant shall provide citizens with adequate opportunity to participate in the planning, implementation, and assessment of the CDBG program. The applicant shall provide adequate information to citizens, obtain views and proposals of citizens, and provide opportunity to comment on the applicant's previous community development performance.

All UGLGs which receive CDBG-DR funds must have a written and adopted Citizen Participation Plan which:

1. provides for and encourages citizen participation, with particular emphasis on participation by persons of low- and moderate-income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
2. provides citizens with reasonable and timely access to local meetings, information, and records relating to the State's proposed method of distribution, as required by regulations of the Secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended, and the unit of local government's proposed and actual use of CDBG funds;
3. provides for technical assistance to groups representative of persons of low- and moderate-income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;
4. provide for the review of proposed activities and program performance by potential or actual beneficiaries, and with accommodations for the disabled;
5. provides for a timely written answer to written complaints and grievances, within 15 working days where practicable;
6. identifies how the needs of non-English speaking residents will be met where a significant number of non-English speaking residents can be reasonably expected to be involved;
7. Establishes procedures and policies to ensure non-discrimination, based on disabilities, in programs, and activities receiving Federal financial assistance as required by Section 504 of the Rehabilitation Act of 1973, as amended.

The plan must be made available to the public and must include procedures that meet the following requirements:

B. **Performance Hearings**

Prior to close out of the disaster recovery program, the UGLG and State subrecipients may be required to hold a public hearing to obtain citizen views and to respond to

questions relative to the performance of the program. This hearing shall be held after adequate notice, at times and locations convenient to actual beneficiaries and with accommodations for the disabled and non-English speaking persons provided.

Written minutes of the hearings and attendance rosters must be kept for review by State officials. Nothing in these requirements shall be construed to restrict the responsibility and authority of the applicant for the development of the application.

C. **Complaint Procedures**

Each UGLG, State Agency/Authority, or Subrecipient funded with CDBG-DR funds must have written citizen and administrative complaint procedures. The written Citizen Participation Plan must provide citizens with information relative to these procedures or, at a minimum, provide citizens with the information relative to the location and hours at which they may obtain a copy of these written procedures.

All written citizen complaints which identify deficiencies relative to the UGLG, State Agency/Authority or Subrecipient's community development program will merit careful and prompt consideration. All good faith attempts will be made to satisfactorily resolve the complaints at the local level. Complaints must be filed with the Chief Elected Official, Agency Head, or Executive Director who will investigate and review the complaint. A written response from the Chief Elected Official, Agency Head, or Executive Director to the complainant will be made within 15 working days, where practicable. A copy will be forwarded to the Office of Community Renewal.

The complainant must be made aware that if she or he is not satisfied with the response, a written complaint may be filed with the Office of Community Renewal. All citizen complaints relative to Fair Housing/Equal Opportunity violations involving discrimination will be forwarded to the following address for disposition: Office of Fair Housing and Equal Opportunity, The Hampton Plaza, 38-40 State Street, Albany, NY 12207-2804.

The Plan must also state that persons wishing to object to approval of a Disaster Recovery application by the State may make such objection known to the Office of Community Renewal in writing. The State will consider objections made only on the following grounds:

1. The applicant's description of needs and objectives is plainly inconsistent with available facts and data;
2. The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant; and
3. The application does not comply with the requirements set forth in the Disaster Recovery Plan and amendments to the plan or other applicable laws.

Documentation must be kept at the local level to support compliance with the aforementioned requirements.

14. Overview of Allocations and Program Delivery

These funds will be used for eligible disaster related activities supporting housing rehabilitation, rebuilding, mitigation, economic revitalization, community planning and infrastructure repair and improvements relating to the disasters of 2011 and 2012.

15. Project Area

The NYS CDBG-DR project area includes those counties previously identified in this document, in New York State, that received Federal disaster declarations as a result of Hurricane Sandy, as well as Hurricane Irene and Tropical Storm Lee, as determined by HUD damage estimates based on FEMA and SBA inspection data and further refined by NYS data. Areas eligible for assistance include non-entitlement communities within those Counties and entitlement areas not already receiving direct assistance under this program.

16. Avoidance & Mitigation of Occurrences of Fraud, Abuse & Mismanagement

1. **Staffing:**
Current non-disaster CDBG programs are administered by seven project staffers with ancillary support staff. The OCR is currently formulating a CDBG-DR specific staffing plan that will provide proper staff levels to ensure that all activities undertaken using these funds are administered effectively and efficiently, in accordance with all applicable rules and regulations, and in the time allotted for this grant. The OCR is also reviewing other options, including but not limited to working with staff in other State divisions, agencies, and authorities, partnering with local governments, working with non-profit and for-profit subrecipients and/or contracting with consultants to assist in the administration of the program.

In addition, the OCR is working with each of the most impacted counties to review options for increasing local administrative capacity including, but not limited to hiring additional staff, partnering with eligible subrecipient entities and/or contracting with consultants to assist in the administration of the program.

2. **Timeliness:**
CDBG-DR funds must be expended within two years from the date the funds are obligated by HUD. It is anticipated that the State will fully obligate and distribute the funds within this deadline.

To ensure that the State delivers against this important goal, it will put in place three critical processes. First, the State will develop a Recovery Management Office (RMO) or similar entity that has the mandate and authority to deliver recovery programs on time and on budget. This organization will be comprised of senior leaders responsible for leveraging state resources to most efficiently deliver recovery programs. This team has already begun to strategically prioritize projects, so that on the first day funds are obligated, the State can begin disbursing them. The RMO will also monitor progress on a project by project basis through both detailed operational dashboards and Tactical Implementation Plans (TIPs) that will establish clear project timelines as well as highlight projects that fall behind schedule. The RMO will have the mandate, the people and tools it needs to successfully drive a successful recovery. Second, the State will develop an online project tracking database, that will outline project-level details and status updates. This tool will improve public transparency and drive accountability for delivering disaster projects on time. Finally, the State will deliver regular recovery status reports, to inform the Federal government, local partners and the public to recovery progress. This three-pronged approach, will position the State to meet the two year disbursement deadline.

3. **Program Income:**
At this time, the State anticipates generating program income through the economic development activities funded with CDBG-DR funds. All program income generated will be returned to the Housing Trust Fund Corporation (HTFC). Upon receipt, the

HTFC will allocate the Program Income to its annual allocation of CDBG funding. These funds will cease to be considered Disaster Recovery funds and will be subject to all standard CDBG regulations. Any program income generated will be governed by the program income guidance provided in the regulations at 24CFR570.489(e) and 24CFR85.25.

4. **Procurement:**
All UGLGs, State Agencies/Authorities or subrecipients of NYS CDBG-DR assistance must demonstrate compliance with Federal Procurement guidelines as found at 24CFR85.36.

5. **Anti-Displacement and Relocation:**
All UGLGs, State Agencies/Authorities or Subrecipients of NYS CDBG-DR funds will be expected to minimize displacement of persons or entities and assist those displaced as a result of the disasters. If an individual person or entity is displaced as a result of the NYS CDBG-DR investment, the State will provide assistance as required through the Uniform Relocation Requirements.

Efforts to conduct buyouts for destroyed and extensively damaged buildings in a floodplain may be excluded from compliance.

6. **Prevention of Duplication of Benefits:**
For all public infrastructure, housing, and economic development activities, funded in whole or part with NYS CDBG-DR Funds, the OCR will work directly with UGLGs, State Agencies/Authorities or Subrecipients and FEMA and other applicable Federal and State agencies that may provide recovery funds to the project in order to avoid duplication of benefits. Sources of recovery funds may include, but not be limited to, the following: FEMA Individual Assistance, FEMA Public Assistance, SBA Disaster Loans for Businesses and Homeowners/Renters, NYS Homeownership Repair and Rebuilding Fund (HRRF) and the Empire State Relief Fund (ESRF). For both the housing and small business assistance programs to be funded with NYS CDBG-DR, the OCR will be providing written policies and procedures, including all necessary forms and reporting documents, to all sub-grantees, subrecipients, contractors, partners, etc., for their use in the calculation and determination of duplication of benefits. In any case where a duplication of benefits is identified, the OCR will work directly or in conjunction with its sub-grantees, subrecipients, contractors or other partners to ensure the recapture of awarded funds.

7. **National Objective:**
All activities undertaken with NYS CDBG-DR funds must meet one of the following three National Objectives; address urgent need, primarily benefit low- to moderate-income (LMI) persons, or address slums and blighted conditions, as identified in the Housing and Community Development Act of 1974.

At least 50 percent of the CDBG-DR funds awarded to New York State under this allocation must be used for activities that meet the National Objective of primarily benefiting LMI persons. To ensure compliance with this requirement, the State,

along with its sub-grantees, subrecipients, contractors and other partners will take the following steps:

For housing related activities, the State may prioritize assistance through its application and eligibility review process to eligible low- to moderate-income households, identified as those at or below 80% of area median income (AMI), using HUD's 2013 income guidelines in determining AMI. The OCR has been working with each of the most impacted counties identified by HUD to determine the extent of damage sustained within primarily low- to moderate-income areas, and will work with each county to direct all necessary assistance to these areas.

While serving eligible LMI households will be the State's priority, our assessment of need demonstrates that the impact of these disasters extends far beyond predominantly LMI neighborhoods. Therefore, the State will also work to qualify households above 80% of AMI under the National Objective of urgent need, where there exists a documented unmet need resulting from one of these storms. Doing so will ensure assistance is provided to as many households as possible, and contribute to holistic community recovery.

For small business related activities, while it is not a requirement of the CDBG-DR program to document the family incomes of those who benefit from the creation or retention of jobs under this assistance, the OCR will require salary ranges to be report for all positions created or retained as a result of our small business assistance programs. Doing so will ensure a more accurate reporting of the populations benefitting from assistance under these activities and contribute towards the required 50% expenditure threshold.

The State and its partners will closely monitor the actual expenditure of funds and benefiting populations throughout the administration of all activities under this grant to ensure we meet or exceed the required 50% expenditure threshold.

8. **Access to Records:**
The State will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the State's CDBG-DR Action Plan and the State's use of assistance under the programs covered by the Action Plan during implementation. All requests for such information should be directed to the appropriate agency administering each program.

9. **Independent Internal Audit and Investigations:**
The State assures compliance with the requirements of A-122 and A-133 through independent internal audit and will provide results of all audits to the Federal Clearinghouse, HUD, the State and the Governor's Office.

10. **Citizen Complaints:**
The State shall respond to complaints from citizens related to the Disaster Recovery Plan or amendments, and quarterly reports. Written complaints must be directed to the Office of Community Renewal who will further direct the complaint to the appropriate agency as necessary. The State will provide a timely, substantive written

response to the complainant within 15 working days, where practicable. All Recipients of funds from NYS (i.e. sub-grantees and subrecipients) will be required to adopt these procedures for responding to citizens' complaints regarding activities carried out by the Recipient.

11. **Regulatory Requirements:**
UGLGs, State Agencies/Authorities or Subrecipients must comply with fair housing, nondiscrimination, labor standards, and environmental requirements applicable to the CDBG Program, as follows:

- Fair Housing: UGLGs, State Agencies/Authorities or Subrecipients will be required to take steps to affirmatively further fair housing; and when gathering public input, planning, and implementing housing related activities, will include participation by neighborhood organizations, community development organizations, social service organizations, community housing development organizations, and members of each distinct affected community or neighborhood which might fall into the assistance category of low- and moderate-income communities.

  Any activities that will be administered by the State will be conducted in accordance with the State's Analysis of Impediments to Fair Housing Choice and the Fair Housing Plan adopted in November 2010. Most activities that will be undertaken directly by the State will not impact housing activities; however, where impacts to housing are identified any work will be conducted in accordance with Fair Housing principles. Any activities where assistance will be provided directly to an UGLG will require that UGLG to develop a Fair Housing plan and make specific efforts to affirmatively further fair housing including evaluating zoning laws etc. It is anticipated that any planning activities conducted will be required to incorporate a review of Fair Housing practices and address any concerns related to such in the plan.

  At this time, the State is anticipating providing housing assistance grants directly to three counties – Nassau, Suffolk, and Rockland. Each of these counties has submitted their most recent Fair Housing Plan and Analysis of Impediments to Fair Housing Choice to the State for review. These plans cover all municipalities within the County that currently participate in the county consortium. A review by the State of the most impacted municipalities in each of the three Counties, as identified earlier in this Plan in the Housing Needs Assessment, indicates that all are participants in their respective consortium, and therefore already in accordance with their local fair housing plan. Such participation should ensure no impediments to the timely delivery of CDBG-DR funds to these most impacted areas. Prior to allowing any assistance to be provided in areas that currently do not participate in the County Consortia, the County may be required to obtain documentation from each of the non-participating municipalities that demonstrates that they either have adopted the County's Fair Housing Plan or that they have their own plan that meets the HUD requirements.

Below is a summary of each of the County's Fair Housing plans.

Nassau County:
The most recent Analysis of Impediments was conducted in 2010 by Nassau County. In its assessment, the County identified 12 impediments to affirmatively furthering fair housing choice. Various activities are being undertaken to address the 12 issues including, but not limited to: Fair Housing Trainings and symposiums, improving code enforcement activities and actions, fostering economic development and transportation networks, and outreach to local community officials to alleviate opposition to fair housing activities. In addition, the plan clearly outlines the County's procedures for investigating fair housing violations and the remedies when violations are identified.

Suffolk County:
Suffolk County is currently in the process of updating their Analysis of Impediments to Fair Housing Choice. At the time of this Action Plan, insufficient information on their plan has been prepared for review and inclusion in this document. However, NYS OCR will monitor the County's progress in preparing this document and will ensure that any activities undertaken will be in compliance with the County's revised plan.

Rockland County:
In February 2011, Rockland County issued its final draft of their Analysis of Impediments to Fair Housing Choice. This analysis identified the major impediments and provided descriptions of remedies. Examples of identified impediments include language barriers, lack of homeless shelters, and restrictive zoning ordinances in select municipalities. To address the concerns, the County has implemented strategies that include: securing federal funding for community development activities, expand Fair Housing activities and services such as increasing outreach and education and conducting Fair Housing testing to identify potential issues, support affordable housing production throughout the county, and ensure consistency between local zoning ordinance and Fair Housing choice. The County has identified the County's Commission on Human Rights as the entity which is authorized to act as an agent of HUD in investigating housing discrimination complaints. In addition, the County has a detailed complaint process which will be followed should any fair housing complaints be identified.

Throughout the administration of the grant, OCR will conduct routine monitoring visits. As part of this monitoring, OCR will review the municipality's Fair Housing Plan and ensure that all activities are being conducted in compliance with the adopted plan.

- Nondiscrimination: UGLGs, State Agencies/Authorities or Subrecipients will be required to adhere to the established Federal policies which ensure that no person be excluded, denied benefits or subjected to discrimination on the basis race, color, national origin, religion, sex, familial status, and/or physical and mental

handicap under any program funded in whole or in part by Federal CDBG-DR funds. UGLGs, State Agencies/Authorities or Subrecipients will be required to document compliance with all nondiscrimination laws, executive orders, and regulations.

- Labor Standards: UGLGs, State Agencies/Authorities or Subrecipients will be required to oversee compliance with Davis-Bacon Labor Standards and related laws and regulations as provided at 40 U.S.C. 276a-a7 and 29CFR Part 5. Regulations require all laborers and mechanics employed by contractors or subcontractors on CDBG funded or CDBG assisted public works construction contracts in excess of $2,000, or residential construction or rehabilitation projects involving eight or more units are paid wages no less than those prescribed by the Department of Labor and in accordance with Davis Bacon Related Acts.

- Minority and Women's Business Enterprises (M/WBE): UGLGs, State Agencies/Authorities or Subrecipients are required to take affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. UGLGs, State Agencies/Authorities or Subrecipients shall take all of the following steps to further this goal:
  - Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.
  - Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises. Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises. Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.
  - Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.
  - UGLGs, State Agencies/Authorities or Subrecipients should obtain a list of Minority and Women-owned Business Enterprises (MBE/WBE) certified firms by contacting the Empire State Development Corporation, Division of Minority and Women's Business Development, 30 South Pearl Street, Albany, NY 12245, (518) 292-5250 or utilize the website-based retrieval process at www.nylovesmwbe.ny.gov.

- Section 3: In accordance with the requirements under Section 3 of the Housing and Urban Development Act of 1968, as amended, UGLGs, State Agencies/Authorities or Subrecipients shall ensure that employment and other economic opportunities generated by the use of NYS CDBG funds shall, to the greatest extent feasible, be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low- and very low-income persons. Assistance covered by Section 3 includes the expenditure of

NYS CDBG funds for work arising in connection with housing rehabilitation, housing construction, or other public construction projects.

Section 3 requirements are applicable to all procurement actions in excess of the small purchase threshold established at 24 CFR 85.36(d)(1), regardless of whether the procurement is governed by 24 CFR 85.36. Section 3 applies to the entire project or activity funded with assistance that triggers Section 3 requirements.

UGLGs, State Agencies/Authorities or Subrecipients receiving NYS CDBG grants that exceed $200,000 must include a Section 3 clause in all construction contracts for $100,000 or more.

- Environmental: Specific instructions concerning environmental requirements at 24 CFR Part 58 will be made available to all UGLGs, State Agencies/Authorities or Subrecipients. Some projects will be exempt from the environmental assessment process, but all UGLGs will be required to submit a Request for Release of Funds, and Certification to the OCR. Funds will not be released for expenditure until the Departments are satisfied that the appropriate environmental review has been conducted. UGLGs 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. New York State will conduct its own environmental review and submit a request for release of funds to HUD for any activities the State undertakes on its own. As applicable, New York may adopt other Federal Agency's environmental reviews for certain Stafford Act activities.

  For any activities undertaken by the OCR, other State Agencies/Authorities or any Subrecipients, the OCR will act as the Responsible Entity and conduct all environmental reviews and submit any Requests for Release of Funds directly to HUD for review and approval.

- Lead Based Paint: All NYS CDBG-DR funded housing rehabilitation and mitigation projects must adhere to the EPA regulations at 40CFR Part 745 and the Residential Lead-Based Paint Hazard Reduction Act of 1992 (24 CFR Part 35). These regulations must be carefully followed to ensure that exposure to lead hazards is reduced in any residential property to be rehabilitated or purchased. The regulations can be found at www.hud.gov/offices/lead/enforcement/lshr.cfm.

  HUD has created an Interpretive Guidance that can be used to address many of the questions that have arisen as a result of the implementation of these new regulations. The Interpretive Guidance can be found at: www.hud.gov/utilities/intercept.cfm?/offices/lead/library/enforcement/LSHRGuidance21June04.pdf

For questions that cannot be answered through the regulations or Interpretive Guidance, Recipients should submit their questions in writing to the OCR. The OCR will respond in writing.

12. **Technical Assistance & Capacity Building:**
The State understands that many communities have limited capacity as they continue to recover from these storms. The State will provide Technical Assistance to communities as well as resources for communities to build their capacity to administer their disaster recovery CDBG portfolio. UGLGs, State Agencies/Authorities or Subrecipients of CDBG-DR funding will be provided assistance on regulatory compliance throughout the grant process. The goal is to provide the greatest possible autonomy to Counties while ensuring compliance with CDBG regulations. Although no formal request for technical assistance have been received from the Counties or other entities, the State is actively consulting with the Counties and its intended subrecipients on the development of the program policies and procedures as well as providing guidance on overall administration of the grants. It is anticipated that this close working relationship will continue throughout the life of the grant.

The OCR is currently expanding its existing staff and reorganizing staff to more effectively administer the grant programs. It is anticipated that OCR will hire an additional 20-30 additional staff to assist in the administration of the CDBG program. The State is also working to procure for additional consulting services to assist in the administration of the program. Finally, each of the subrecipients and UGLGs administering the program will also be expanding staff and in some instances service locations to provide better and more localized, community-based assistance to the individuals seeking funding.

Finally, through New York State Housing Trust Fund Corporation (HTFC) Technical Assistance program funded with non-federal funds, the HTFC has identified providers who are available to assist in a variety of management and administrative areas including lead based paint, general program administration, and minority and women's business enterprises. To the extent feasible, OCR will utilize this resource and these consultants to provide specific technical assistance on an as needed basis particularly in the areas identified above.

13. **Monitoring:**
The State has a monitoring plan for the regular CDBG program and has developed monitoring plans for the oversight of the current disaster recovery funds being undertaken by UGLGs, other State Agencies/Authorities or Subrecipients. These plans will be revised as necessary under this new appropriation and to accommodate any waivers given to the State and other provisions cited in the legislation. Particular attention will be paid to duplication of other benefits. The OCR will ensure through its established application processes, monitoring of UGLGs, other State Agencies/Authorities or Subrecipients, and oversight by the OCR, that recipients are not receiving duplication of benefits and that funds are not used for projects or activities that are reimbursable by or for which funds have been made available by FEMA, SBA, other Federal or State supported grants, etc.

To ensure that each UGLG, other State Agency/Authority or Subrecipient of NYS CDBG-DR funds operates in compliance with all applicable Federal statutes and regulations and according to all deadlines and requirements, a monitoring strategy is in place that will closely review and monitor the project implementation of Recipients and provides extensive technical assistance for the prevention of non-compliance issues.

Records are maintained for the oversight and monitoring of each UGLG, other State Agency/Authority or Subrecipient while also requiring each UGLG, other State Agency/Authority or Subrecipient to maintain its own records to facilitate the monitoring process and for public access.

Monitoring each UGLG, other State Agency/Authority or Subrecipient requires both on-site and off-site monitoring to track the progress of the projects and compliance with all program requirements. Additionally, a technical assistance visit may be required as a result of a field visit or the identification of potential non-compliance issues.

The objectives of monitoring and reporting are to determine if UGLGs, other State Agencies/Authorities or Subrecipients:

- Are carrying out their NYS CDBG-DR projects as described in their grant agreement with the NYS Housing Trust Fund Corporation (HTFC) and have obtained and organized documentation to support all actions and national objective compliance;
- Are carrying out the project in a timely manner in accordance with the time frames required by the grant agreement;
- Are charging costs to the program or project that are eligible under applicable regulations in compliance with A-122 and/or A-133;
- Are complying with all applicable procedures, policies, laws, regulations and terms of the grant agreement;
- Are conducting the program in a manner which minimizes the opportunity for fraud, waste and mismanagement; and
- Have a continuing capacity to carry out the approved program or project.

In carrying out these objectives, the programs will be reviewed by assessing the administration of the program and compliance with program and regulatory requirements.

Monitoring activities may also include, but are not limited to the following:

- Compliance with Federal Register Notice FR-5628-N-01
- An initial assessment of the capacity and needs of each UGLG, other State Agency/Authority or Subrecipient
- Periodic meetings or conference calls to review all contract conditions, requirements, and procedures for requesting payments

- Detailed explanation of ways to improve grant administration procedures should a grantee be experiencing difficulty

HTFC must further be satisfied with compliance in the following areas:

- Program Administration
- Environmental Compliance
- Civil Rights Compliance
- Citizen Participation
- Conflict of Interest
- Financial Management
- Procurement
- Bonding Requirements and Contract Provisions
- Davis-Bacon Labor Standards Compliance
- Minority and Women's Business Enterprise (M/WBE) Compliance
- Property Acquisition and Management
- Displacement, Relocation, and Replacement
- Policies and Procedures
- Benefit Standard

The identification of compliance problems will result in notification to the UGLG, other State Agency/Authority or Subrecipient and the setting of a deadline for response and compliance. Status shall be further monitored to insure resolution in a timely manner and continued compliance. Where warranted, suspension of CDBG-DR grant funds may occur.

Technical Assistance

The UGLG, other State Agency/Authority or Subrecipient must provide technical assistance to facilitate citizen participation where requested, particularly to groups representative of persons of low- to moderate-income. The level and type of technical assistance shall be determined by the UGLG, other State Agency/Authority or Subrecipient based upon the specific need of the service area.

17. Public Comments Received

Comment:
One comment was received requesting that language under the heading *Funds Provided for Housing Activities,* in regards to the eligible rehabilitation activities, be changed

From: "Replacement of destroyed housing or housing that needs to be demolished due to the severity of damage as a result of the storms"

To: "Replacement of destroyed housing or housing that needs to be demolished due to the severity of damage as a result of the storms or replacement of housing that can be demolished and rebuilt more cost effectively than elevating the existing storm-damaged structure."

Response:
The OCR agrees with the commenter and has changed the language as identified under *Funds Provided for Housing Activities.*

Comment:
One commenter indicated that New York State needs to seek to reduce the overall benefit requirement to low- and moderate-income persons below 50% of the total grant.

Response:
The overall benefit requirement for CDBG-DR funding is specifically outlined in the Federal Register Notice (FR-5696-N-01) which identifies a reduction from the CDBG standard of 70% to 50% for CDBG-DR funds. While the notice also provides guidance on how a Recipient may seek to reduce this percentage further, the notice specifically states that this reduction will only be granted if the Secretary finds compelling need to reduce it further. At this time, NYS feels confident that the 50% overall benefit requirement can be met or exceeded within the existing parameters of the CDBG-DR program. However, if upon implementation of programs New York State determines that the 50% low- and moderate-income benefit cannot be achieved, New York State will seek a waiver to this requirement as afforded in the Federal Register notice.

Comment:
One commenter requested that the Plan clarify that non-profit organizations are eligible for economic development assistance.

Response:
Under *Funds Provided for Economic Development Related Activities,* the Action Plan clearly states that Non-Profit organizations are eligible for assistance.

Comment:
Several comments were received by homeowners and individuals requesting direct assistance for repair of their homes or specific project assistance.

Response:
OCR will maintain the list of these homeowners and individuals seeking assistance and will provide the information directly to the agencies who will be administering the CDBG-DR activities on the local level. OCR will continue to accept this information and forward it on to the respective entities to provide the direct outreach for assistance.

Comment:
Several commenters requested and extension to the public comment period for the Action Plan.

Response:
Although the 7-day comment period allowed for the CDBG-DR Action Plan was shorter than normally allowed under the standard CDBG regulations, HUD issued a waiver for the CDBG-DR funds to allow for this shorter comment period in order to expedite the distribution of funds. In a two-step process, New York State Homes and Community Renewal first publically announced the forthcoming availability of the Action Plan, via a Public Comment Notice and then posted the Draft Action Plan for public comment via its website, www.nyshcr.org, for the full 7-day period from March 12-19. For both steps in the process HCR broadly distributed notice via email to interested parties in accordance with the notification processes and procedures used for NY State's Consolidated Plan and Annual Action plans for CDBG funding. At this time, New York State will continue to entertain comments on its Action Plan, but since the official comment period has ended, New York will submit its Action Plan to HUD as planned in order to ensure a prompt review and approval of the plan. The Office of Community Renewal (OCR) will respond directly to any entities submitting comments after the comment period and will determine if the comments should result in a substantial change to the CDBG-DR Action Plan. Per the HUD guidelines, the CDBG-DR Action Plan is a document that could be changed as the recovery efforts move forward and additional needs are uncovered or as the unmet needs identified in the Action Plan are met by other resources.

Comment:
One commenter requested that all CDBG-DR funded activities follow specific high-road standards.

Response:
New York State is in the process of finalizing grant administration procedures which will include specific standards that must be followed. To the extent feasible, the recommendations provided by this commenter will be incorporated into the administrative guidance, but special care will need to be made to ensure that the requirements meet the Federal requirements of the program.

Comment:
One commenter requested the application of minimum criteria for ensuring that communities are supported to recover, rather than weakened, by state plans.

Response:
New York State is in the process of finalizing grant administration procedures which will outline minimum criteria that must be used. To the extent feasible, the recommendations provided by this commenter will be incorporated into the administrative guidance, but special care will need to be made to ensure that the requirements meet the Federal requirements of the program.

Comment:
One commenter indicated that the State's assessment of the number of lost rental units likely undercounts those units.

Response:
The housing needs identified in the first draft of New York State Action Plan were based on data available at the time of preparation and were not meant to represent the entirety of the need. The State recognizes that these needs change over time and as needs change the State will reevaluate its priorities for assistance and determine if substantial amendments to the Action Plan are warranted. The State has included revised information on rental housing needs, as well information about Temporary Rental Housing Assistance (see page 17), in the Housing Needs Assessment of this updated version of the Plan (April 3, 2013).

Comment:
One commenter urges the state to recognize and address issues arising in post-Sandy mold remediation efforts. Specifically, the commenter believes the State should ensure housing repair work includes mold remediation and by requiring the use of expert reputable contractors for any state-funded mold remediation work..

Response:
New York State recognizes the inherent dangers of mold. As such, mold remediation will be a primary requirement of the risk assessment conducted for any rehabilitation activities undertaken utilizing CDBG-DR funds. As outlined in this Plan (See section Eligible and Ineligible Activities), mold remediation is an eligible activity and any mold remediation must be conducted in accordance with all local, state and federal regulations. Furthermore, additional information has been added in Section 6: Promoting high quality durable, energy efficient and mold resistant construction methods.

Comment:
Several letters and comments were received from public housing authorities on Long Island.

Response:
Many of the comments and questions outlined in the letters received are not specific to the Action Plan. Any comments specific to the Action Plan have been addressed in

this section. However, any additional questions will be addressed in individual letters or direct consultation with each of the entities that submitted a letter.

Comment:
The Town of Hempstead Housing Authority commented that they were not included in HUD's assessment of most-impacted Housing Authorities and has requested that they be included in the Action Plan.

Response:
New York State has reviewed the information provided by the Town of Hempstead Housing Authority and has incorporated the information under the Housing Needs Assessment. Direct consultation has been initiated with the Town of Hempstead Housing Authority, and will continue to ensure their eligible needs are addressed.

Comment:
One commenter indicated a concern that the State focus infrastructure improvements on existing damaged needs rather than new "pet projects".

Response:
The primary focus of infrastructure improvement will be to provide assistance in the form of the non-Federal match requirement for CDBG-DR eligible FEMA Public Assistance projects. This type of assistance will be limited to existing infrastructure damaged by the storm. New infrastructure projects may be addressed by the proposed Infrastructure Bank, but only after immediate disaster impacted infrastructure needs are fully addressed.

Comment:
One commenter indicated a concern that the State maintains affordability in housing in the impacted areas.

Response:
As part of its plan for disaster recovery, New York State will make assistance available to owners of rental units. These owners will be obligated to ensure that a minimum of 51% of the rental units will be occupied by low- and moderate-income persons and that rents remain affordable for a specified affordability period.

Comment:
One commenter indicated that the State should consider pairing FEMA's Hazard Mitigation Grant Program (HMGP) with CDBG-DR funds to more effectively address mitigation.

Response:
To the greatest extent feasible, it is New York State's intention to leverage any available funds with CDBG funds to ensure that the most impact can be achieved by the CDBG-DR investment. This includes any leverage by of HMGP funds.

Comment:
One commenter expressed the need to allow residents to begin the process of undertaking mitigation measures now, rather than waiting for the lengthy application process.

Response:
While New York State understands the desire to begin rebuilding and mitigation efforts as soon as possible, the CDBG-DR funding has certain requirements that must be met prior to allowing work to commence. Where work has or will begin prior to the commitment of CDBG-DR funding, the State and its program partners will work with applicants to make reimbursement of funds expended for this purpose, when possible and as the Federal rules and regulations allow.

Comment:
One commenter indicated a desire to ensure that homeowners who have already begun the rebuilding process are not excluded from assistance.

Response:
To the greatest extent feasible, New York State will provide assistance to homeowners who have already begun the rebuilding work. However, at this time, New York State is awaiting additional guidance from HUD on how to address repair work that may have already been completed. Until such time as this guidance becomes available, New York State cannot provide specific guidance on this issue.

Comment:
One commenter suggested that the scope for eligible "Large Multi-Family Mitigation" assistance be expanded to include properties located outside of the 100-year flood plain and/or sustained damage as a result of Sandy (or Irene and/or Lee) as many were impacted by high winds and damage caused by fallen trees.

Response:
As required by the Federal Register notice, assistance can only be provided to areas where damage from Sandy, Irene or Lee occurred. In addition, the mitigation program is designed specifically to avoid future flooding or storm surge damage. At this time, the program will be limited to this type of assistance. However, as needs change, this program may evolve to include such items.

Comment:
One commenter indicated that assistance to multi-family properties should include the purchase of generators.

Response:
Under the multi-family mitigation activities, this would be an eligible expense if the generator is permanently affixed.

Comment:
One commenter indicated that the first tranche of multi-family housing mitigation grants should be limited to those buildings that provide housing to low- and moderate-income residents.

Response:
The New York State guidelines for Large Multi-Family Housing Mitigation indicate that property owners must ensure that a minimum of 51% of the units within the structure will be occupied by low- and moderate-income residents upon completion of the mitigation activities. In addition, the New York State guidance is requiring that priority be given to properties where a low- and moderate-income benefit can be achieved.

Comment:
Several commenters suggested that the Community Planning/Redevelopment activities include measures to address infrastructure vulnerabilities and planning for future mitigation, impacts on health, mental well-being, and economic stability of the residents.

Response:
New York State intends for its planning program to address any and all activities that impact the viability and success of rebuilding efforts, for efforts that support long-term, sustainable redevelopment . This may include addressing infrastructure needs and vulnerabilities as well as impacts on health, mental well-being, and economic stability. Further guidance on the parameters of the Community Planning program will be released after approval of this plan by HUD.

Comment:
One commenter indicated that the "Infrastructure Bank" be used to fund improvements that might be identified under the Planning/Redevelopment activities.

Response:
New York intends to use any and all mechanisms available to address needs and/or eligible activities identified as part of the planning process.

Comment:
Two commenters indicated that the plan should specifically outline housing counseling and an eligible activity, identify a specific allocation for such counseling, and following guidance as outlined in HUD's Housing Counseling Program Guide for Superstorm Sandy Disaster Relief.

Response:
While not specifically outlined in the Action Plan, it is anticipated that HCR will utilize funding available through existing housing counseling programs to support counseling services in disaster recovery designated communities. There have also been supplemental services and funding made available through the Office of the Attorney General's Foreclosure Program to agencies providing services in disaster designated communities. As homeowner issues are further identified HCR may seek to include more extensive housing counseling services in the most impacted areas.

Comment:
One commenter indicated that the plan should recognize the importance of involving existing housing networks as well as encourage collaborations.

Response:
While not outlined in the Action Plan, New York anticipates that both housing and business programs will foster existing networks and collaborative efforts. More specific guidance on such activities will be outlined in program specific guidance.

Comment:
Two commenters felt that marketing and media campaigns should be coordinated and directed locally rather than be state-wide.

Response:
While the State's Action Plan specifically mentions a State-wide marketing campaign, this campaign is specific to the tourism and coastal fishing industries impacted by Sandy. The marketing campaign will be limited to these industries, but the marketing will be conducted state-wide and perhaps regionally in order to provide a greater market base for these industries. Other marketing activities will be considered eligible activities under both housing and business activities by those entities undertaking those activities, and the State will work together with our partners to ensure that marketing activities are undertaken at all levels and in various forms to ensure a broad distribution and notification of the availability of funds.

Comment:
Two commenters indicated that the Action Plan should address vulnerable populations including non-English speaking, immigrant groups, persons with disabilities and the elderly.

Response:
Appropriate changes have been made in Section 7 of this Plan to incorporate this information and to address these concerns.

Comment:
One commenter indicated that more than 50% of the grant funds should be used to benefit low- and moderate-income persons.

Response:
The 50% overall benefit standard as outlined in the Federal Register notice is a minimum standard that must be met. It is New York State's intention to prioritize assistance to low- and moderate-income persons in order to either meet or exceed this minimum standard.

Comment:
One commenter requested clarification on the commitment of funding for the Recreate NY Smart Home Buyout Program and whether or not the State would be seeking additional funding from FEMA's Hazard Mitigation Grant Program (HMGP). Specifically, the originally announced buyout program allocation was $400 million, however the CDBG-DR action plan identifies $171 million in buyouts program funding.

Response:
When the State originally announced the creation a buyout program it identified the potential to use up to $400 million in funds for property buyout purposes. This took into consideration what is known about all properties that have reported damage as a result of Hurricane Sandy, Hurricane Irene and Tropical Storm Lee, and initial estimates as to the value of those damaged properties. The CDBG-DR Action Plan identifies a source of funds to of up to $171 million to address the needs of the property buyout program, while using the balance of our overall CDBG-DR award of $1.7 billion to address other community needs such as residential property repair/rehabilitation, small business assistance, and infrastructure improvements.

The goal to provide up to $400 million in funding for buyout purposes remains the same, but it is recognized that this need will be met over time, with additional sources to be identified and deployed.

The Hazard Mitigation Grant Program (HMGP) is not a part of this Action Plan, but may be utilized to the extent possible and feasible in the administration of the buyout program.

Comment:
One commenter indicated that mental health issues were not addressed in the Action Plan and a request was made to include mental health counseling as part of the activities being proposed.

Response:
While CDBG-DR funds could be used for providing mental health counseling, New York State is not currently proposing the creation of a program for this specific purpose. However, the State recognizes the need for these vital support services and will collaborate with other agencies and resources that provide this assistance in an effort to provide comprehensive recovery services to impacted residents. As the first part of this effort, the State will utilize the services and resources of the FEMA-funded Disaster Case Management program, which will be administered in New York State by Catholic Charities and a network of locally-based not-for-profit service providers, to assist homeowners in need of services beyond those available under this Plan.

Comment:
One commenter provided specific requests for assistance on Staten Island.

Response:
At this time, New York State is prioritizing assistance through the New York State allocation to areas outside of New York City. It has been determined that the $1.77 billion received by New York City will be the primary source of assistance for areas within the New York City area. However, where eligible, homeowners participating in the State's Recreate NY Smart Home Buyout Program will be assisted by the State's CDBG-DR allocation.

Comment:
One commenter indicated that there was insufficient detail on the assessment of needs of vulnerable populations including minorities and low- and moderate-income persons. Specific references were made regarding the lack of information on rental populations and assistance to be provided as well as assistance to minorities and other vulnerable populations. The commenter indicated that the assessment must include discussions on the characteristics and locations of affected populations.

Response:
In response to this comment, and as a part of the evolving Needs Assessment process required by the Federal Register Notice governing the use of these funds, New York State has updated the Needs Assessment in this Action Plan and has included additional specific information identified by the Commenter. As with all aspects of the State's Needs Assessment process, this information is continually changing and new information is being gathered to assess the needs of all residents impacted by the storms. New York State will continue to evaluate the needs of affected populations over the life of this grant and will modify the needs assessment and update priorities as this evaluation evolves.

Comment:
One commenter indicated that there was lack of specificity regarding the proposed use of funds and requested greater detail be included in the Plan. Specifically, there was a concern that the State would be unable to meet its obligation to provide a minimum of 50% of the funds to benefit low- and moderate-income persons.

Response:
New York State has reviewed these comments and has made specific changes in the description of activities to be undertaken to include amounts. In addition, the State has determined that the repair and mitigation caps for low- and moderate-income persons may be higher, where there is eligible and justifiable unmet need, in order to better address the needs of that population. Additional detail on the specific housing programs and the benefit to low- and moderate-income persons can be found in Section 3 of this Plan, *Proposed Use of Funds.* At this time, New York State is confident that the 50% low- and moderate-income benefit will be achieved. However, the State is committed to continually monitor this percentage and will make modifications to the programs as necessary to ensure that the State can meet or exceed this goal. To achieve this goal, the State has modified its original plan of

requesting the full allocation available to us, and is instead requesting a partial allocation in order to better monitor the progress of these programs.

Comment:
One commenter indicated that the Action Plan does not explicitly state how New York State intends to ensure compliance with certain provisions of the HUD Notice regarding Equal Access to Housing.

Response:
In order to address these concerns, New York State has provided more specific detail and guidance in Section 7 of this Plan, *Provision of adequate, flood resistant housing for all income groups that lived in the disaster impacted areas*. Again, the State will continue to evaluate needs of affected populations and will modify the needs assessment and update priorities as this evaluation evolves.

Comment:
One commenter expressed concerns that the Plan does not adequately ensure that Fair Housing obligations will be met.

Response:
In order to address this concern, New York contacted each of the three primary counties who will be directly administering the housing programs to review and analyze their Analyses of Impediments to Fair Housing Choice. Based upon the State's review, we are confident that the housing programs will be in compliance with the Fair Housing Requirements. All other programs will be required to follow the State's Fair Housing requirements. In addition, the State has indicated through this Plan that it intends to protect the Fair Housing rights of all residents seeking assistance from these programs; communities that do not currently have a Fair Housing Plan may be required to adopt their respective county's Fair Housing plan or submit their own plan for review and approval prior to allowing assistance to be provided to those residents. More information on this issue can be located in Section 16, of this Plan, *Avoidance & Mitigation of Occurrences of Fraud, Abuse and Mismanagement*, subsection 11., *Regulatory Requirements*.

18. Contact Information

New York State Homes and Community Renewal
Office of Community Renewal
The Hampton Plaza, 9th Floor
38-40 State Street
Albany, New York 12207-2804
Telephone (voice) – (518) 474-2057
DisasterRecovery@nyshcr.org
http://www.nyshcr.org

Persons with disabilities or non-English speakers who may need these documents presented in a different format, are encouraged to contact New York State Homes and Community Renewal who will provide the document in an accessible format..

1-866-ASK-DHCR (1-866-275-3427)

EXHIBIT B

COUNTY OF ROCKLAND
OFFICE OF COMMUNITY DEVELOPMENT
50 Sanatorium Road
Building K
Pomona, NY 10970
(845) 364-3939
FAX (845) 364-3940

C. SCOTT VANDERHOEF
County Executive

JOSEPH F. ABATE
Director

Rockland County proposes to allocate $3,000,000 from the initial round of CDBG-DR funding for Housing Assistance as follows:

1. **Home Repair and Reconstruction ($250,000)** - It is estimated that a minimum of fifteen (15) mobile homes at Ba Mar park need interior mitigation and repair at an estimated cost of $15,000 based on inspections conducted by the Office of Community Development HQS inspectors. There are also approximately an additional ten (10) homes in the Town of Stony Point that are also in need of repair and reconstruction. The estimates are similar to those of the mobile homes, once insurance is factored in. The County of Rockland will assist eligible homeowners with HOME funds to help supplement the CDBG-DR funds.

    a. Available to owners of one- and two-unit homes located in Rockland County whether owner occupied or income generating, including Condominiums, Mobile Homes, Co-Ops and Garden Apartments.

    b. Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.

    c. Assistance shall be for unmet rehabilitation or repair needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

    d. All new construction of residential buildings or replacement and/or reconstruction of substantially damaged buildings must incorporate Green Building Standards.

    e. Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.

f. Household income may be used in determining eligibility for assistance under this program, or may, at a minimum, be required for reporting purposes for households assisted under the National Objective of urgent need.

2. **Home Resilience** - Funding in this category will be incorporated with the category above or if necessary, by utilizing Rockland County HOME funds.

   a. Available to owners of one- and two-unit homes owner occupied or income generating, including: Condominiums, Mobile Homes, Co-Ops and Garden Apartments.

   b. Property is located within a 100-year floodplain and damaged, or property was substantially damaged (i.e., lost more than 50% of pre-storm FMV), and still needs additional rehabilitation.

   c. Will cover costs to mitigate future damage.

   d. Assistance shall be for unmet rehabilitation or repair and mitigation needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

   e. All reconstruction or mitigation of substantially damaged buildings must meet Green Building Standards.

   f. Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.

   g. Household income may be used in determining eligibility for assistance under this program, or may, at a minimum, be required for reporting purposes for households assisted under the National Objective of urgent need.

3. **Home Buyout Program ($500,000)** – The County of Rockland will designate $259,000 in funding to the assist the Village of Suffern with four (4) buyouts from Hurricane Irene form the Squires Gate area of the village and anticipates several buyouts in Stony Point from Hurricane Irene. The additional $250,000 designated here and the program income that will be generated from Large Multi-Family Mitigation Ba Mar Mobile Home replacements should cover the estimated costs not covered from other programs and that would otherwise be the responsibility of the county, town or village.

4. **Small Multi-Family Repair and Reconstruction** - The County will not designate funding to this category in the initial round of CDBG-DR funding, as no owners have contacted the Office of Community Development for assistance to date.

    a. Available to owners of multi-unit (3-7 units) residential buildings located in Rockland County including: Rental properties, including owner-occupied rental properties, non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate does not exceed a total of seven (7) units.

    b. Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.

    c. Assistance shall be for unmet rehabilitation or repair needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

    d. All reconstruction of substantially damaged buildings must incorporate Green Building Standards.

    e. Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.

    f. Household income of tenants may be used in determining eligibility for assistance under this program, or may, at a minimum, be required for reporting purposes.

5. **Small Multi-Family Mitigation** – The County will not designate funding to this category in the initial round of CDBG-DR funding, as no owners have contacted the Office of Community Development for assistance to date.

    a. Available to owners of multi-unit (3-7) residential buildings located in Rockland County, including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate do not exceed a total of seven (7) units.

    b. Will cover costs to mitigate future damage.

    c. Assistance shall be for unmet rehabilitation or repair and mitigation needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

a. Voluntary buyout for one- and two-unit homes • Standard Buyout, at 100% of pre-storm FMV, for substantially storm-damaged (>50%) properties inside the 500-year floodplain

• Enhanced Buyouts in select pre-defined targeted buyout areas (High Risk Areas), which will be determined in consultation with county and local governments: enhanced buyouts will include an incentive(s) ranging from 5%-25% on top of the pre-storm FMV of property acquired through the buyout program. Reconstruction may not occur on lots in these areas. Lots will be maintained as coastal buffer zones.

b. Incentives may include the following for residents in select pre-defined targeted buyout areas who participate in a buyout; participants may be eligible for one or more incentive in combination:

• 5% In-County Relocation Incentive. The County will seek to keep all residents who participate in a buyout in Rockland County. This incentive will be offered to residents who permanently relocate within Rockland County in which their storm damaged property is located, at the completion of their buyout and for a defined period of 15 years thereafter.
• 10% Enhanced Buyout Incentive. In an effort to relocate homeowners out of these high risk areas - to protect as many as possible from future disasters - the County will seek the maximum level of homeowner participation by offering this individual incentive so that as much land as possible within these areas can be returned to and reclaimed by nature, land that will be maintained in perpetuity as coastal buffer zones.
• 10% Enhanced Group Buyout Incentive. As part of the larger effort to encourage the maximum level of homeowner participation, and to return as much land as possible to nature to be maintained in perpetuity as coastal buffer zones, the State will offer this incentive to certain very limited clusters of homeowners in these high risk areas which participate in the buyout program (i.e.2-10 consecutively located properties).

c. Assistance shall be for property purchased after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

d. All customary costs associated with the acquisition of private property, including appraisal, legal, survey, title preparation and insurance, may be paid for using this source of funds.

e. Demolition costs may also be paid using this source of funds.

f. Site work and property maintenance costs, including environmental remediation, grading and security, may also be paid for using this source of funds.

g. As of this writing, the State is planning to seek a waiver from HUD that would allow re-development of property outside of the 100-year floodplain that is acquired through a buyout, so long as housing is built to mitigate future flood impact.

d. All reconstruction or mitigation of substantially damaged buildings must incorporate Green Building Standards.

e. Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.

f. Household income of tenants may be used in determining eligibility for assistance under this program, or may, at a minimum, be required for reporting purposes.

6. **Large Multi-Family Mitigation - $2,250,000**

Ba Mar Elevations ($660,000) - Ba Mar is a mobile home park with approximately 140 sites. It is estimated that 60 of those sites must be elevated as per architectural specifications and estimated at $14,625 each, but the cost could be lowered if multiple units are completed at the same time. Based on this information and the commitment to fund amounts not available under CDBG-DR with Rockland County HOME funds, we are requesting $11,000 per unit or $660,000.

Ba Mar Acquisition and Replacement of Mobile Homes ($1,598,000).– The owners of Ba Mar Mobile Home Park are seeking funding to replace 34 mobile homes destroyed by Hurricane Sandy at a cost of $47,000 for each mobile home. They will sell the new homes at either the cost to replace of $47,000 or at a reduced cost, all to qualify as affordable housing units, to income and program eligible families and generate program income for the County of Rockland. Rockland would plan on utilizing the program income to assist families with buyouts, under category 3, above, realizing that the process for many buyouts could potentially take close to a year.

a. Available to owners of multi-unit properties with eight or more units located in Rockland County including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, or detached/scattered site. This would include costs to "raise" the elevation of housing units.

b. Property is located within a 100-year floodplain and sustained damage as a result of the disaster.

c. Will cover costs to mitigate future damage.

d. Assistance shall be for unmet mitigation and associated rehabilitation or repair needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

e. All reconstruction or mitigation of substantially damaged buildings must incorporate Green Building Standards.

f. Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist

Priority Rank	APPLICANT L/M Income Area Benefit	PROJECT	National Objective	Project Cost	25% Match Request
1	RC Drainage	260 Route 9W Minesceongo Creek embankment stabilization	LMA	$ 5,000,000.00	$ 3,671,800.00
2	RC Enviornmental Resources	Replace pedestrian bridge, Repair and restore 900 feet of shoreline, Replace damaged blacktop and walkways,	LMA	$ 1,000,000.00	$ 250,000.00
3	Town of Haverstraw	Bowline Park damages - Shoreline restoration	LMA	$ 1,150,000.00	$ 287,500.00
4	Town of Stony Point	Waste Water Treatment Plant and Kay Fries Repair	LMA	$ 608,655.00	$ 152,163.75
5	Town of Stony Point	Pump station damages	LMA	$ 112,000.00	$ 28,000.00
6	Haverstraw	Marina damages	LMA	$ 150,000.00	$ 37,500.00
7	Village of Suffern	Business District and Athletic Center Flood Prevention	LMA	$ 750,000.00	$ 187,500.00
8	Village of Suffern	Potable Water Well House Modification	LMA	$ 165,000.00	$ 41,250.00
9	Village of Suffern	Flood Door Installation at Waste Water Treatment Plant	LMA	$ 310,000.00	$ 77,500.00
10	South Nyack	Park damage	LMA	$ 69,000.00	$ 17,250.00
11	South Nyack	Road sidewalk damage	LMA	$ 10,000.00	$ 2,500.00
12	Village of Spring Valley	3 buildings damaged	LMA	$ 120,000.00	$ 30,000.00
13	Village of Suffern	Computers and radio repeater damage power surge	LMA	$ 7,000.00	$ 1,750.00
14	Village of Spring Valley	Park fence damage	LMA	$ 1,000.00	$ 250.00
15	Hillburn	Damaged park benches	LMA	$ 2,000.00	$ 500.00
	L/M Income Area Benefit			**$ 9,454,655.00**	**$ 4,785,463.75**

Priority Rank	APPLICANT URGENT NEED	PROJECT	National Objective	Project Cost	25% Match Request
1	RC Emergency Services	Emergency generator for RCC which serves as an Emergency Shelter during storms	UN	$ 500,000.00	$ 125,000.00
2	RC Emergency Services	Emergency flood protection for critical infrastructure; pump stations, sewer treatment plants,electrical transformers, hospitals,nursing homes, and group homes.	UN	$ 250,000.00	$ 62,500.00
3	Town of Ramapo	Quarry Ridge Flood Control Project	UN	$ 3,500,000.00	$ 875,000.00
4	RC Drainage	264 North Route 9W retaining wall repair and replacement	UN	$ 2,600,000.00	$ 650,000.00
5	RC Drainage	Garnerville Dam embankment restoration	UN	$ 620,000.00	$ 155,000.00
6	RC Drainage	Lowland Hill rip rap embankment stabilization	UN	$ 300,000.00	$ 184,600.00
7	RC Drainage	Suffern Lane Dam replaced Gabion Basket embankment	UN	$ 330,000.00	$ 82,500.00
8	Grandview on Hudson	Building damage repair	UN	$ 550,000.00	$ 137,500.00
9	Nyack	Village hall roof damage	UN	$ 717,000.00	$ 179,250.00
10	Town of Orangetown	Pump station damages	UN	$ 70,000.00	$ 15,500.00
11	Village of Piermont	Fire Department Auto	UN	$ 23,457.41	$ 5,864.35

12	Village of Piermont	F.D. Equipment/Generators	UN	$	16,502.00	$ 4,125.50
13	Village of Piermont	F.D. Equipment - Not yet purchased	UN	$	66,457.07	$ 16,614.27
14	Village of Piermont	P.D. Equipment/Generators	UN	$	14,541.91	$ 3,635.48
15	Village of Piermont	Village Hall - Computer backup, copies, repairs, Flood reconaissance, Consulting, Generator hook up/repair	UN	$	12,081.82	$ 3,020.46
16	Village of Piermont	DPW Equipment/Generators	UN	$	114,928.25	$ 28,732.06
17	Village of Piermont	PAL/Pavillion Equipment	UN	$	36,045.77	$ 911.44
18	Village of Piermont	Pirelli Park - Replace.repair damaged fencing, bulkhead, boardwalk, Mitigation - 406 to raise seawall, Pump Chamber, Retaining wall around park	UN	$	260,000.00	$ 65,000.00
19	Village of Piermont	Pier - Civil Engineer Inspection, Boardwalk repair, Pier block building	UN	$	25,000.00	$ 6,250.00
20	Village of Piermont	Ferry Road - Raise Ferry Road - Hazard Mitigation 406, Wooden walkway repair	UN	$	505,000.00	$ 126,250.00
21	Village of Piermont	North Shore Walkway - Sea wall repair - Hazard Mitigation 406, Repairs to walkway	UN	$	15,001,000.00	$ 3,750,250.00
22	Village of Piermont	Kane Park - Clean and replace woodchips	UN	$	5,000.00	$ 1,250.00
23	Village of Piermont	Piermont - Sea wall repair - Hazard Mitigation 406	UN	$	2,000,000.00	$ 500,000.00
24	Village of Piermont	Dog Run Park - Repair fence	UN	$	5,000.00	$ 1,250.00
25	Village of Piermont	Community Garden - Repair fence and garden beds	UN	$	6,381.28	$ 1,595.32
26	Village of Piermont	Halfmoon Park - Repair to bottom deck platform	UN	$	15,000.00	$ 3,750.00
27	Village of Piermont	Highway Dept. Garage - Waterproof overhead doors	UN	$	40,000.00	$ 10,000.00

28	Village of Piermont	FD Building - Waterproof overhead doors	UN	$ 40,000.00	$ 10,000.00
29	Village of Piermont	Bud Sedlak Building - Waterproof overhead doors	UN	$ 10,000.00	$ 2,500.00
30	Village of Piermont	Pavillion - Waterproof overhead doors and facility, Pavillion lot	UN	$ 125,000.00	$ 31,250.00
31	Village of Piermont	DPW Lot - Protect from flooding - possible levee	UN	$ 500,000.00	$ 125,000.00
32	Village of Piermont	Sparkill Creek - Flood gate and repair retaining walls along creek	UN	$ 5,000,000.00	$ 1,250,000.00
33	Village of Piermont	Piermont Landing Sea wall	UN	$ 500,000.00	$ 125,000.00
34	Village of Piermont	Piermont Patch Area - Sea wall/levee/raise roads	UN	$ 2,000,000.00	$ 500,000.00
35	Village of Piermont	Piermont Barrier sea wall	UN	$ 1,500,000.00	$ 375,000.00
36	Village of Piermont	Sea wall damages	UN	$ 195,014.00	$ 48,753.50
37	Town of Ramapo	Pump station damages	UN	$ 75,000.00	$ 18,750.00
38	Pomona	Roadway damages	UN	$ 40,000.00	$ 10,000.00
39	Town of Haverstraw	DPW office damage	UN	$ 80,000.00	$ 20,000.00
40	Town of Clarkstown	Park damage computer/server	UN	$ 60,000.00	$ 15,000.00
41	Town of Clarkstown	2 generators need replacement - Police Department/Justice Court and Town Hall	UN	$ 718,000.00	$ 179,500.00
42	Pomona	Town park cultural center damages	UN	$ 15,000.00	$ 3,750.00
43	Town of Ramapo	Road damages	UN	$ 55,000.00	$ 13,750.00
44	Grandview on Hudson	Building damage repair	UN	$ 2,600.00	$ 650.00
45	Pomona	Park benches damages and equipment	UN	$ 20,000.00	$ 5,000.00
46	Town of Ramapo	Stricker garage damages	UN	$ 55,000.00	$ 13,750.00
47	Sloatsburg	Sterling Ave sidewalk damage	UN	$ 2,350.00	$ 587.50
48	Sloatsburg	Building damages	UN	$ 5,000.00	$ 1,250.00
49	Village of Montebello	Park fencing damage	UN	$ 1,500.00	$ 375.00
50	Town of Ramapo	Golf course damages	UN	$ 63,000.00	$ 15,750.00
51	Village of Suffern	Dredging of Lake Antrim	UN	$ 3,350,000.00	$ 837,500.00
	Urgent Need			**$ 41,995,859.51**	**$ 10,598,464.88**
				$ 9,454,655.00	$ 4,785,463.75
				$ 41,995,859.51	$ 10,598,464.88
				$ 51,450,514.51	$ 15,383,928.63

CDBG-DR Administrative/Program Delivery Budget
Administrative 2.5%/Program Delivery 5%

Activity	Year 1 5/1/13- 4/30/14	Year 2 5/1/14-4/30/15	Year 3 5/1/15-4/30/16	Total
Director (stipend)	$ 30,000.00	$ 30,000.00	$ 30,000.00	$ 90,000.00
HOME Program Coordinator (stipend)	$ 20,000.00	$ 20,000.00	$ 20,000.00	$ 60,000.00
Assistant to the Director (stipend)	$ 20,000.00	$ 20,000.00	$ 20,000.00	$ 60,000.00
Senior Community Builder (stipend)	$ 17,500.00	$ 17,500.00	$ 17,500.00	$ 52,500.00
Law Department (stipend)	$ 5,000.00	$ 5,000.00	$ 2,500.00	$ 12,500.00
	$ 92,500.00	$ 92,500.00	$ 90,000.00	$ 275,000.00

Rockland Independent Living Center	$ 30,000.00	$ 30,000.00	$ 30,000.00	$ 90,000.00
Catholic Charities	$ 30,000.00	$ 30,000.00	$ 30,000.00	$ 90,000.00
Architectural Consultant	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 150,000.00
Engineering Consultant	$ 50,000.00	$ 50,000.00	$ 50,000.00	$ 150,000.00
Economic Development Consultant	$ 25,000.00	$ 25,000.00	$ 20,000.00	$ 70,000.00
	$ 185,000.00	$ 185,000.00	$ 180,000.00	$ 550,000.00

EXHIBIT C

NEW YORK STATE
Homes & Community Renewal

NEW YORK STATE DIVISION OF HOUSING & COMMUNITY RENEWAL

HOUSING TRUST FUND CORPORATION

STATE OF NEW YORK MORTGAGE AGENCY

NEW YORK STATE HOUSING FINANCE AGENCY

NEW YORK STATE AFFORDABLE HOUSING CORPORATION

STATE OF NEW YORK MUNICIPAL BOND BANK AGENCY

TOBACCO SETTLEMENT FINANCING CORPORATION

ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

April 11, 2013

Honorable C. Scott Vanderhoef
County Executive
Rockland County
Allison-Paris County Office Building
11 New Hempstead Road
New City, NY 10956

Re: NYS CDBG-DR Project #1299DR3-13
Grant Agreement

Dear County Executive Vanderhoef:

Earlier this year, New York State was notified that it would receive $1.7 billion in funding from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant Disaster Recovery Program (CDBG-DR) to assist in the recovery of communities affected by Hurricane Sandy, Hurricane Irene and Tropical Storm Lee.

On behalf of the New York State Housing Trust Fund Corporation's Office of Community Renewal (OCR), I would like to inform you that Rockland County has been awarded $1,000,000.00 in CDBG-DR funding to assist property owners in repairing and rebuilding their damaged residential structures.

Enclosed are two copies of the grant agreement for the above-referenced project. Included in the Grant Agreement is a Schedule A, which provides additional requirements or instructions that must be addressed; a Schedule B, which is the Office of Community Renewal's (OCR) approved NYS CDBG project budget, including the proposed accomplishments of the project; a Schedule C which is a description of the housing activities to be undertaken; and a Schedule D which is the implementation schedule.

Both copies of the Grant Agreement **must be signed by the chief elected official and returned to our office**. In order to execute the Grant Agreement and to set up the electronic transfer of funds, a non-interest bearing account - solely for the deposit and disbursment of NYS CDBG funds - must be established in the name of the grant recipient, and the following must be completed and submitted to the OCR along with the signed copies of the Grant Agreement:

- An original copy of the "Authorized Signature Form for Request for Payment on CDBG Account";
- The "Designation of Depository for Direct Deposit of CDBG Funds" form;

These forms and instructions are available on our website, www.nyshcr.org/Forms/NYS-CDBG.

The effective date of the Grant Agreement April 11, 2013 and the date your community is allowed to begin incurring costs for exempt activities, as identified in 24 CFR 58.34 and 58.35, is October 29, 2012. Only after the required environmental review is completed and our office has approved a request for release of funds can costs for non-exempt activities be incurred or funds expended.

If you have any questions concerning your project and/or the completion of the Grant Agreement and associated documents, please contact our office at (518) 474-2057.

We look forward to working with you and your community to successfully complete your NYS CDBG Disaster Recovery Program.

Sincerely,

Matthew L. Nelson
President
Office of Community Renewal

(2) Enclosures

cc: Christian M. Leo, Vice President, OCR

Project No. 1299DR3-13

NEW YORK STATE
COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY AGREEMENT

AGREEMENT, made effective as of the 11th day of April, 2013, between the New York State Housing Trust Fund Corporation, represented by the Office of Community Renewal (collectively the "Corporation"), with offices at 38-40 State Street, Hampton Plaza, 9th Floor, Albany, New York, 12207, and the Rockland County ("Recipient"), a unit of general local government, with offices at Allison-Paris County Office Building, 11 New Hempstead Road, New City, New York, 10956.

WHEREAS, pursuant to title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), as amended, the Corporation is authorized to administer and distribute Community Development Block Grant ("CDBG") funds to units of general local government in the State of New York ("State"); and

WHEREAS, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), portions of the State received major disaster declarations as a result of Hurricane Sandy, Hurricane Irene, Tropical Storm Lee and other eligible events in calendar years 2011, 2012, and 2013; and

WHEREAS, pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2, approved January 29, 2013), as amended ("Act"), Congress appropriated $16,000,000,000 for the Community Development Block Grant Disaster Recovery ("CDBG-DR") program; and

WHEREAS, the State has received an allocation of CDBG-DR funds from the Department of Housing and Urban Development ("HUD") in the amount of $1,713,960,000; and

WHEREAS, the Corporation has selected the Recipient to receive an award in an amount not to exceed $1,000,000.00 ("Grant Funds") to finance the community development activities ("Projects") addressing disaster recovery efforts as described in Schedule C, "Description of Housing Activities", as may be amended.

WHEREAS, the Recipient shall be responsible for administering the Grant Funds in accordance with the terms of this Agreement and subject to the approval of the Corporation;

NOW, THEREFORE, the parties agree that the Grant Funds will be administered in accordance with the following terms and conditions:

1. **Contents of Agreement**. The following documents are incorporated by reference into

this Agreement as if fully set out herein: **a)** the Corporation's CDBG Grant Administration Manual, supplemental Disaster Recovery Guidance, and its Program Guidelines (as now in effect and as may be revised); **b)** applicable Federal and State laws and regulations, as may be amended, including, but not limited to, HUD regulations found at 24 CFR Part 570; **c)** applicable waivers to the above regulations as outlined in the "Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy" published in the Federal Register on March 5, 2013 ("Notice"); **d)** Schedule A, "Special Conditions", Schedule B, "Awarded Budget and Projected Accomplishments" as amended for each approved project/activity, Schedule C, "Description of Housing Activities", and Schedule D, "Implementation Schedule", attached hereto.

2. **Recipient Performance**. **a)** The Recipient agrees to utilize Grant Funds only to implement the activities described in, and in accordance with the terms of: **(i)** this Agreement; and **(ii)** all applicable State and Federal laws and regulations and any waivers granted to the regulations in the Notice. This provision shall survive the termination or expiration of this Agreement. **b)** The period of performance for all activities (with the exception of those activities required for the close out and final audit) assisted pursuant to this Agreement shall commence as of **October 29, 2012** the date of the disaster, and shall end two (2) years from the date HUD has executed the Corporation's CDBG-DR grant agreement ("Completion Date"). The Recipient agrees to comply with the implementation schedule as outlined in Schedule D, "Implementation Schedule".

3. **Grant Funds**. **a)** The amount of Grant Funds that the Corporation has agreed to provide the Recipient under this Agreement is expressly conditioned upon the Corporation's receipt of CDBG-DR funds from HUD pursuant to the Act. **b)** The total of all Grant Funds to be disbursed hereunder shall not exceed the amount first set forth in this Agreement. **c)** The Grant Funds are based upon FEMA and State damage and needs estimates. The Corporation reserves the right to reduce the Grant Funds: **(i)** to conform to any revision to which the parties may agree; or **(ii)** if the actual costs, as determined by a duplication of benefits analysis, for the approved activities are less than those budgeted.

4. **Disbursement of Grant Funds**. **a)** The Recipient is authorized to request Grant Funds only in accordance with the provisions of this Agreement and the procedures established by the Corporation. No payment by the Corporation of an improper or unauthorized request shall constitute a waiver of the Corporation's right to: **(i)** challenge the validity of such payment; **(ii)** enforce all rights and remedies set forth in this Agreement; or **(iii)** take corrective or remedial administrative action including, without limitation, suspension or termination of the Recipient's funding under this Agreement. **b)** The Recipient shall certify with each request for Grant Funds that: **(i)** all statements and representations previously made regarding this Agreement are correct and complete; and **(ii)** the funds do not duplicate reimbursement of costs and services from any other source. **c)** The use of Grant Funds is conditioned upon the Recipient incurring costs permitted under the terms of this Agreement or as otherwise approved by the Corporation in writing. The Recipient shall not incur costs to be charged against Grant Funds until all

Environmental Conditions of 24 CFR Part 58 have been fully satisfied and the Corporation has issued the environmental clearance required thereunder, unless the activity is exempt under section 58.34 or falls under a categorical exclusion listed in section 58.35(b).

5. **Subcontracts**. The Recipient shall: **a)** require any participating subrecipient, contractor, subcontractor, or agent ("Third Party") to comply with all applicable Federal, State and local laws and regulations; **b)** adopt and perform such review and inspection procedures as are necessary to ensure compliance by a Third Party with all applicable Federal, State and Local laws and regulations; **c)** require any Third Party to indemnify the Corporation and the Recipient against any and all claims arising out of the Third Party's performance of work; **d)** remain fully obligated under this Agreement notwithstanding its designation of a Third Party to undertake all or any portion of the Project; **e)** include all applicable requirements in a written agreement with each Subrecipient receiving CDBG-DR funds hereunder.

6. **Program Income**. The definition of "program income" and accompanying regulations regarding its usage are found at 24 CFR 570.489(e) to the extent not modified by the Notice. All program income generated as a result of the CDBG-DR funding must be appropriately tracked, reported and returned to the Corporation.

7. **Records**. The Recipient shall keep and maintain complete and accurate books, records and other documents as shall be required under applicable Federal and State rules and regulations, including, but not limited to, the Corporation's Grant Administration Manual, and as may be requested by the Corporation to reflect and fully disclose all transactions relating to the receipt and expenditure of Grant Funds and administration of the Projects. All such books, records and other documents shall be available for inspection, copying and audit at all reasonable times by any duly authorized representative of the State or Federal government.

8. **Reports**. The Recipient, at such times and in such form as the Corporation may require, shall furnish the Corporation with such periodic reports as it may request pertaining to the Projects, the costs and obligations incurred in connection therewith, and any other matters covered by this Agreement.

9. **Performance Review.** The Corporation will conduct periodic reviews in such manner and at such times as it shall determine for the purpose, among other things, of ascertaining the quality and quantity of the Recipient's activities, as well as their conformity to the provisions of this Agreement, and the financial integrity and efficiency of the Recipient.

10. **Notice of Investigation or Default**. The Recipient shall notify the Corporation within five (5) calendar days after obtaining knowledge of: **a)** the commencement of any investigation or audit of its activities by any governmental agency; or **b)** the alleged default by the Recipient under any mortgage, deed of trust, security agreement, Loan agreement or credit instrument executed in connection with the Projects.

11. **Default**. **a)** If an Event of Default as defined below shall occur, all obligations on the part

of the Corporation to make any further payment of Grant Funds shall, if the Corporation so elects, terminate and the Corporation may, in its discretion, exercise any of the remedies set forth herein; provided, however, that the Corporation may make any payments after the happening of an Event of Default without thereby waiving the right to exercise such remedies, and without becoming liable to make any further payment. **b)** The following shall constitute an Event of Default hereunder: **(i)** if the Recipient fails, in the opinion of the Corporation, to comply with or perform any provision, condition or covenant contained in this Agreement, any applicable State or Federal law or regulation, or the program policies and procedures established by the Corporation; **(ii)** if at any time any presentation or warranty made by the Recipient shall be incorrect or materially misleading; **(iii)** if a lien for the performance of work or the furnishing of labor or materials is filed against the Program or any improvement financed thereunder and remains unsatisfied, undischarged or unbonded at the time of any request for disbursement or for a period of twenty (20) days after the date of filing of such lien; **(iv)** if the Recipient shall fail to comply with any of the terms of any mortgage, deed of trust, security agreement, loan agreement, credit agreement or other instrument executed in favor of any other party; **(v)** if the Recipient has failed to commence the Projects in a timely fashion or has failed to complete the Projects on or before the Completion Date. **c)** Upon the happening of an Event of Default, the Corporation may, in its discretion, exercise any one or more of the following remedies, either concurrently or consecutively, and the pursuit of any one of such remedies shall not preclude the Corporation from pursuing any other remedies contained herein or otherwise provided at law or in equity: **(i)** terminate this Agreement, provided that the Recipient is given at least thirty (30) days prior written notice; **(ii)** commence a legal or equitable action to enforce performance of this Agreement; **(iii)** withhold or suspend payment of Grant Funds; **(iv)** exercise any corrective or remedial action, to include, but not be limited to, advising the Recipient to suspend, discontinue or refrain from incurring costs for any activities in question or requiring the Recipient to reimburse the Corporation for the amount of Grant Funds expended or used in an unauthorized manner or for an unauthorized purpose. **d)** In the event this Agreement is terminated by the Corporation for any reason, or upon the closeout of the Projects, unless the Recipient obtains the prior written consent of the Corporation to the contrary, all unspent Grant Funds held by the Recipient shall immediately be turned over to the Corporation, and the Corporation shall have no further liability or obligation under this Agreement; provided, however, that nothing herein is intended to relieve the Corporation of its obligation to pay for services properly performed by the Recipient prior to such termination. Notwithstanding any such termination or closeout, the Recipient shall remain liable to the Corporation for any unspent Grant Funds, the expenditure or use of the Grant Funds in a manner or for a purpose not authorized by this Agreement, or damages as a result of any breach of this Agreement by the Recipient. The Corporation shall have the right, at any time prior or subsequent to any such termination or closeout, to pursue any and all available remedies, including seeking injunctive or other equitable relief, to enforce the provisions of this Agreement and to recover Grant Funds which are unspent, expended or used in an unauthorized manner or for an unauthorized purpose.

12. **Indemnification**. To the fullest extent permitted by law, the Recipient shall defend, indemnify and hold harmless the Corporation and its agents and employees from and against any and all claims, actions, damages, losses, expenses and costs of every nature and kind, including

reasonable attorneys' fees, incurred by or asserted or imposed against the Corporation, as a result of or in connection with the Project. All money expended by the Corporation as a result of such claims, actions, damages, losses, expenses and costs, together with interest at a rate not to exceed the maximum interest rate permitted by law, shall be immediately and without notice due and payable by the Recipient to the Corporation.

13. **Non-Liability**. Nothing contained in this Agreement or elsewhere shall impose any liability or duty whatsoever on the State, the Corporation, or any agency or subdivision of the foregoing except as otherwise expressly stated in this Agreement.

14. **Statute of Limitations**. No action shall lie or be maintained against the State or the Corporation upon any claim based upon or arising out of this Agreement or the work performed hereunder or anything done in connection therewith, unless such action shall be commenced within one (1) year from the termination or expiration of this Agreement or six (6) months from the accrual of the cause of action, whichever is earlier.

15. **Service of Process**. In addition to the methods of service allowed by the State's Civil Practice Law & Rules, the Recipient hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon the Recipient's actual receipt of process or upon the Corporation's receipt of its return by the United States Postal Service marked "refused" or "undeliverable". The Recipient must promptly notify the Corporation, in writing, of each and every change of address to which service of process can be made. Service by the Corporation to the last known address shall be deemed sufficient. The Recipient shall have thirty (30) calendar days after service is complete in which to respond.

16. **Notices**. All notices, requests, approvals and consents of any kind made pursuant to this Agreement shall be in writing and shall be deemed to be effective as of the date it is sent by certified mail, return receipt requested. Such written communications shall be mailed to the respective party's address first set out herein or at such other address as may be provided in writing, except that notice of such change of address shall be deemed to have been given the date it is received.

17. **Severability**. Should any part, term, or provision of this Agreement be decided by a court of competent jurisdiction to be invalid, unenforceable, illegal, or in conflict with any law, the validity, legality, and enforceability of the remaining portions shall not be affected or impaired.

18. **Nonwaiver**. The Corporation's failure to insist upon the strict performance of any provision of this Agreement or to exercise any right based upon a breach thereof or the acceptance of any performance during such breach will not constitute a waiver of any of its rights under this Agreement.

19. **Assignment**. No right, benefit or advantage inuring to the Recipient, and no obligation imposed on the Recipient, under this Agreement may be assigned without the prior written approval of the Corporation.

20. **Successors**. This Agreement shall be binding upon the successors in office of the respective parties.

21. **Assurance of Authority**. The Recipient hereby assures and certifies that: **a)** The Recipient is duly organized and validly existing under the laws of the State, and has all the requisite power and authority to enter into this Agreement and to assume the responsibilities for compliance with all Federal and State laws and regulations. **b)** A resolution, motion, order or ordinance has been duly adopted, passed or enacted as an official act of the Recipient's governing body, authorizing the execution and delivery of this Agreement by the Recipient and authorizing and directing the person executing this Agreement to do so for and on behalf of the Recipient, said acts being done in such manner and form as to comply with all applicable laws to make this Agreement the valid and legally binding act and agreement of the Recipient. **c)** There is no action, proceeding, or investigation now pending, nor any basis therefore, known or believed by the Recipient to exist, which **(i)** questions the validity of this Agreement, or any action taken or to be taken under it, or **(ii)** is likely to result in any material adverse changes in the authorities, properties, assets, liabilities, or conditions (financial or otherwise) of the Recipient which would materially and substantially impair the Recipient's ability to perform any of the obligations imposed upon the Recipient by this Agreement. **d)** The representations, statements, and other matters contained in the Recipient's Application were true and complete in all material respects as of the date of filing. The Recipient is aware of no event that would require any amendment to the Application that would make such representations, statements, and other matters true and complete in all material respects and not misleading in any material respect. The Recipient is aware of no event or other fact that should have been, and has not been, reported in the Application. **e)** Insofar as the capacity of the Recipient to carry out any obligation under this Agreement is concerned, **(i)** the Recipient is not in material violation of its Charter, or any mortgage, indenture, agreement, instrument, judgment, decree, order, statute, rule or regulation and **(ii)** the execution and performance of this Agreement will not result in any such violation.

22. **Photography Release.** Recipient shall require any Third Party to execute a photography release (an example of which is available in the OCR Grant Administration Manual) or a release in substantially similar form thereof.

23. **Entire Agreement**. This Agreement, including the attached schedules, constitutes the entire agreement between the parties and supersedes all prior oral and written agreements with respect to this Grant. This Agreement shall be governed by, construed and enforced in accordance with the laws of the State.

IN WITNESS WHEREOF, this Agreement has been executed by a duly authorized representative of the parties.

New York State Housing Trust Fund Corporation

By:_____
Name: Matthew L. Nelson
Title: President

By:_____
Name: C. Scott Vanderhoef
Title: County Executive

This contract has been approved by the Corporation's Counsel as to form and its Treasurer as to fiscal sufficiency.

SCHEDULE A
Special Conditions

1. The Recipient may receive the full amount of Grant Funds awarded hereunder, or a portion thereof, depending on the eligibility of the projects proposed for assistance.

2. The State is obligated to ensure that at least 50% of the entire allocation received by it from HUD benefits low- and moderate-income persons, otherwise known as the primary benefit. Therefore, the final allocation to the Recipient may also be dependent upon the State meeting this objective.

3. All funds under this award must be used for eligible housing activities as outlined in the New York State Disaster Recovery Action Plan (as now in effect and as may be revised).

4. All Projects must meet one of the following National Objectives:
   a. Low and Moderate Income Housing Benefit (LMH)
   b. Urgent Need (URG)

5. The Recipient may request reimbursement for eligible costs incurred on or after October 29, 2012, the date of the disaster. All reimbursement requests are subject to review and approval, and such reimbursement will be made so long as all pertinent Federal rules including, but not limited to, environmental review regulations, have been documented as completed prior to commitment and/or expenditure of funds to be reimbursed.

6. Prior to committing or receiving funds for each eligible project, Recipients must submit the following to the OCR for review and approval:
   a. Project Setup Information.
   b. Duplication of Benefits Information.
   c. A completed and signed Subrogation and Assignment Agreement.
   d. Project Completion Information.

Schedule B
Awarded Budget and Projected Accomplishments

Activity Name	Amount Budgeted
Rockland County Disaster Housing Program	$1,000,000.00
Rockland County Program Delivery	TBD
Rockland County Administration	TBD
Total	**$1,000,000.00**

Program Delivery and Administrative Amounts to be determined in consultation with the County.

Projected Accomplishments:

To be determined in consultation with the County.

Schedule C
Description of Housing Activities

The following activities are outlined in the New York State Disaster Recovery Action Plan as now in effect and as may be revised.

- Recreate NY Smart Home Repair and Reconstruction
  - Available to owners of one- and two-unit homes located outside of New York City whether owner occupied or income generating, including Condominiums, Co-Ops and Garden Apartments. New York City will administer its own CDBG-DR programs directly.
  - Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.
  - Assistance shall be for unmet rehabilitation or repair needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.
  - Assistance for repair and mitigation funding will be capped at the lesser of a specified dollar amount to be determined by New York State, or the unmet repair, rehabilitation and mitigation need as described above. To direct sufficient levels of assistance to those most in need, especially low- to moderate-income and minority households, a higher overall dollar cap amount may be applied to those households of low or moderate-income, where the need is justified.
  - All new construction of residential buildings or replacement and/or reconstruction of substantially damaged buildings must incorporate Green Building Standards.
  - Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.
  - Household income will be required for reporting purposes even for those households assisted under the National Objective of urgent need.
  - Households earning less than 80% of the area median income will be prioritized in the order of processing applications for assistance.

- Recreate NY Smart Home Resilience
  - Available to owners of one- and two-unit homes located outside of New York City whether owner occupied or income generating, including: Condominiums, Co-Ops and Garden Apartments. New York City will administer its own CDBG-DR programs directly.
  - Property is located within a 100-year floodplain and damaged, or property was substantially damaged (i.e., lost more than 50% of pre-storm FMV), and still needs additional rehabilitation.
  - Will cover costs to mitigate future damage.
  - Assistance shall be for unmet rehabilitation or repair and mitigation needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

- ☐ Assistance for repair and mitigation funding will be capped at the lesser of a specified dollar amount to be determined by New York State, or the unmet repair, rehabilitation and mitigation need as described above. To direct sufficient levels of assistance to those most in need, especially low- to moderate-income and minority households, a higher overall dollar cap amount may be applied to those households of low or moderate- income, where the need is justified.
- ☐ All reconstruction or mitigation of substantially damaged buildings must meet Green Building Standards.
- ☐ Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.
- ☐ Household income will be required for reporting purposes even for those households assisted under the National Objective of urgent need.
- ☐ Households earning less than 80% of the area median income will be prioritized in the order of processing applications for assistance.

➢ Recreate NY Home Buyout Program

- ☐ Voluntary buyout for one- and two-unit homes
  - Standard Buyout, at 100% of pre-storm FMV, for substantially storm-damaged (>50%) properties inside the highest risk areas along the water referred to as the "V Zone" in FEMA flood maps, and, in most cases, 100% of post-storm FMV (plus eligible relocation or other assistance) inside the 500-year floodplain but outside of that V Zone. The latter buyouts will be considered "acquisitions" for purposes of HUD's guidelines for the use of CDBG funds, and will be able to be redeveloped in a resilient manner rather than remain undeveloped in perpetuity.
  - Enhanced Buyouts in select pre-defined targeted buyout areas, which will be determined in consultation with county and local governments: enhanced buyouts will include an incentive(s) ranging from 5%-15% on top of the pre-storm FMV of property acquired through the buyout program. Reconstruction may not occur on lots in these areas. Lots will be maintained as coastal buffer zones or other non-residential/commercial uses, and may also include acquisition of vacant or undeveloped land in these targeted areas.
  - The State will use the 2013 FHA loan limits as the ceiling for the purchase price for properties that participate in this buy-out program.
- ☐ Incentives may include the following for residents in select pre-defined targeted buyout areas who participate in a buyout; participants may be eligible for one or more incentive in combination, for a maximum of up to 15%:
  - 5% In-County Relocation Incentive. The State will provide residents who participate in a buyout inside an enhanced buyout area this incentive if they permanently relocate within the same county in which their storm damaged property is located, either before or at the completion of their buyout. The rationale for such an incentive is to protect and preserve the community while, at the same time, facilitating the reclamation of land in high risk areas for natural protection against future damage. NOTE: for New York City residents this will be available for permanent relocation anywhere within the five boroughs of New York City.

- 10% Enhanced Buyout Incentive. In an effort to relocate homeowners out of these high risk enhanced buyout areas - to protect as many as possible from future disasters - the State will seek the maximum level of homeowner participation by offering this individual incentive so that as much land as possible within these areas can be returned to and reclaimed by nature, land that will be maintained in perpetuity as coastal buffer zones. This level of incentive was selected in order to ensure that a sufficient incentive is available, as the number of properties involved will need to be significant in these areas to produce the intended outcome.
- In the rare areas in which the purchase of a group of properties together makes sense in order to re-purpose that area, the State believes that graduated incentives are an essential component to induce homeowners to sell their properties.

☐ Outside of the enhanced buyout areas, the State may, in rare circumstances, provide a 10% Group Buyout Incentive to certain very limited clusters of homeowners (i.e., 2-10 consecutively located properties) whose properties are located inside the high risk V Zone but not inside an identified enhanced buyout area. This incentive may be necessary in certain rare cases to facilitate the reclamation of a concentrated area of high risk and to avoid the patchwork effect of purchasing all but one or two properties inside such a cluster of properties.

☐ Assistance shall be for property purchased after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

☐ All customary costs associated with the acquisition of private property, including appraisal, legal, survey, title preparation and insurance, may be paid for using this source of funds.

☐ Demolition costs may also be paid using this source of funds.

☐ Site work and property maintenance costs, including environmental remediation, grading and security, may also be paid for using this source of funds.

☐ Households earning less than 80% of the area median income will be prioritized in the order of processing applications for assistance.

➢ Small Multi-Family Repair and Reconstruction

☐ Available to owners of multi-unit (3-7 units) residential buildings located outside of New York City including: Rental properties, including owner-occupied rental properties, non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate does not exceed a total of seven (7) units. New York City will administer its own CDBG-DR programs directly.

☐ Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.

☐ Assistance shall be for unmet rehabilitation or repair needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

☐ Assistance for repair and mitigation funding will be capped at the lesser of a specified dollar amount to be determined by New York State, or the unmet repair, rehabilitation and mitigation need as described above. To direct sufficient levels of assistance to

those most in need, especially low- to moderate- income and minority households, a higher overall dollar cap amount may be applied to those households of low or moderate- income, where the need is justified.

- ☐ All reconstruction of substantially damaged buildings must incorporate Green Building Standards.
- ☐ Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.
- ☐ Household income will be required for reporting purposes even for those households assisted under the National Objective of urgent need.
- ☐ Priority will be given to owners of buildings where a minimum of 51% of the units are occupied by or will be occupied by low- and moderate-income persons.

➢ Small Multi-Family Mitigation

- ☐ Available to owners of multi-unit (3-7) residential buildings located outside of New York City, including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate do not exceed a total of seven (7) units. New York City will administer its own CDBG-DR programs directly.
- ☐ Will cover costs to mitigate future damage.
- ☐ Assistance shall be for unmet rehabilitation or repair and mitigation needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.
- ☐ Assistance for repair and mitigation funding will be capped at the lesser of a specified dollar amount to be determined by New York State, or the unmet repair, rehabilitation and mitigation need as described above. To direct sufficient levels of assistance to those most in need, especially low- to moderate- income and minority households, a higher overall dollar cap amount may be applied to those households of low or moderate- income, where the need is justified.
- ☐ All reconstruction or mitigation of substantially damaged buildings must incorporate Green Building Standards.
- ☐ Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.
- ☐ Household income of tenants may be used in determining eligibility for assistance under this program, or may, at a minimum, be required for reporting purposes.
- ☐ Priority will be given to owners of buildings where a minimum of 51% of the units are occupied by or will be occupied by low- and moderate-income persons.

➢ Large Multi-Family Mitigation

- ☐ Available to owners of multi-unit properties with eight or more units located outside of New York City including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, or detached/scattered site. New York City will administer its own CDBG-DR programs directly.
- ☐ Property is located within a 100-year floodplain and sustained damage as a result of the disaster.
- ☐ Will cover costs to mitigate future damage.

- ☐ Assistance shall be for unmet mitigation and associated rehabilitation or repair needs after accounting for all Federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.
- ☐ Assistance for repair and mitigation funding will be capped at the lesser of a specified dollar amount to be determined by New York State, or the unmet repair, rehabilitation and mitigation need as described above. To direct sufficient levels of assistance to those most in need, especially low- to moderate- income and minority households, a higher overall dollar cap amount may be applied to those households of low or moderate- income, where the need is justified.
- ☐ All reconstruction or mitigation of substantially damaged buildings must incorporate Green Building Standards.
- ☐ Rehabilitation of non-substantially damaged buildings must follow guidelines in the HUD Green Building Retrofit Checklist.
- ☐ A minimum of 51% of the units of any building must be occupied by, or the owner commits to renting to, persons who are earning less than 80% of area median income.

SCHEDULE D
Implementation Schedule

Recipients of CDBG-DR funds are expected to adhere to the following schedule. Failure to meet each of the specific milestones listed below may result in (1) a reduction of total grant funds awarded; or (2) a full or partial recapture of grant funds disbursed to Recipient.

Milestone	Deadline	Remediation
Return of Signed Grant Agreement	30 days from award*	One 15 day extension
Submittal of ERR/RROF	60 days from award	One 15 day extension
Commitment of 75% of funds	12 months from award	Extension only in consultation with OCR
Commitment of 100% of funds	18 months from award	Extension only in consultation with OCR
Submittal of final disbursement of funds	60 days prior to deadline	One 15 day extension
Submittal of final closeout and reporting documents	15 days prior to the deadline	Extension only in consultation with OCR

*Date the grant agreement is issued to the County.

Introduced by: Referral No. 8037
Hon. Philip Soskin, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Patrick J. Moroney, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 303 OF 2013
APPROVING ACCEPTANCE OF FUNDS
IN THE AMOUNT OF $102,232 (NCTD) FROM THE
NEW YORK STATE OFFICE OF TEMPORARY & DISABILITY ASSISTANCE
TO PROVIDE NUTRITION EDUCATION TO SUPPLEMENTAL
NUTRITION ASSISTANCE PROGRAM (SNAP) RECIPIENTS AND
APPROVING A CONTRACT IN AN AMOUNT NOT TO EXCEED $102,232 (NCTD) WITH
CORNELL COOPERATIVE EXTENSION OF ROCKLAND, INC.
FOR THE PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013
AND AUTHORIZING EXECUTION OF ALL NECESSARY
DOCUMENTS BY THE COUNTY EXECUTIVE
[DEPARTMENT OF SOCIAL SERVICES]
($102,232)

Mr. Grant offered the following resolution, which was seconded by Mr. Earl and unanimously adopted:

WHEREAS, The Commissioner of the Department of Social Services has advised the County Executive and the Legislature of Rockland County that the New York State Office of Temporary and Disability Assistance has awarded the County $102,232 in Supplemental Nutrition Assistance Program (SNAP) funding to provide for nutrition education to SNAP (formerly food stamp) recipients for the period October 1, 2012 through September 30, 2013; and

WHEREAS, Said amount is federally funded but administered by the State of New York; and

WHEREAS, No County tax dollars (NCTD) are required to accept said funding; and

WHEREAS, the Commissioner of the Department of Social Services has further recommended that, to provide for nutrition education to SNAP recipients, the County enter into a contract with Cornell Cooperative Extension of Rockland, Inc., pursuant to which the County will pay Cornell Cooperative Extension of Rockland, Inc. an amount not to exceed $102,232 for the period October 1, 2012 through September 30, 2013; and

WHEREAS, This resolution requires no funding clause since appropriations for said contract was provided for in Dept. 6010, line E5060 of the 2012 and 2013 Adopted Budget; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve “execution of all contracts in excess of $100,000 entered into by the County;” and

WHEREAS, The Multi-Services and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of Supplemental Nutrition Assistance Program (SNAP) funding in the amount of $102,232 from the New York State Office of Temporary and Disability Assistance for the period October 1, 2012 through September 30, 2013, to provide nutrition education to SNAP (formerly food stamp) recipients, subject to the approval of the County Attorney; and be it further

RESOLVED, That said amount is federally funded but administered by the State of New York; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept said funding; and be it further

RESOLVED, That the Legislature of Rockland County hereby approves a contract with Cornell Cooperative Extension of Rockland, Inc., pursuant to which the County will pay Cornell Cooperative Extension of Rockland, Inc. an amount not to exceed $102,232 for the period October 1, 2012 through September 30, 2013, to provide nutrition education to SNAP recipients; and be it further

RESOLVED, That the County Executive is hereby authorized to execute all documents necessary to accept these funds and approve the contract with Cornell Cooperative Extension of Rockland, Inc., in an amount not to exceed $102,232, subject to the approval of the County Attorney; and be it further

RESOLVED, That this resolution requires no funding clause since appropriations for said contract was provided for in Dept. 6010, line E5060 of the 2012 and 2013 Adopted Budget.

Introduced by: Referral No. 4124
Hon. Philip Soskin, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Patrick J. Moroney, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 304 OF 2013
APPROVING REALLOCATION OF FUNDS
WITHIN THE AGENCY DEPARTMENT OF HEALTH
TO PAY FOR A $51,000 WATER SAMPLING CONTRACT
FOR THE CALENDAR YEAR 2013
[DEPARTMENT OF HEALTH]

Mr. Grant offered the following resolution, which was seconded by Mrs. Paul and unanimously adopted:

WHEREAS, The Acting Commissioner of Health has advised the County Executive and the Legislature of Rockland County that a reallocation of funds within the agency Department of Health is necessary in order to pay for a $51,000 water sampling contract for the calendar year 2013; and

WHEREAS, Appropriations and estimated revenue within Dept. 2960 (DOH-Education, Children Pre-K), Dept. 2961 (DOH-Education, Children Early Intervention) and Dept. 4010 (Department of Health) will be adjusted to pay for said contract; and

WHEREAS, The adoption of this resolution does not involve the expenditure of any additional County funds; and

WHEREAS, The Multi-Services and Budget and Finance Committees of the Legislature have met, considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves a reallocation of funds within the agency Department of Health in order to pay for a $51,000 water sampling contract for the calendar year 2013; and be it further

RESOLVED, That appropriations and estimated revenue within Dept. 2960 (DOH-Education, Children Pre-K), Dept. 2961 (DOH-Education, Children Early Intervention) and Dept. 4010 (Department of Health) will be adjusted in order to pay for said contract; and be it further

RESOLVED, That this resolution does not involve the expenditure of any additional County funds; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase and decrease the following accounts in the amounts indicated:

GENERAL FUND - 2013

Increase Approp. Acct. (Credit):		
A-DOH-4010-E4090	Fees for Services, Non-Employee	51,000
Decrease Approp. Acct. (Debit):		
A-DOH-2960-E5530	Travel, Non-Employees	14,280
A-DOH-2961-E5520	Tuition	36,720
Increase Est. Rev. Acct. (Debit):		
A-DOH-4010-R3401	Public Health Aid	18,360
Decrease Est. Rev. Acct. (Credit):		
A-DOH-2961-R3446	Handicapped Children	18,360

Introduced by: Referral No. 6546
Hon. Michael M. Grant, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 305 OF 2013
APPROVING AGREEMENT IN EXCESS OF $100,000
WITH ESSENTIAL SERVICES & PROGRAMS, LLC,
A DIVISION OF STERLING & STERLING, INC.,
FOR CLAIMS ADJUSTING AND ADMINISTRATION SERVICES
UNDER RFP-RC-2012-027
IN THE AMOUNT OF $150,000 PER YEAR FOR FIVE (5) YEARS
FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED $750,000
WITH POSSIBLE CPI INCREASES ON EACH ANNIVERSARY DATE
FOR THE FULL PERIOD FROM MAY 1, 2013 THROUGH APRIL 30, 2018
AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE
[DEPARTMENT OF INSURANCE]
($750,000)

Mr. Grant offered the following resolution, which was seconded by Mr. Carey and unanimously adopted:

WHEREAS, The Director of Purchasing requested proposals for claims adjusting and administration services under RFP-RC-2012-027 (the "RFP"); and

WHEREAS, One hundred twenty (120) vendors were notified of the RFP through the electronic bid notification system, thirty (30) vendors downloaded the RFP and the County received four (4) responses; and

WHEREAS, The Director of Insurance & Risk Management determined that Essential Services & Programs, LLC ("ES&P"), a division of Sterling & Sterling, Inc., 135 Crossways Park Drive, P.O. Box 9017, Woodbury, New York 11797, was the best qualified, responsible vendor that met all of the specifications of the RFP; and

WHEREAS, ES&P offered a flat fee of $150,000 per year with the option for CPI increases on each anniversary date; and

WHEREAS, ES&P has been the County's third-party administrator since 2005, and it has assisted the County with its cost containment strategies and overall quality control over its account; and

WHEREAS, The Director of Insurance & Risk Management recommends to the County Executive and the Legislature of Rockland County that the County approve the contract in excess of $100,000 with ES&P for claims adjusting and administration services under the RFP in the amount of $150,000 per year for five (5) years and for a total amount not to exceed $750,000 for the full period from May 1, 2013 through April 30, 2018, with possible CPI increases on each anniversary date; and

WHEREAS, Sufficient funding for this contract is provided for in the 2013 Budget of the Insurance Department in Account No. MS-INS-1930-E5150 and is contingent on 2014-2018 budget appropriations; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of $100,000 entered into by the County"; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the contract in excess of $100,000 with Essential Services & Programs, LLC, a division of Sterling & Sterling, Inc., 135 Crossways Park Drive, P.O. Box 9017, Woodbury, New York 11797, for claims adjusting and administration services under RFP-RC-2012-027 in the amount of $150,000 per year for five (5) years and for a total amount not to exceed $750,000 for the full period from May 1, 2013 through April 30, 2018, with possible CPI increases on each anniversary date, and authorizing its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this contract is provided for in the 2013 Budget of the Insurance Department in Account No. MS-INS-1930-E5150 and is contingent on 2014-2018 budget appropriations.

Introduced by: Referral No. 5050
Hon. Michael M. Grant, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Nancy Low-Hogan, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 306 OF 2013
APPROVING THE EXTENSION OF AND AMENDMENT TO THE AGREEMENT IN EXCESS OF $100,000 WITH KPMG, LLP FOR AN AUDIT OF THE FINANCIAL STATEMENTS OF SUMMIT PARK HOSPITAL & NURSING CARE CENTER AS OF AND FOR THE YEAR ENDED DECEMBER 31, 2012 AS REQUIRED BY THE NEW YORK STATE DEPARTMENT OF HEALTH EXTENDING THE TERM OF THE AGREEMENT FROM JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 AND INCREASING THE AMOUNT OF THE AGREEMENT BY $207,500 FOR A TOTAL AMOUNT NOT TO EXCEED $642,500 FOR THE FULL PERIOD FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2013 AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE EXTENSION/AMENDMENT TO THE AGREEMENT
[DEPARTMENT OF HOSPITALS]
($642,500)

Mr. Grant offered the following resolution, which was seconded by Mr. Carey and Mrs. Low-Hogan and unanimously adopted:

WHEREAS, By Resolution No. 276 of 2011, the Legislature of Rockland County approved the agreement in excess of $100,000 with KPMG LLP, 345 Park Avenue, New York, New York 10154, for an audit of the financial statements of Summit Park Hospital & Nursing Care Center (SPNCC) as of and for the year ended December 31, 2010 as required by the New York State Department of Health (NYS DOH) in a total amount not to exceed $233,500 for the period from January 1, 2011 through December 31, 2011; and

WHEREAS, By Resolution No. 206 of 2012, the Legislature approved the extension of and amendment to the agreement in excess of $100,000 with KPMG LLP for an audit of the financial statements of SPHNCC as of and for the year ended December 31, 2011 as required by the NYS DOH, extending the term of the agreement from January 1, 2012 through December 31, 2012, and increasing the amount of the agreement by $201,500, for a total contract sum amount not to exceed $435,000; and

WHEREAS, The Commissioner of the Department of Hospitals recommends to the County Executive and the Legislature of Rockland County that they approve the further extension of and amendment to the agreement in excess of $100,000 with KPMG, LLP for an audit of the financial statements of SPHNCC as of and for the year ended December 31, 2012 as required by the NYS DOH, extending the term of the agreement from January 1, 2013 through December 31, 2013, and increasing the amount of the agreement by an additional $207,500, for a total contract sum amount not to exceed $642,500 for the full period from January 1, 2011 through December 31, 2013; and

WHEREAS, Sufficient funding for the extension of and amendment to the agreement is provided for in the 2013 Adopted Budgets of the Department of Hospitals and the Department of Mental Health; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of $100,000 entered into by the County"; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the further extension of and amendment to the agreement in excess of $100,000 with KPMG, LLP, 345 Park Avenue, New York, New York 10154, for an audit of the financial statements of Summit Park Hospital & Nursing Care Center as of and for the year ended December 31, 2012 as required by the New York State Department of Health, extending the term of the agreement from January 1, 2013 through December 31, 2013, and increasing the amount of the agreement by an additional $207,500, for a total contract sum amount not to exceed $642,500 for the full period from January 1, 2011 through December 31, 2013, and authorizes the County Executive to execute the extension/amendment to the agreement, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for the extension of and amendment to the agreement is provided for in the 2013 Adopted Budgets of the Department of Hospitals and the Department of Mental Health.

Introduced by: Referral No. 5327
Hon. Jay Hood, Jr., Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon Christopher J. Carey, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 307 OF 2013
APPROVING A MEMORANDUM OF UNDERSTANDING AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF PIERMONT, THE VILLAGE OF SUFFERN, THE TOWN OF STONY POINT, THE TOWN OF HAVERSTRAW, VILLAGE OF SOUTH NYACK/GRANDVIEW, THE TOWN OF RAMAPO, AND THE TOWN OF ORANGETOWN FOR THE OPERATION OF THE ROCKLAND COUNTY RESCUE ENTRY AND COUNTER TERRORISM (REACT) TEAM FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2016 AND AUTHORIZING EXECUTION OF THE AGREEMENT BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT]

Mr. Grant offered the following resolution, which was seconded by Mrs. Low-Hogan and Mr. Wolfe and unanimously adopted:

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any Memorandum of Understanding Agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, The County of Rockland through the Sheriff's Department and the Village of Piermont, the Village of Suffern, the Town of Stony Point, the Town of Haverstraw, the Village of South Nyack/Grandview, the Town of Ramapo and the Town of Orangetown, desire to enter into an Memorandum of Understanding Agreement, for the operation of the Rockland County Rescue Entry and Counter Terrorism (REACT) Team, for the period January 1, 2013 through December 31, 2016; and

WHEREAS, There are no funds required under this Memorandum of Understanding; and

WHEREAS, The Public Safety and Budget and Finance Committees of the Legislature have met considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the execution of the Memorandum of Understanding between the County of Rockland through the Sheriff's Department and the Village of Piermont, the Village of Suffern, the Town of Stony Point, the Town of Haverstraw, the Village of South Nyack/Grandview, the Town of Ramapo and the Town of Orangetown, for the operation of the Rockland County Rescue Entry and Counter Terrorism (REACT) Team, for the period January 1, 2013 through December 31, 2016, subject to the approval of the County Attorney; and be it further

RESOLVED, There is no money involved in this Memorandum of Understanding.

Introduced by: Referral No. 6704
Hon. Jay Hood, Jr., Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Toney L. Earl, Sponsor
Hon Christopher J. Carey, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 308 OF 2013
APPROVING INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF SUFFERN POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED $6,805 IN ORDER TO REIMBURSE SUFFERN FOR OVERTIME COSTS RELATED TO A SUFFERN OFFICER ASSIGNED TO THE R.C. DRUG TASK FORCE WITHIN THE PERIOD JANUARY 1, 2012 THROUGH MARCH 31, 2013 AND AUTHORIZING EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE
[OFFICE OF THE DISTRICT ATTORNEY]
($6,805)

Mr. Grant offered the following resolution, which was seconded by Mr. Schoenberger and Mr. Wolfe and unanimously adopted:

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any intermunicipal cooperation agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, The County of Rockland, through its Office of the District Attorney, and the Village of Suffern Police Department desire to enter into an intermunicipal cooperation agreement in an amount not to exceed $6,805, in order to reimburse Suffern for overtime costs related to a Suffern officer assigned to the Rockland County Drug Task Force within the period January 1, 2012 through March 31, 2013; and

WHEREAS, Sufficient funding to cover this agreement exists within the 2013 Operating Budget of District Attorney department FA03, line E4500; and

WHEREAS, The Public Safety and Budget and Finance Committees of the Legislature have met considered and unanimously approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the execution of an intermunicipal cooperation agreement between the County of Rockland, through its Office of the District Attorney, and the Village of Suffern Police Department in an amount not to exceed $6,805, in order to reimburse Suffern for overtime costs related to a Suffern officer assigned to the Rockland County Drug Task Force within the period January 1, 2012 through March 31, 2013, and authorizing execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding to cover this agreement exists within the 2013 Operating Budget of District Attorney department FA03, line E4500.

Introduced by: Referral No. 8850
Hon. Michael M. Grant, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 309 OF 2013
ESTABLISHING ONE POSITION
AND ABOLISHING ONE POSITION
IN THE ROCKLAND COUNTY CLERK'S OFFICE

Mr. Grant offered the following resolution, which was seconded by Mr. Murphy and unanimously adopted:

WHEREAS, The County Clerk is requesting the establishment of one position along with the concurrent abolishment of one position to support essential functions, and

WHEREAS, The Department of Personnel has reviewed a job description for one position and has made an appropriate civil service classification, and

WHEREAS, The County Clerk is requesting no additional funds to establish this position, and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That one position of Records Clerk, position #9100 (SG 8 - $36,380 - $43,576) be hereby established in the Rockland County Clerk's Office – 1410, and be it further

RESOLVED, That one position of Records Clerk (French-Creole Speaking), position #7747 – (SG 8 - $36,380 - $43,576) be concurrently abolished.

Introduced by: Referral No. 2784
Hon. Michael M. Grant, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Frank A. Sparaco, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO. 310 OF 2013
ESTABLISHING ONE POSITION
IN THE DEPARTMENT OF HEALTH
OFFICE OF THE MEDICAL EXAMINER

Mr. Grant offered the following resolution, which was seconded by Mr. Jobson and unanimously adopted:

WHEREAS, The Acting Commissioner of Health is requesting the establishment of one relief position to help support essential functions in the Office of the Medical Examiner, and

WHEREAS, The Department of Personnel has reviewed a job description for one position and has made an appropriate civil service classification, and

WHEREAS, The Acting Commissioner of Health is requesting no additional funds to establish this position, and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That one position of Medical Investigation Assistant (Relief), position #9101 (SG 52 - $43,639 - $52,726) be hereby established in the Department of Health – 1185, and be it further

RESOLVED, That the title of Medical Investigation Assistant (Relief) be allocated to salary grade 52 ($43,639- $52,726) as provided in the contract between the County of Rockland and the Civil Service Employees' Association.

Introduced by: Referral No. 2962
Hon. Philip Soskin, Sponsor
Hon. Jay Hood, Jr., Sponsor
Hon. Aney Paul, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Patrick J. Moroney, Sponsor
Hon. Alden H. Wolfe, Sponsor

RESOLUTION NO 311 OF 2013
CONFIRMING THE APPOINTMENT OF
DALTON W. BURKE, CHESTNUT RIDGE, NEW YORK
TO THE ROCKLAND COUNTY
OFFICE FOR THE AGING ADVISORY COUNCIL

Mr. Earl offered the following resolution, which was seconded by Mrs. Paul, Mr. Schoenberger and Mr. Wolfe and unanimously adopted:

WHEREAS, By Resolution No. 924 of 1974, the Office for the Aging Advisory Committee (currently referred to as the Rockland County Office for the Aging Advisory Council) was established, to be composed of at least fifty (50%) percent of persons sixty (60) years or over; and

WHEREAS, Section C3.02 of the Charter Law of Rockland County provides that the County Executive shall appoint members of all county boards and commissions, subject to legislative confirmation; and

WHEREAS, The By-Laws of the Rockland County Office for the Aging Advisory Council require twenty-seven (27) members; and

WHEREAS, There are currently seventeen (17) members on the Rockland County Office for the Aging Advisory Council, 65% of whom are over the age of sixty (60); and

WHEREAS, The County Executive has appointed Dalton W. Burke, Chestnut Ridge, New York, to the Rockland County Office for the Aging Advisory Council to serve at his pleasure, subject to legislative confirmation, and

WHEREAS, Dalton W. Burke is under the age of sixty (60) and is filling a vacancy on the Rockland County Office for Aging Advisory Council; and

WHEREAS, Dalton W. Burke is the Chief Financial Officer at the New York State Vets Home of St. Albans and he has a history of working with and advocating for seniors; and

WHEREAS, The Multi-Services Committee of the Legislature has met, considered and unanimously approved this resolution; now therefore be it

RESOLVED, That Legislature of Rockland County hereby confirms the appointment of Dalton W. Burke, Chestnut Ridge, New York, to the Rockland County Office for the Aging Advisory Council, to serve at the pleasure of the County Executive; and be it further

RESOLVED, That the Clerk to the Legislature is hereby directed to send a copy of this resolution to the Rockland County Advisory Council and to the appointee, Dalton W. Burke.

RESOLUTION NO. 312 OF 2013
WAIVE THE RULES OF THE LEGISLATURE
TO CONSIDER PROPOSED RESOLUTION
UNDER NEW BUSINESS

Chairwoman Cornell offered the following resolution, which was seconded by Mr. Jobson, Mr. Schoenberger and Mr. Wolfe and unanimously adopted:

RESOLVED, that the Rules of the Legislature be waived to consider Item 12 B, Resolution No. 313 of 2013 under New Business.

NEW BUSINESS
Referral No. 2994

Introduced by:
Hon. Harriet D. Cornell, Sponsor
Hon. Alden H. Wolfe, Co-Sponsor

RESOLUTION NO. 313 OF 2013
CLARIFYING AND SUPPORTING RESOLUTION NO. 457 OF 2012
DESIGNATING BREGA TRANSPORT CORP.
THE LOWEST RESPONSIVE AND RESPONSIBLE
BIDDER ON RFB-RC-2012-002 FOR THE
OPERATION AND MAINTENANCE OF THE
TRANSPORT OF ROCKLAND AND TAPPANZEE EXPRESS
PUBLIC TRANSIT SYSTEMS
[LEGISLATURE OF ROCKLAND COUNTY]

Mr. Schoenberger offered the following resolution, which was seconded by Mr. Day, Mr. Jobson and Mr. Wolfe and adopted:

WHEREAS, The resolution herein is intended to clarify and support the record of the proceedings before the Legislature of Rockland County for said approval of Resolution No. 457 of 2012 designating Brega Transport Corp. the lowest responsive and responsible bidder on RFB-RC-2012-002 for the operation and maintenance of the Transport of Rockland and TAPPANZEE Express Public Transit Systems; and

WHEREAS, As reflected in the legislative proceedings, a draft resolution proposed by the Department of General Services – Division of Purchasing entitled "Determining That The Variances Identified In The Bids of Brega Transport Corp., MV Transportation and Rockland Transit Corp. Are Material and Rejecting Said Bids As Non-Responsive To The Requirements of RFB-RC-2012-002 For Transit Operations and Maintenance" was considered by the Budget and Finance Committee (the "Committee") on July 9, 2012; and

WHEREAS, As part of the basis for its determination, the Division of Purchasing prepared a supporting memorandum dated May 31, 2012 (the "Purchasing Memorandum") for the Committee; and

WHEREAS, The Commissioner of Public Transportation and the Department of Law made a presentation on behalf of the Division of Purchasing at said meeting wherein members of the Committee asked questions of the Commissioner and Deputy County Attorney as well as representatives of the bidders, including Brega Transport Corp.; and

WHEREAS, No formal action was taken at the meeting and the Committee deferred the resolution for further consideration; and

WHEREAS, The draft resolution was thereafter placed on the agenda of the Committee held on September 12, 2012; and

WHEREAS, At the Committee meeting held on September 12, 2012, several questions were asked of Richard Brega, President of Brega Transport Corp., regarding its experience to perform the services required under RFB-RC-2012-002 and to explain how that experience compared to the experience requirements in the bid specifications; and

WHEREAS, Richard Brega specifically (i) described his past performance on transportation contracts and illustrated how the proposed management team has the combined experience for the operation of these services; (ii) represented that the proposed management team has worked with NJ Transit, NYC Transit and So. Pennsylvania Transit as well as Rockland Transit; and (iii) identified that the proposed management team has maintained multiple contracts totaling $1 billion and over 5,000 buses; and

WHEREAS, The information and explanation provided by Richard Brega, President of Brega Transport Corp. was satisfactory to the Committee; and

WHEREAS, Various legislators made comments regarding their considerations for modifying the draft resolution so as to approve a contract for these services with Brega Transport Corp.; and

WHEREAS, A motion was thereafter made to amend the draft resolution to approve a contract for these transportation services with Brega Transport Corp. and, upon due deliberation, the Committee formally approved a proposed resolution for that purpose in accordance with Local Law No. 16 of 1996; and

WHEREAS, Subsequently, a proposed resolution was drafted with legislative findings for consideration of the full Legislature at the meeting to be held on September 19, 2012; and

WHEREAS, On September 19, 2012, the Legislature of Rockland County approved Resolution No. 457 of 2012 by a vote of 14 to 1 with one abstention and one absence, finding that Brega Transport Corp. was the lowest responsive and responsible bidder on RFB-RC-2012-002 for the operation and maintenance of Rockland County's public transit systems and approved the execution by the County Executive of a five-year contract with Brega Transport Corp.; and

WHEREAS, The County Attorney has advised the County Executive and County Legislature that under General Municipal Law §103 the County must make an award "on the basis provided for in the specifications and determine the lowest responsible bidder in accordance with the specifications"; and

WHEREAS, The County, therefore, must award the contract to the lowest dollar bidder who has complied with the specifications and is a responsible bidder; and

WHEREAS, In determining the lowest dollar bid, the County may not use criteria or a method not disclosed in or materially varying from, the bid specifications; and

WHEREAS, However, it has been generally held that a political subdivision may waive technical non-compliance with the bid specifications if the deviation is minor or not substantial and if it is in the best interests of the political subdivision to do so; and

WHEREAS, Upon the record of the proceedings and considerations of the Legislature of Rockland County, it found that the variances identified in the Purchasing Memorandum do not support a basis for the determination that the variances were material and, to the contrary, are not substantial to warrant a determination of non-responsiveness; and

WHEREAS, The determination herein by the Legislature of Rockland County does not give Brega Transport Corp. a substantial advantage not enjoyed by other bidders or prospective bidders and is in the best interests of the County; and

WHEREAS, It has been held that, as a general rule, a political subdivision has the right to determine, in furtherance of the underlying purposes of competitive bidding, whether a variance from specification is material or a mere irregularity that may be waived, and its determination generally will be upheld if supported by a rational basis; and

WHEREAS, The basis for the determination by the Legislature of Rockland County (that the variances in the bid of Brega Transport Corp. identified in the Purchasing Memorandum referring to Special Experience Standards, References, Summary of personnel actions, qualifications of key personnel and Compliance with Employee Protective Agreements applicable to this type of contract were not material) included, but was not limited to the satisfactory information and explanation provided by Richard Brega, President of Brega Transport Corp., in the record of the proceedings regarding its experience in transportation services, identification of key personnel with extensive transportation experience, lack of relevant personnel actions and that the underlying contract will require Brega Transport Corp. to comply with the terms and conditions determined by the U.S. Secretary of Labor to be fair and equitable to protect the interests of employees employed under this RFB and to meet the employee protective requirements of 49 U.S.C. section 5333(b) (also known as section 13-c) and the Department of Labor guidelines at 29 C.F.R. part 215 in any contract for these transportation services; and

WHEREAS, In addition to the determination of responsiveness, the determination of responsibility by a political subdivision is a question of fact to be determined on a case-by-case basis in accordance with the established criteria; and

WHEREAS, Thus, in making this determination, the Legislature of Rockland County may examine such materials and documents in connection with the bidder's background as it reasonably deems relevant to the bidder's responsibility; and

WHEREAS, In making a determination that a bidder is responsible, the Legislature of Rockland County may base its determination upon many factors, including but not limited to the bidder's (i) financial and organizational capacity; (ii) legal authority to do business in the State; (iii) integrity of the owners, officers, principals, members and contract managers; and (iv) past performance of bidder on prior government projects; and

WHEREAS, Brega Transport Corp., as the lowest bidder, was afforded an opportunity to explain its qualifications to provide these transportation services and that said explanation was made to the satisfaction of the Legislature of Rockland County at the proceedings held herein; and

WHEREAS, The Legislature of Rockland County determined that Brega Transport Corp. was a responsible bidder in approving Resolution No. 457 of 2012 and the determination is supported by the (i) results of an inquiry to the New York State Department of State that confirms the active status of Brega Transport Corp. as a domestic business corporation duly formed and existing by virtue of the laws of the State of New York; (ii) results of a search of the System for Award Management ("SAM") that confirms that Brega Transport Corp. has not been debarred or restricted by any federal agency for contracting purposes; (iii) results of search relating to information pertaining to licensing, debarment and Disadvantage Business Enterprises ("DBE") Certification for the subcontractors proposed by Brega Transport Corp.; and (iv) satisfaction of the Responsibility Criteria in accordance with Federal Transportation Administration ("FTA") Circular 4220.1F covering Integrity and Ethics, Debarment and Suspension, Affirmative Action and Disadvantaged Business Enterprises, Public Policy, Administrative and Technical Capacity, Licensing and Taxes, Financial Resources, Production Capability, Timeliness, Performance Record and Cost Analysis; and

WHEREAS, Moreover, the procurement guidelines promulgated by the State of New York permit the County to initially review the low bid to determine whether or not the bid is responsive by meeting all mandatory requirements and to determine whether or not the low bidder is responsible; and

WHEREAS, Only where the low bid is not found to be responsive or the low bidder is not found responsible, must the next lowest bid be reviewed; and

WHEREAS, Consequently, Brega Transport Corp., who submitted the lowest bid, was found by the Legislature of Rockland County to be responsive and responsible so as to obviate any need for a determination of the responsiveness and responsibility of the next lowest bidder; now therefore be it

RESOLVED, The Legislature of Rockland County hereby clarifies and supports its determination that Brega Transport Corp. was the lowest responsive and responsible bidder on RFB-RC-2012-002 for the operation and maintenance of Transport of Rockland and TAPPANZEE Express public transit services; and be it further

RESOLVED, That the Clerk to the Legislature is directed to index this resolution with Resolution No. 457 of 2012 so that the resolutions are part and parcel of each and one another.

The vote resulted as follows:

Ayes:	11	(Legislators Carey, Day, Earl, Grant, Jobson, Low-Hogan, Paul, Schoenberger, Sparaco, Wolfe, Cornell)
Abstain:	01	(Legislator Murphy, President and Chairman of the Board of Camp Venture. Brega supplies bus service for Camp Venture)
Absent:	05	(Legislators Hood, Jr., Meyers, Moroney, Soskin, Wieder)

Debate:

Chairwoman Cornell

This Legislature has voted to award the contract to Brega Transport Corp. for running our TAPPANZEE Express and Transport of Rockland. We wish you great good luck.

Mr. Schoenberger

Hopefully this will be the last stop on a 2 ½ year bus ride.

Chairwoman Cornell

We certainly hope so. We wish for great success for the company and for our residents.

Mr. Schoenberger offered to waive the Rule of the Legislature to consider a proposed resolution under new business, Referral No. 7070 – Releasing And Distributing 2012/2013 Sales Tax Proceeds To Towns And Villages In Accordance With And As Provided By New York State Law, which was seconded by Mr. Sparaco and failed:

The vote resulted as follows:

Ayes: 7 (Legislators Carey, Day, Earl, Jobson, Schoenberger, Sparaco, Cornell)

Nays: 5 (Legislator Grant, Low-Hogan, Murphy, Paul, Wolfe)

Absent: 5 (Legislators Hood, Jr., Meyers, Moroney, Soskin, Wieder)

There was no vote on the proposed resolutions since the new business waiver failed.

Debate:

Mr. Grant

I do not see any immediate need for this resolution. There is no pressing emergency. In fact, my understanding is the County Executive has agreed to release proceeds, at the very least, to the villages this week. I would be happy to discuss this in the Budget and Finance Committee.

RESOLUTION NO. 314 OF 2013
RECEIVE AND FILE 2010 ANNUAL REPORT
OF THE ROCKLAND COUNTY SHERIFF'S OFFICE

Chairwoman Cornell offered the following resolution, which was seconded by Mr. Grant and unanimously adopted:

RESOLVED, that the Year 2012 Annual Report of the Rockland County Sheriff's Office be and it is hereby received and filed.

Comments from Legislators

Legislator John A. Murphy

I didn't want the occasion to pass without recalling the memory of Bob Crable who was a Legislator and has a very personal history with me. The first time I ran for the Legislature I ran against him. Oddly enough after the election we became forty-year friends. He put all his partisan politics aside and become my partner in many of my charitable endeavors. His compassion is a little greater than his partisanship and we had a wonderful forty-year friendship. He will be sadly missed. He was quite a Legislator. I hope you will all remember him in your prayers.

ADJOURNMENT IN MEMORY OF RITA E. FLEMING

Chairwoman Cornell offered the following memorial, which was seconded by Mrs. Paul and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Rita E. Fleming.

ADJOURNMENT IN MEMORY OF HELEN T. GILLIKIN

Mr. Murphy offered the following memorial, which was seconded by Mr. Jobson and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Helen T. Gillikin.

ADJOURNMENT IN MEMORY OF GERRY QUATTROCK

Mr. Murphy offered the following memorial, which was seconded by Mr. Jobson and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Gerry Quattrock.

ADJOURNMENT IN MEMORY OF MAE LOUISE SCROCCO

Mr. Moroney offered the following memorial, which was seconded by Mr. Murphy and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Mae Louise Scrocco.

ADJOURNMENT IN MEMORY OF KEN VENTURI

Mr. Moroney offered the following memorial, which was seconded by Mr. Hood, Jr. and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Ken Venturi.

ADJOURNMENT IN MEMORY OF DAVID FARKAS

Mr. Day offered the following memorial, which was seconded by Mrs. Paul and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of David Farkas.

ADJOURNMENT IN MEMORY OF ALEX SMYRYCHYNSKI

Mr. Day offered the following memorial, which was seconded by Mr. Sparaco and unanimously approved:

RESOLVED, that the Legislature of Rockland County adjourn this meeting in memory of Alex Smyrychynski.

RESOLUTION NO. 315 OF 2013 ADJOURNMENT

Mr. Murphy offered the following resolution, which was seconded by Mr. Jobson and unanimously adopted (7:49 p.m.)

RESOLVED, that the meeting of the Legislature is hereby adjourned to Tuesday, June 4, 2013 at 7:00 p.m.

Respectfully Submitted,

DARCY SHAPIN - GREENBERG
Proceedings Clerk