

Hurricane Irene – Tropical Storm Lee Business Flood Recovery Grant Program (X592)

General Project Plan #7 – Mohawk Valley Region Public Hearing

I. Program Summary

Grantees: The entities listed in the attached spreadsheet (“GPP #7 Applicant List”). Entities consist of small businesses, not-for-profit organizations, farms, or owners of multiple-unit residential dwellings consisting of three or more dwelling units.

ESD* Investment: Up to \$21 million of a \$50 million Hurricane Irene – Tropical Storm Lee Flood Recovery Grant appropriation is to be used to provide local assistance grants (“*Business Flood Recovery Grants*”) to be used for storm-related repairs and restoration of structures, and for other storm-related costs. Individual grants shall not exceed 50% of storm-related damage up to a maximum of \$20,000.

* The New York State Urban Development Corporation doing business as Empire State Development (“ESD” or the “Corporation”)

Project Locations: New York State. The locations of entities included in General Project Plan #7 are indicated in GPP #7 Applicant List.

Regional Council: The Mohawk Valley Regional Economic Development Council has been made aware of this item.

Eligible Costs Date: On or after August 28, 2011 with respect to physical flood-related damage resulting from Hurricane Irene; on or after September 7, 2011 with respect to direct physical flood-related damage resulting from Tropical Storm Lee.

**Anticipated
Appropriation
Source:**

Local Assistance

ESD Project No.: X592 – Business Flood Recovery Grant Program (the “Program”)

Project Team:

Project Management	Brendan Healey/ Christine Costopoulos
Legal	Eunice Jackson
Contractor & Supplier Diversity	Denise Ross
Environmental	Soo Kang

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II. Program Description

A. Background

Hurricane Irene made landfall in New York on August 28, 2011. Shortly thereafter, Tropical Storm Lee struck New York on September 7, 2011. Both storms caused extensive flooding and substantial damage across New York. Following the aftermath of Hurricane Irene and Tropical Storm Lee, President Obama issued a state of emergency declaration for New York State, which allowed affected New Yorkers access to federal disaster relief funds. In an effort to provide additional flood disaster related relief aid, Governor Cuomo and the Legislature created the Hurricane Irene-Tropical Storm Lee Flood Recovery Grant Program and appropriated \$50 million for assistance to businesses and communities that suffered losses as a result of these disasters. The enabling legislation for the Program designated \$21 million of the appropriation to be used for grants of up to \$20,000 to be used for storm-related repairs and restoration to structures and for other storm-related costs for small businesses, farms, owners of multiple-unit residential dwellings, and not-for-profit organizations that sustained direct physical flood-related damage as a result of Hurricane Irene or Tropical Storm Lee. The legislation empowers ESD to establish guidelines and such additional eligibility criteria as it deems necessary to effectuate the use and administration of this allocation, giving preference to those applicants that demonstrate the greatest need, based upon damage data provided by applicable federal agencies.

In January 2012, ESD's Directors approved guidelines for the Hurricane Irene – Tropical Storm Lee Business Flood Recovery Grant Program (the "Program Guidelines"). In addition, the ESD Directors delegated to the President and Chief Executive Officer of the Corporation or his designee(s) the authority to: 1) accept applications for grants; 2) approve grants; 3) make any necessary findings or take any necessary action that the Corporation may be required to take under the New York State Urban Development Corporation Act and other applicable law and regulations to effectuate the Program; 4) approve project plans for the Program; 5) hold any public hearings that may be necessary pursuant to applicable law; 6) act on behalf of the Corporation to affirm, modify or withdraw any contemplated grant assistance as a result of testimony given at any such hearing, if necessary; and, 7) disburse grant funds.

B. Grant Description

The Program is made available from \$21 million of a \$50 million Hurricane Irene–Tropical Storm Lee Flood Recovery Grant state appropriation to ESD for Local Assistance. Eligible small businesses, farms, not-for-profit organizations, and owners of multiple-unit residential dwellings consisting of three or more dwelling units, that sustained direct physical flood-related damage as a result of Hurricane Irene or Tropical Storm Lee may receive grants of up to 50% of storm-related losses up to a maximum of \$20,000 for the cost of eligible storm-related repairs and restoration to structures and for other storm-related costs. Losses eligible for

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grant funds include, but are not limited to, repair or replacement of damaged or destroyed real property and other tangible assets, including equipment, furniture, fixtures, supplies, inventory, chattel property and products of and materials for farm operations, including, feed, and orchard and vineyard root stock, but not the crops grown thereon. Losses must be for property and items used or created in the normal and customary course of operations of the eligible business entity. Financial and operating losses and relocation expenses are not eligible losses.

Grants may also be applied or used to pay down SBA loans an applicant may have taken out to cover storm-related losses. To the extent possible, assistance will be provided to applicants that demonstrate the greatest need, based on available flood damage assessments provided by relevant federal agencies.

In January 2012, ESD began accepting applications for the Program. The postmark deadline for receipt of applications was March 16, 2012. ESD received 943 applications in total. In July 2012, ESD completed its preliminary review of all applications received by the submission deadline and determined that, 585 applicants met the eligibility requirements for the Program and the remainder either had incomplete applications or were ineligible. The application for each of the 585 applicants who were preliminarily determined eligible was included in one of six General Project Plans prepared at that time, grouped geographically based upon the location of the applicant. ESD mailed ineligibility letters to applicants determined to be ineligible with instructions on how to appeal the determination.

As a result of applicants' completing applications and ineligibility appeals that resulted in reversal of initial determinations of ineligibility, ESD has determined that an additional 48 applicants meet the eligibility requirements for the Program. These 48 applicants will be included in one of five General Project Plans that will be now be created (and will be numbered General Project Plan #7-11). It should be noted that 3 of the 48 applicants included in the current GPP 's were also included in one of the original six GPP's but were not fully processed because of clerical errors in the original GPP project information.

All grants must be presented for comment at a public hearing and must obtain Public Authorities Control Board approval. The final amount and payment of a grant is conditioned upon compliance with the Program Guidelines, including but not limited to submitting documentation acceptable to ESD of both the eligible loss and payment for the repair or replacement of the eligible loss. All grant applications are subject to audit by ESD. Grants may either be reduced or recaptured to the extent that a Grantee does not comply with the Program Guidelines. The Grantees may each receive a grant of up to \$20,000.

C. GPP #7 Applicant List

Staff recommends that the entities listed in the attached spreadsheet receive grant funding of up to \$20,000, subject to and conditioned upon, providing adequate proof and documentation

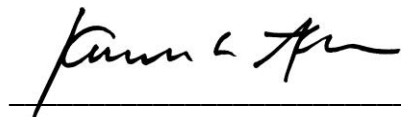
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of eligible loss and expenditures for repair or replacement, compliance with Program requirements and final audit by ESD. ESD will determine individual grant amounts once final audit of an application is complete. Grant funds must be used for flood related repairs, including, but not limited to, repair or replacement of real property, equipment, furniture, fixtures, supplies, inventory, and products of and materials for farm operations.

Upon final ESD audit of individual applicants named in the attached spreadsheet, assuming that all project approvals have been completed and funds are available, I hereby authorize ESD to make grants of up to \$20,000 to the applicants named in the attached spreadsheet.

III. Statutory Basis-Hurricane Irene Tropical Storm Lee Flood Recovery Grant Program

The Program was authorized in the 2011-2012 New York State budget and was reappropriated in the 2012-2013 New York State budget. No residential relocation is required as there are no families or individuals being displaced by the project.



Kenneth Adams
President and Chief Executive Officer

March 26, 2013

Date

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GPP #7 Applicant List – Mohawk Valley Region Public Hearing

The list of applicants below is sorted alphabetically within each county.

Applicant Name	Address 1	City	Zip Code	County	Project Description
All Hay Farm, LLC	2331 State Highway 5s	Amsterdam	12010	Montgomery	Inventory, Machinery & Equipment
Charles Herzog d/b/a C. Herzog Supply	22 Main Street	East Worcester	12064	Otsego	Furniture & Fixtures, Inventory, Machinery & Equipment, Real Estate Repair/Replacement
Bush Lumber Company, Inc.	109 Chestnut Lane	Middleburgh	12122	Schoharie	Inventory, Machinery & Equipment, Motor Vehicles (business vehicles), Real Estate Repair/Replacement
Four Star Realty Group, Inc.	322 Main Street	Middleburgh	12122	Schoharie	Furniture & Fixtures, Machinery & Equipment, Real Estate Repair/Replacement
Shelsamco, Inc.	4453 State Route 30	Middleburgh	12122	Schoharie	Real Estate Repair/Replacement
Clapper's Glass Bar, Inc.	301 Main Street	Schoharie	12157	Schoharie	Furniture & Fixtures, Inventory, Machinery & Equipment
Diana L. Bell	152 Grand Street	Schoharie	12157	Schoharie	Real Estate Repair/Replacement