

**A. Otsego County – Hurricane Irene – Tropical Storm Lee Flood Mitigation Capital
(X909 and Y375)
March 20, 2013**

General Project Plan

- Grantee:** Otsego County (the “County”)
- Beneficiary
Organization:** Otsego Soil and Water Conservation District (“Otsego SWCD”)
- ESD Investment:** A grant of up to of \$449,618 to be used for a portion of the cost of flood mitigation and flood control projects within the County.
- Project Locations:** Towns of Unadilla, Richfield, Roseboom, Laurens, Oneonta, Middlefield, Exeter, Otego, and Milford; Otsego County
- Project Type:** The project will entail flood mitigation activities to reduce future flooding in the Project Locations.
- Regional Council:** The Mohawk Valley Regional Economic Development Council has been made aware of this item. The project will help to protect the natural beauty and resources of the region, enabling it to create a vibrant future by promoting and sustaining a diverse, integrated and dynamic economy that capitalizes on technology and innovation to drive collaboration, inclusiveness and efficiency in all endeavors.

Background:

History – Otsego County was one of three counties split off from Montgomery (the other two being Herkimer and Tioga). Otsego County was officially established on February 16, 1791, with Cooperstown as its county seat, although at the time the village of Cherry Valley was much larger. The original county consisted of three large townships: Cherry Valley in the northeast, Otsego in the northwest and Harpersfield in the south.

The Otsego County Soil and Water Conservation District works with landowners, land management agencies, local governments, and other agencies in addressing a broad spectrum of resource concerns: erosion control, flood prevention, water conservation and use, wetlands, groundwater, water quality and quantity, non-point source pollution, forest land protection, wildlife, recreation, waste water management, and community development.

As a Soil and Water Conservation District in the New York portion of the Chesapeake Bay Watershed, Otsego County is a member of the Upper Susquehanna Coalition (“USC”).

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The USC focuses on agricultural sustainability, stream stabilization and wetland restoration.

Size - The 16 proposed projects are drawn from a total of 40 known sites where erosion is damaging improved properties in Otsego County.

ESD Involvement – a \$449,618 appropriation was included in the 2011-2012 and 2012-2013 New York State budgets. The funding award was made in conjunction with the New York State Department of Environmental Conservation (“NYSDEC”).

The projects will also serve as the local match for nine approved Natural Resource Conservation Service Emergency Watershed projects.

Past ESD Support – This is the first grant for both Otsego County and the Otsego County Soil and Water Conservation District.

The Project:

Completion – October 2013

Activity – The Otsego County Soil and Water Conservation District, as the sponsoring organization for Otsego County, will undertake the following nine projects included in the application submitted by Otsego County, as well as an additional six projects. The project commenced in the winter of 2012 and will conclude in the fall of 2013. Individual project activity is listed under the disbursement terms in the *Financial Terms and Conditions* section.

Results – The much-needed activity in the 16 selected projects will remediate, mitigate and reduce future flooding in the selected areas affected by Hurricane Irene and Tropical Storm Lee.

Financing Uses	Amount	Financing Sources	Amount	Percent
Flood Mitigation Projects	\$940,749	ESD Grant (X909)	\$326,160	35%
		New York State Division of Homeland Security and Emergency Services Grant (Y375)	123,458	13%
		Natural Resources Conservation Service (Federal) Funding	491,131	52%
Total Project Costs	\$940,749	Total Project Financing	\$940,749	100%

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Grantee/

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Project Team:	Project Management	Brendan Healey
	Legal	Eunice Jackson
	Contractor & Supplier Diversity	Denise Ross
	Environmental	Soo Kang

Financial Terms and Conditions:

1. Upon execution of the grant disbursement agreement, the County will reimburse ESD for all out-of-pocket expenses incurred in connection with the project.
2. The County will be obligated to advise ESD of any materially adverse changes in its financial condition prior to disbursement.
3. Up to \$449,618 will be disbursed to Grantee as follows:
 - a) An Initial Disbursement of an amount equal to 50% of the grant (\$224,809) upon execution of a Grant Disbursement Agreement, assuming that all project approvals have been completed and funds are available;
 - b) As individual projects are completed, subsequent disbursements up to \$224,809 will be made upon receipt of documentation verifying that: 1) 100% of the \$224,809 advance has been invested pursuant to program requirements; 2) that an individual approved project(s) has been completed; and 3) payment of the individual project costs.

Disbursements shall be made assuming that all project approvals have been completed and funds are available. Payment will be made upon presentation to ESD of an invoice and such other documentation as ESD may reasonably require. Expenses must be incurred on or after July 13, 2012 to be considered eligible project costs.

The grant funding is allocated as follows:

Iduma Creek: This project includes stabilization of the right bank and debris removal through a 490-foot section in the Town of Unadilla to reduce erosion and protect an active agricultural operation. Up to \$32,000 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation

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verifying project costs of at least \$32,000.

Lidell Creek: This project includes the stabilization of both banks and debris removal through a 1,700-foot section in the Town of Richfield to reduce erosion and protect an active agricultural operation and residences around Canadarago Lake. Up to \$15,000 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation verifying project costs of at least \$15,000.

Sheep Pen Creek: This project includes the stabilization of a 200-foot section of Sheep Pen Creek to reduce erosion and protect the Town of Unadilla's infrastructure. Up to \$18,620 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation verifying project costs of at least \$67,045.

Pleasant Brook: This project includes the stabilization of a 275-foot section of an unnamed tributary to Pleasant Brook to reduce erosion and protect the Town of Roseboom's infrastructure. Up to \$26,200 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation verifying project costs of at least \$98,530.

Lake Brook: This project includes the stabilization of a 1,590-foot section of Lake Brook to reduce erosion and protect adjacent private, Town of Laurens, school, and County property and infrastructure. Up to \$79,000 is allocated to Grantee for completion of the project substantially described in these materials and receipt of documentation verifying project costs of at least \$79,000.

Unnamed Tributary of Susquehanna River: This project involves the stabilization of a 1,150-foot section of an unnamed tributary to the Susquehanna River and replacement of inadequate storm water infrastructure to reduce erosion and flooding of approximately 70 low-income individual residences. Up to \$10,000 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation verifying project costs of at least \$10,000.

Cherry Valley Creek: This project includes the stabilization of a 150-foot section of Cherry Valley Creek to further reduce erosion and protect a private residence. Up to \$46,950 is allocated to Grantee for completion of the project substantially described in these materials and receipt of documentation verifying project costs of at least \$46,950.

Herkimer Creek: This project includes the stabilization of the left bank and debris removal through a 150-foot section of Herkimer Creek to reduce erosion and protect the Town of Exeter and County infrastructure. Up to \$19,000 is allocated to Grantee for

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completion of the project substantially described in these materials and receipt of documentation verifying project costs of at least \$19,000.

Otsdawa Creek: This project includes the stabilization of both stream banks and debris removal through a 1,300-foot section of Otsdawa Creek to reduce erosion and protect private and public property and infrastructure. Up to \$48,840 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation verifying project costs of at least \$48,840.

Goodyear Lake: This project includes the stabilization of both stream banks through a 250-foot section of an unnamed tributary to Goodyear Lake to reduce erosion and protect commercial and agricultural properties. Up to \$30,550 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation verifying project costs of at least \$30,550.

Lovers Lane: This project will rehabilitate both banks and remove debris through a 60-foot section of Sand Hill Creek in order to reduce excessive erosion and protect a road bridge. Up to \$31,670 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation verifying project costs of at least \$126,681.

Ben McCumber Road Site 2: This project will rehabilitate the right bank through a 250-foot section of Sand Hill Creek in order to reduce excessive erosion and protect an adjacent road. Up to \$50,420 is allocated to Grantee for completion of the project substantially described in these materials and receipt of documentation verifying project costs of at least \$201,681.

Prentice Gorge Site 1: This project will rehabilitate both banks through a 60-foot section of a tributary to Butternut Creek in order to reduce excessive erosion and protect an adjacent road and culverts. Up to \$18,423 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation verifying project costs of at least \$73,694.

Prentice Gorge Site 2: This project will rehabilitate both banks through a 30-foot section of a tributary to Butternut Creek in order to reduce excessive erosion and protect an adjacent road and culverts. Up to \$5,508 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation verifying project costs of at least \$22,032.

Adair Site 2: This project will rehabilitate the left hand bank through a 35-foot section of Pleasant Brook in order to reduce excessive erosion and protect an adjacent road and

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culverts. Up to \$10,480 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation verifying project costs of at least \$41,917.

Hoose Road: This project will rehabilitate both banks through a 90-foot section of Snyder Creek in order to reduce excessive erosion and protect an adjacent road and culverts. Up to \$6,957 is allocated to Grantee for completion of the project substantially as described in these materials and receipt of documentation verifying project costs of at least \$27,829.

4. ESD may reallocate the project funds to another form of assistance, at an amount no greater than \$449,618, for this project if ESD determines that the reallocation of the assistance would better serve the needs of the County and the State of New York. In no event shall the total amount of any assistance to be so reallocated exceed the total amount of assistance approved by the Directors.

Non-Discrimination and Contractor and Supplier Diversity:

ESD's Non-discrimination and Contractor Diversity policy will apply to the project. The County shall be required to use good faith efforts to achieve an overall Minority and Women Business Enterprise ("MWBE") Participation Goal of 10%. The overall goal shall include a Minority Business Enterprise ("MBE") Participation goal of 5% and a Women Business Enterprise ("WBE") Participation goal of 5% related to the total value of ESD's funding and to solicit and utilize MWBEs for any contractual opportunities generated in connection with the project.

Statutory Basis – Local Assistance:

The project was authorized via two appropriations. The Hurricane Irene-Tropical Storm Lee Flood Recovery Grant Program was authorized in the 2011-2012 New York State budget and reappropriated in the 2012-2013 New York State Budget. The Division of Homeland Security and Emergency Services Disaster Assistance Program was authorized 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.

Disclosure and Accountability Certifications:

The Grantee and Beneficiary have provided ESD with the required Disclosure and Accountability Certifications. Grantee's and Beneficiary's certifications indicate that Grantee and Beneficiary have no conflict of interest or good standing violations and, therefore, staff recommends that the Corporation authorize the grant to the Grantee as described in these materials.