

Law and Finance Committee Minutes
April 14, 2021 – 4:00 p.m.

Present: Chairman Jonathan Schopf; Committee members Phil Barrett, Tara Gaston, Kevin Tollisen, Matthew Veitch, Sandra Winney, Tom Wood; Supervisors Preston Allen, Eric Connolly, Ed Kinowski, John Lant, Darren O'Connor, Bill Peck, Dan Pemrick, Jean Raymond, Tom Richardson, Mo Wright, Benny Zlotnick and Chairman of the Board Theodore Kusnierz; Steve Bulger, Brian O'Connor, Matt Rose, Audra Hedden County Administrator; Michael Hartnett, Michelle Granger, County Attorney; Anna Stanko, Real Property Tax; Craig Hayner, County Clerk; Marcy McNamara, Human Resources, Eileen Bennett, Information Technology; Karen Heggen, District Attorney; Michael Zurlo, Sheriff; J. Wes Carr, Rebecca Robarge, Youth Bureau; Penny Heritage, Animal Shelter; Daniel Kuhles, Public Health; Michael Prezioso, Mental Health & Addiction; Chad Cooke, Public Works; Tina Potter, Pat Maxwell, Social Services; Sandi Cross, Office for the Aging; Jason Kemper, Planning; Dan Rourke, Sewer District; Scott Brackett, CSEA; Dominic Gallo, Cool Insurance; Lindsey Connors, City of Saratoga Springs.

Chairman Schopf called the meeting to order and welcomed all in attendance.

On a motion made by Mr. Wood, seconded by Mr. Veitch, the minutes of the March 10, 2021 meeting were approved unanimously.

On a motion made by Mr. Veitch, seconded by Mr. Barrett, the following resolutions were approved unanimously.

REAL PROPERTY TAX

- Authorizing a correction to the tax bill for parcel 248.-1-100 in the Town of Ballston.

BUDGET IMPACT: None.

Mr. Bulger said that his parcel was assessed with an improvement that was not in existence as of the taxable status date which was March 1, 2020. The taxable assessed value was therefore reduced from \$280,000 to \$103,000, and a new tax bill will be generated

- Authorizing the cancelation of delinquent, current, and prospective taxes on tax parcels 266.8-1-41; 266.8-1-98.1; & 266.8-2-98 in the Town of Halfmoon.

BUDGET IMPACT: None.

These tax parcels were set up in 2003 and 2005 when subdivision maps were filed indicating these strips of land were "lands to be conveyed to the County of Saratoga". The parcels were not conveyed and became tax delinquent. The County took title by tax foreclosure deed in 2015.

- Authorizing the acceptance of tender offers from two separate parcels in the Town of Malta for a total of \$44,830.07.

BUDGET IMPACT: None.

The first parcel 216.-1-25 is for \$35,562.93, and the second parcel 216.-1-25.2 is for \$9,267.14. This includes tax years 2017 through 2020 for both parcels. These parcels were originally on the

foreclosure list, removed from the list and then sold. They will be placed back on the tax roll as taxable parcels.

On a motion made by Mr. Wood, seconded by Ms. Winney, the following resolutions were approved unanimously.

HUMAN RESOURCES & INSURANCE

- Authorizing the renewal of the third party employer excess liability insurance coverage for workers compensation for the County's Workers' Compensation Plan.

BUDGET IMPACT: None. Funds for the renewal are included in the 2021 budget.

Mr. Bulger said this policy protects the County against any third party lawsuits in the event an employee has sustained a severe injury. The policy is through Capital Indemnity Corporation of Madison WI, for an annual premium of \$23,868. This is an increase of \$1,047 over last year's premium. The term will run from 4/15/21 to 4/15/22.

- Authorizing the County's Insurance Coverages through May 8, 2022.

BUDGET IMPACT: None.

The County's insurance broker Cool Insurance, and Marshall and Sterling solicited bids for coverages and have recommended the renewals. The expected total renewal costs are \$983,393, which includes a \$20K loss fund. The resolution will also include the County's annual blanket undertaking that provides insurance coverage for money and property handled by officers and employees. A budget transfer from the contingency account for \$76,643 will offset the shortfall in the 2021 budget allocated. The premium increases in the Public Health, Mental Health and Cybersecurity coverages were due to extreme market volatility not seen in previous years created by the COVID-19 pandemic.

- Authorizing amendments to the Compensation Schedule under the County Treasurer and County Attorney.

BUDGET IMPACT: None.

This will reclassify one Foreclosure Supervisor to one Foreclosure Specialist under the County Treasurer, create one Paralegal Specialist under the County Treasurer, and abolish one Legal Assistant Real Estate under the County Attorney's Department. These reclassifications will provide the County with a total savings of \$40,372.

- Authorizing the creation of a Petty Cash Policy.

BUDGET IMPACT: None.

This new policy will incorporate an approval request process and audit process, as well as the implementation of a petty cash bank account and debit card process.

On a motion made by Mr. Barrett, seconded by Ms. Winney, the following resolutions were approved unanimously.

HEALTH & HUMAN SERVICES

- Authorizing an inter-municipal agreement with Warren County for the oversight and monitoring of Homebased Crisis Services on behalf of Saratoga County.

BUDGET IMPACT: None.

Mr. Bulger said that Saratoga County will be authorizing Warren County, through the Office of Community Services for Warren and Washington Counties, to act on behalf of all three counties in administering the monies received from New York State for the purpose of providing home based crisis services.

- Authorizing the acceptance of increases in State aid in the amount of \$11,400 from the New York State Office of Mental Health.

BUDGET IMPACT: None. 100% State Aid.

The New York State Office of Mental Health State indicated effective January 2, 2021 a \$200 per bed stipend was added to 57 supported housing beds. 6 beds in Rehabilitation Support Services for \$1,200 and 51 beds in Transitional Services Association Inc. for \$10,200.

- Authorizing the acceptance of an additional \$91,165 from the New York State Office of Mental Health for the Veteran's Peer to Peer program.

BUDGET IMPACT: None. 100% State Aid.

This grant covers the period of 4/1/20 to 12/31/22. NYS OMH State aid letter stated that funding in the amount of \$185,000 was released for the 2020/2021 budget cycle. The County's current 2021 budget for the Peer to Peer program currently contains \$93,835. This additional \$91,165 in funding will bring the total amount to \$185,000. The grant will cover expenses related to salaries, training, advertising, events, website maintenance, media, and more for the program.

- Authorizing the acceptance of restoration funding from the New York State 2020 budget in the amount of \$230,127 from the New York State Office of Mental Health, Office of Addiction Services and Supports, and Office for People with Developmental Disabilities into the 2021 budget.

BUDGET IMPACT: None. 100% State Aid.

New York State has authorized the release of previously withheld funding from the third and fourth quarters of 2020 effective immediately. This resolution will restore the previously withheld funding into the 2021 budget.

- Authorizing the acceptance of a \$13,000 incentive payment from New York E-Health Collaborative.

BUDGET IMPACT: None.

This payment will help establish data connectivity between Saratoga County Mental Health electronic health vendor TenEleven, and the Regional Health Information organization HIXNY. Funds will be used for upgrades to IT infrastructure and other office equipment.

- Authorizing major contracts for contact tracing services with: Ashley Hubbard in an amount not to exceed \$52,000; Caroline Regales in an amount not to exceed \$39,000; and Matthew Prock in an amount not to exceed \$45,500.

BUDGET IMPACT: None. Costs associated with these contracts will be covered by a Health Research Inc., grant.

All three of the contact tracers have exhausted the limits of their minor contracts and Public Health is requesting these be moved to major contracts to continue their work in the Department. The hourly rate is \$25 for all three contracts.

- Authorizing an amendment to the major contract with DiRAD Technologies.

BUDGET IMPACT: None. Funds for this project have been allocated in the 2021 budget. This amendment will include the removal of the \$50,000 not to exceed limit, and replace it with an expiration date of December 31, 2021.

- Proclaiming May as Older American's Month in Saratoga County.

BUDGET IMPACT: None.

Saratoga County has more than 46,000 residents who are 60 years of age or older. This year's theme will be Communities of Strength, and focuses on the power of connection and engagement in building strong communities.

- Authorizing the acceptance of federal stimulus funding under the Consolidated Appropriations Act, Title III-C2 administered and released by the New York State Office for the Aging in the amount of \$85,315.

BUDGET IMPACT: None. 100% Federal Aid.

This will provide supplemental funding for senior nutrition programs, specifically home delivered meals to assist with response efforts to the Covid-19 pandemic. The active period for this stimulus funding commenced on 12/27/20 and expires on 9/30/22.

On a motion made by Mr. Veitch, seconded by Mr. Wood, the following resolution was approved unanimously.

BUILDINGS & GROUNDS

- Authorizing an amendment to 2021 budget reappropriating \$716,599 in unspent capital funds from the 2020 Budget for the construction of a snow removal equipment storage building at the County Airport.

BUDGET IMPACT: This project was included in the 2020 budget. A budget amendment will reappropriate these previously budgeted funds into the 2021 budget. 90% of this project is covered through a State grant and the remaining 10% will be transferred from Fund Balance.

Mr. Bulger said that the New York State grant amount of 90% is \$644,939 and the County share of 10% is \$71,660.

On a motion made by Mr. Barrett, seconded by Mr. Wood, the following resolutions were approved. Mrs. Winney abstained from voting on the Animal Shelter item.

PUBLIC SAFETY

- Authorizing the acceptance of grant funding from the U.S. Department of Transportation (DOT) and Pipeline and Hazardous Materials Safety Administration (PHMSA) for the FY 2020 Hazardous Materials Emergency Preparedness Grant Program (HMEP) in the amount of \$5,172 for the period of April 1, 2021 to July 31, 2022.

BUDGET IMPACT: None.

Mr. Bulger said that funding will be utilized by the County's Local Emergency Planning committee to support salaries, supplies and training activities.

- Authorizing the acceptance of additional aid from New York State STOP DWI Foundation, Inc. in the amount of \$1,500.

BUDGET IMPACT: None. 100% State Aid.

Funds will be used for local DWI crackdown program patrols and activities.

- Authorizing a contract with Clark, Patterson, Lee (CPL) for architectural and engineering consulting services for an amount not to exceed \$30,000.

BUDGET IMPACT: None. Funds for this project are included in the 2021 budget.

This contract is for the renovations of the Saratoga County Correctional Facility and will cover services such as data collection, schematic design, design development and construction documents. The work was previously authorized in 2020 through two separate minor contracts and the County Auditor has requested to combine them into one major contract.

- Proclaiming the week of April 16 – 24, 2021 as Crime Victims' Rights Week.

BUDGET IMPACT: None.

This reaffirms the County's commitment to creating a victim service and criminal justice response that assists all victims of crime.

- Authorizing the transfer of \$155,187 from the Animal Shelter Trust Fund to cover construction costs related to a new pre-engineered covered building.

BUDGET IMPACT: None.

Resolution 211-2020 previously authorized up to 80% of the combined donations in 2019 and 2020 to be allowed for use on the completion of one or two large projects at the Animal Shelter. Due to COVID delays, the Shelter was not able to complete smaller projects that had previously been done using 80% of only the prior year's donations. This transfer will reduce the Trust Fund balance from \$416,040 to \$260,853. Mrs. Winney questioned the type of building being constructed. Ms. Heritage said that it is a 36x48 ft. covered canine pavilion with 5 ft. high sides that will provide protection in inclement weather or extreme heat. The building was put out to bid. Ms. Heritage said that she can share the design with any Supervisor that is interested. Mr. Veitch said that he believes it would have been appropriate to bring a structure of this size through the Buildings & Grounds Committee. Additionally, Mr. Veitch said that there was some discussion in past years whether expenditures such as buildings or air conditioning systems are an appropriate expense from the Trust fund. In his opinion, it does not seem to be the donors intended use of the funds. Mr. Schopf said that Resolution 211-2020 appears to have permitted the allocation and use of the funds for the particular capital projects. Ms. Heritage said that this is something that is not

routinely budgeted for such as food, etc. and it will be a huge enhancement for the enrichment and training of the dogs.

On a motion made by Ms. Winney, seconded by Mr. Veitch, the following resolutions were approved unanimously.

LAW & FINANCE

- Authorizing an agreement with Wladis Law Firm, PLLC to provide legal representation of the County for Public Health Services.

BUDGET IMPACT: None. Anticipated expenditures are included in the 2021 budget.

Mr. Bulger said that the agreement will run from 4/21/2021 to 4/21/2023 and will provide legal representation of the County for Public Health Services transition to a full service Public Health Department, general legal services related to COVID-19 pandemic response, including contract review, grant administration, and other matters as needed and requested by the County Attorney's office.

- Authorizing the acceptance of \$6,818,071.60 in Federal aid for the COVID-19 Emergency Rental Assistance Program (ERAP).

BUDGET IMPACT: This resolution accepts \$6,818,071.60 in ERAP funding and the necessary journal entries related thereto. State guidance on program implications is being developed and a resolution may be needed to authorize an agreement with NYS for implementation of this program.

Mr. Bulger said that these Federal funds were sent to the County in February, and it was anticipated the County would be overseeing their distribution to eligible renters and landlords impacted by the COVID pandemic. The new State budget however, dramatically changes this situation so that New York State now is taking over control of almost all aspects of this program, including setting up a portal for applicants, handling all funds and disbursements, handling all application approvals, denials and appeals, and taking responsibility for all reporting and usage requirements with the Department of Treasury. In short, this is no longer a Saratoga County program, it is strictly a State program that the County is providing limited assistance to. Because of the late notice from the State last night at 8pm, County staff are in the process of preparing all the necessary resolutions and materials for next week's Board meeting. Based on staff analysis, it is anticipated that up to five resolutions may be presented at next week's Board meeting for this program.

1. Accepting the money from the federal treasury.
2. Authorizing sending that money to New York State.
3. Authorizing a contract based on an RFP for program outreach.
4. Creating two positions within DSS and any amendments to the Compensation Schedule.
5. Authorization to sign agreements with the State to facilitate all of this program.

- Authorizing the Chairman to enter into an agreement with Eckert Mechanical LLC for installation of AHU-5 at the Saratoga County Sewer District's Waste Water Treatment Plant in the amount of \$57,353.

BUDGET IMPACT: None.

This project was put out to bid on 2/10/2021 and will replace the air handling unit on the roof of the Saratoga County Sewer District's #1 Administration building. The project has been approved by the Sewer Commission.

- Authorizing an application to the NYS Comptroller for permission to acquire, construct and install improvements of the Saratoga County Sewer District interceptor and related facilities.
BUDGET IMPACT: None.

This item is recommended by Bond council. Improvements include rehabilitation of the County sewer trunk line, which is approximately 14 miles of the existing interceptor sewer ranging in size from 36 inches to 54 inches in diameter of concrete pipe. The project has been approved by the Sewer Commission.

- Authorizing the Chairman to enter into an agreement with Xylem Water Solutions USA Inc. for maintenance of the UV Disinfection system at Saratoga County Sewer District No.1's Waste Water Treatment Plant.
BUDGET IMPACT: None.

This project was put out to bid on 2/17/2021. Xylem Water Solutions was the sole bidder at \$19,758 for the project. Ongoing preventive maintenance of the UV system ensures better compliance, less downtime and decreased usage.

- Authorizing the Chairman of the Board to execute contracts with Barton and Loguidice and Advanced Enterprise Systems Corporation dba Utility Cloud for the development, implementation and software licensing for an Asset Management Program for the Saratoga County Sewer District.

BUDGET IMPACT: None. Funds for the contracts are covered in the 2021 budget.

The agreement with Barton & Loguidice is in the amount of \$62,934, and the Advanced Enterprise System license fee is \$40,000 per year for a three year term. The total year one cost for the project is \$102,934. The software program will assist in both the collection system and the wastewater treatment plan. This was previously approved by the Sewer Commission..

- Authorizing the Chairman of the Board to execute an easement agreement with Anthony DiSiena and Lindsey Donini, 68 English Road in the Town of Clifton Park, to allow a sewer lateral to be installed on County lands.

BUDGET IMPACT: None.

The sewer line must traverse the properties at both 68 and 69 English Road. The homeowner at 69 English Road has already agreed to an easement in principle. This contract will be responsible for all trail restoration, and Saratoga County Sewer District will work with the Planning Department to ensure a problem restoration is done.

- Introducing a proposed Local Law opting into the new DEC deer hunting pilot program and setting a date for a public hearing.

BUDGET IMPACT: None.

The New York State 2021/22 budget, negotiated between the Governor and the Legislature, included a provision for youth ages 12 and 13 to hunt deer under adult supervision in New York State under a pilot program set to expire on 12/31/23. Prior to the enactment of this law, New York State was one of the most restrictive states in the nation, when it came to allowing youth hunters

the ability to pursue big game with a rifle, shotgun or muzzle loader. Under the adopted budget language, counties must formally opt in, in the form of a Local Law to participate. New York State DEC is requesting that this option be completed by June 1st if possible, so that the information can be published in the hunting guides that are printed prior to license sales. The public hearing will be held on May 18, 2021 at 3:30pm, prior to the Board of Supervisors meeting. Mr. Bulger noted that that County Planning Director Jason Kemper, who also serves as Chairman of the New York State Conservation Fund advisory board, has been a leading force over several years to get this legislation passed by the State, and was especially instrumental working with the DEC, and State and Senate and Assembly members during the past few weeks to get this included in the State budget. Mr. Schopf and Mrs. Winney thanked Mr. Kemper for his work on this item.

On a motion made by Mr. Veitch, seconded by Mr. Barrett, the following resolution was approved unanimously.

CHAIRMAN'S ITEM

- Appointment to the Soil & Water Conservation District.

BUDGET IMPACT: None.

Mr. Bulger said that this will appoint Janet Bartow from the Town of Milton as the Grange representative. The term will expire on December 31, 2022.

Ms. Lindsey Connors, Community Development Planner of the Office of Planning and Development in the City of Saratoga Springs, distributed a handout and gave a brief overview of the Community Development Block Grant Entitlement Program. The handout is attached to these minutes. Ms. Connors said that City of Saratoga Springs is considered an Entitlement Community. This is a designation by HUD, based on the size of the municipality. Saratoga County has recently also become eligible to be an entitlement community under that same HUD designation, as the County has now surpassed a 200K population count. Ms. Connors said that the City is willing to relinquish their standing as an entitlement community, making the annual allocation now a County resource, and managing that entitlement program on behalf of the County. The County would have to undergo a qualification process in order to acquire the funds. Namely, every unit of local government within the County has the option to opt in or opt out of the urban County that would become an entitlement community. There are a few thresholds under which the County can qualify. Ms. Connors recommends the second threshold which is, of the communities opting in, there is over 100K population, and included in that population would be the majority of the County's low to moderate income population in total. Previously, it was attempted to reach the qualification under the first threshold, which is 200K of opt ins. This fell short by approximately 400. Last year the efforts were derailed due to the pandemic. Entitlement funds are used for housing, economic development, elimination of slums and blight, expansion of community services, and neighborhood revitalization, and 70% of the funds have to benefit low to moderate income community. The handout also lists possible future CDBG projects. Ms. Connors said that if the County was to qualify for the 2022 program year, the process would need to start now. If this year's qualification process cannot be met, it is something that can be planned and pursued for the following year. Mr. Bulger thanked Ms. Connors for her work in putting the presentation together.

Mr. Bulger said that this year's timeframes are very tight and it would behoove the County to create an advisory committee to prepare for the following years program. Ms. Connors also noted that for those municipalities that opt in, it is only locked in for a period of three years.

On a motion made by Ms. Gaston, seconded by Mr. Veitch, to enter into Executive Session for the purpose of discussions regarding proposed, pending or current litigation. Unanimous.

On a motion made by Mr. Barrett, seconded by Mr. Veitch, to return to open session. Unanimous.

Mr. Schopf reported that the following action was taken in Executive Session.

A motion was made by Ms. Gaston, seconded by Mr. Barrett, authorizing certain members of the Board of Supervisors to retain private Counsel of their own choosing in relation to a notice of claim filed by Spencer Hellwig. Unanimous.

Mr. Schopf said that Saratoga County Local Law #4 of 1984 provides that defense and indemnification is provided for employees, including elected officials, by Saratoga County, to be able to retain their own counsel should a conflict of interest potentially exist in litigation.

On a motion made by Mr. Veitch, seconded by Ms. Gaston, the Board Meeting Agenda for April 20, 2021 was approved unanimously.

On a motion made by Ms. Gaston, seconded by Mr. Veitch, the meeting was adjourned unanimously.

Respectfully submitted,
Therese Connolly
Deputy Clerk of the Board

Community Development Block Grant Entitlement Program

Saratoga County approx. annual allocation \$1.4 mil

- The US Dept of Housing and Urban Development (HUD) provides an annual funding allocation to Entitlement Communities to provide decent housing, suitable living environments and expand economic opportunities.
- 70% of yearly funding MUST benefit persons of low and moderate income, households, and neighborhoods.
- The goal of the CDBG program is to develop viable urban communities through:
 - housing
 - economic development
 - elimination of slums and blight
 - expansion of community services
 - neighborhood revitalization
- Eligible CDBG activities *may* include (but are not limited to): Real property acquisition, demolition, construction, improvement of public facilities and infrastructure, historic preservation, creation or preservation of affordable housing, housing rehabilitation, code enforcement, economic development, public services (subject to 15% annual cap) and homeownership assistance.
- Saratoga County's population is now well over 200,000, qualifying it as an urban county, and thereby making it eligible as an Entitlement Community.
- Each local unit of government has the right to opt in or out of the Entitlement Community. However, those who opt out are *not* eligible to access the CDBG entitlement funds. Those who opt in must commit to 3 years of participation.
- Units of local government currently receiving NYS CDBG funds through the small cities program are not eligible for inclusion in the Entitlement Community.
- It is recommended that Saratoga County pursue final Entitlement Community qualification via the 2nd threshold: Municipalities opting in must represent at least 100,000 of the total county population, and include the *majority* of the County's low-mod income population.
- Entitlement communities are often automatic recipients of federal emergency assistance and stimulus funds (i.e. CDBG-CV via the CARES Act and CDBG-R via the American Recovery and Reinvestment Act of 2009).

Possible Future CDBG Projects within Saratoga County

AlbanyCanCode

Economic Development- Scholarships for our Virtual Digital Literacy program, designed to create a bridge for underserved populations to take their first steps towards careers in technology.

CAPTAIN Community Human Services

Coordinated Entry - CE Coordinator to facilitate the local Coordinated Entry System of the Saratoga-North Country Continuum of Care housing services network.

Habitat for Humanity

Affordable Housing – Land acquisition for construction of affordable, single-family residence for low-moderate income partner family.

Habitat for Humanity

Affordable Housing – Rehabilitation of 6 housing units to be preserved as affordable.

Legal Aid Society of Northeastern New York

Homelessness Prevention Project - Provides free legal advice, referrals and representation to prevent unwarranted or illegal evictions of persons of low and moderate income.

LifeWorks Community Action

Public Facility Improvements – Rehabilitation of non-profit facilities serving persons of low income.

Shelters of Saratoga

Code Blue – Secure permanent Code Blue location, and conduct building rehab/fit-up.

Wellspring

Public Facility Improvements – Construction of new and expanded domestic violence and sexual assault resource center.

Veterans & Community Housing Coalition

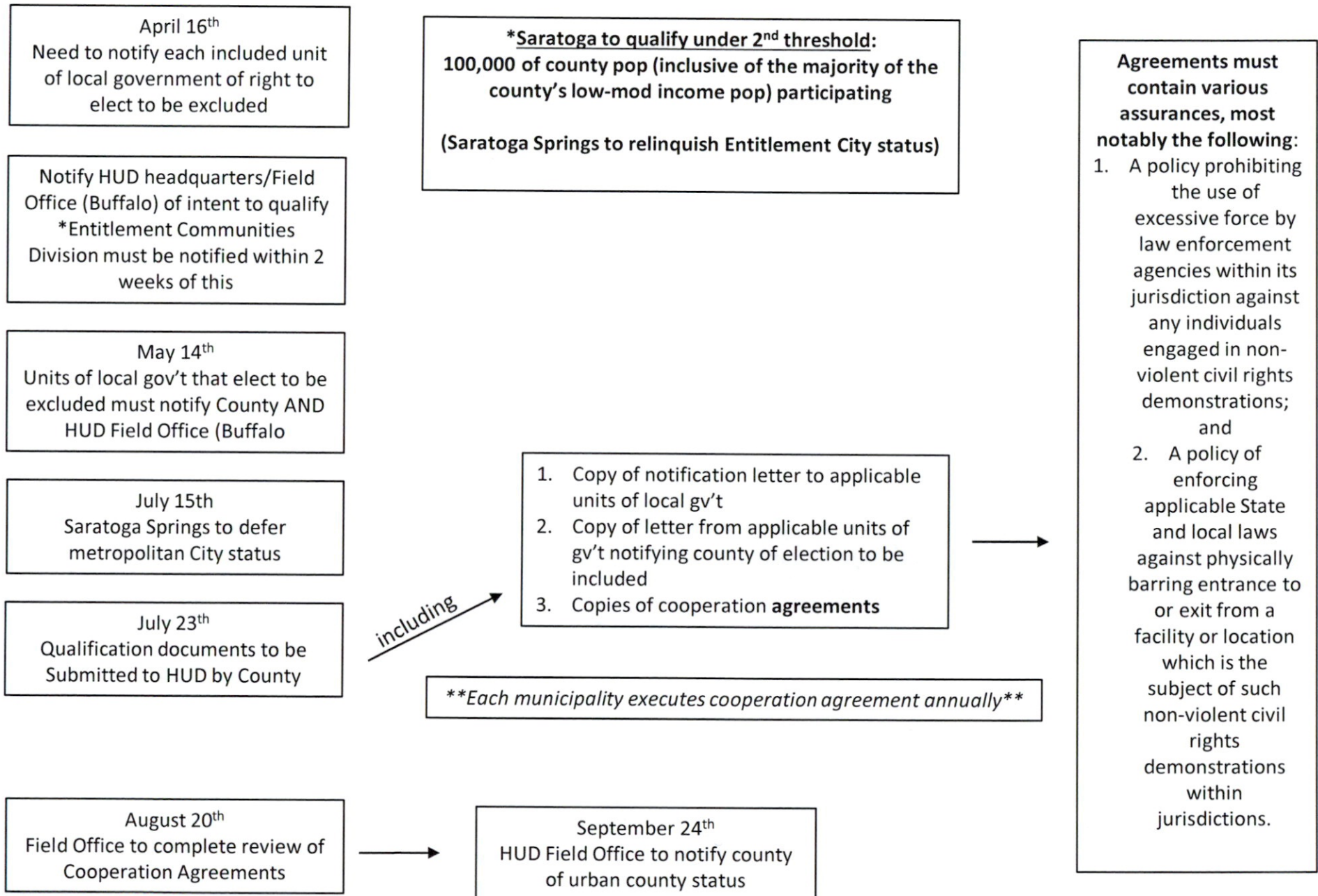
Public Facility Improvements/Affordable Housing – Installation of sidewalk adjacent to new, 67-unit affordable housing development.

Countywide

Infrastructure Improvements – Creation and/or repair of curb cuts for ADA compliance.

Method of obtaining County Entitlement Status – for 2022 PY

Approx \$1.4 mil total



Saratoga County Municipalities - 2022 CDBG Qualification					
City/Town/Village	2020 undecided	2020 opt in	2020 opt out	# -80% HAMFI	% of county total
Clifton Park (T)		36,566		3,070	9%
Saratoga Springs (C)		28,005		4,180	13%
Halfmoon (T)		24,584		3,870	12%
Milton (T)		19,522		3,155	10%
Wilton (T)		16,922		2,380	7%
Malta (T)		16,179		2,005	6%
Moreau (T)			15,556	2,635	8%
Ballston (T)			11,258	1,085	3%
Stillwater (T)			8,932	1,220	4%
Waterford (T)		8,559		1,565	5%
Greenfield (T)		7,762		1,270	4%
Corinth (T)		6,440		1,415	4%
Saratoga (T)			5,725	840	3%
Ballston Spa (V)		5,276			0%
Northumberland (T)		5,131		685	2%
Mechanicville (C)			5,088	1,370	4%
Charlton (T)		4,171		425	1%
South Glens Falls (V)			3,659		0%
Galway (T)		3,524		670	2%
Corinth (V)			2,473		0%
Waterford (V)	2,300				0%
Providence (T)		2,029		340	1%
Hadley (T)		2,032		355	1%
Stillwater (V)	1,715				0%
Schuylerville (V)		1,352			0%
Edinburg (T)		1,208		344	1%
Day (T)		848		209	1%
Round Lake (V)	694				0%
Victory (V)	589				0%
Galway (V)	196				0%
Total	248,295			33,088	100%
County Pop Census Est	229,863				0%
HUD #	223,744	190,110	52,691	33,095	
undecided	5,494				

2020 Opt-in low-mod	
#	% of county total
25,938	78%

Saratoga County CDBG Entitlement County

FAQ Document

Q. What is the Community Development Block Grant Program, and why is the County now eligible to be an entitlement County?

The Community Development Block Grant (CDBG) program was created by passage of the Housing and Community Development Act of 1974. It combined into a single grant a number of previous grant programs administered by the US Department of Housing and Urban Development (HUD) including Urban Renewal, Model Cities, Open Space, and Water and Sewer. The block grant allows a more flexible approach to Community Development.

The goal of the CDBG program is to develop viable urban communities through:

- **housing**
- **economic development**
- **elimination of slums and blight**
- **expansion of community services**
- **neighborhood revitalization**

As Saratoga County's population is now well over 200,000, qualifying it as an urban county thereby making it eligible for entitlement status.

Q. Does the City of Saratoga Springs have to give up its entitlement if the County accepts entitlement status?

No, but this will enabled simplified management of the County-wide program by the City.

Q. How much funding is the County estimated to receive if it becomes an entitlement County?

The County was last estimated to receive approximately \$1,130,000. The City's Entitlement Funds (approx. \$300,000) would be added once the City relinquishes its entitlement status, bringing the total to approximately \$1,430,000.

Q. Does my Town have to participate in the CDBG program? What steps are needed to become a participating Town?

No municipality can be mandated to participate. In order to become a participating City/Town/Village/etc., the municipality would be required to provide a letter notifying the County of their election to be included, as well as execute a HUD approved cooperation agreement. Each municipality will be required to execute a cooperation agreement annually.

Q. How are grants awarded? What is the process for applying?

Participating communities and local non-profits will be eligible to apply for funding for qualified projects on a yearly basis. Applications are reviewed by the Community Development Citizen Advisory Committee, and presented to the Committee by applicants at a public hearing. The Committee will then

provide funding recommendations to the County Board of Supervisors, who will vote on those recommendations.

Q. What is the Community Development Citizens Advisory Committee? Who makes the appointments to the Committee?

The Community Development Citizen Advisory Committee encourages broad public participation in Community Development activities and the Consolidated Plan process. They are responsible for reviewing funding applications and providing recommendations for funding to the County Board of Supervisors. Committee members should be drawn from varying areas of the County and include, to the extent possible, low- and moderate-income persons, members of minority groups, residents of public/assisted housing and areas of proposed/ongoing community development investment, the elderly, the disabled, the business community, and civic groups interested in community development activities and the Consolidated Plan process.

The process for appointment of Committee members will need to be discussed and agreed upon by the County Supervisors in consultation with the City of Saratoga Springs Community Development Department.

Q. Can my Town be a participating town, but not have to apply for CDBG funding annually?

Yes, a Town does not have to apply for CDBG funding annually to retain its "participating" status. Applications for funding should only be submitted if your town has an eligible project.

Q. Who administers the CDBG program locally? What is required of the administrating entity?

The Community Development Planner of the City of Saratoga Springs currently administers the City's Entitlement Funds, and has been identified by HUD as having the capacity to administer a County allocation. Administration of these funds includes the oversight of the CDBG budget (including preparation of quarterly and yearly reports and records for HUD and NYS financial audits), processing of reimbursement requests (including drawdown of funds), facilitation of the yearly CDBG sub-recipient application process, management of the Community Development Citizen Advisory Committee (CDCAC), monitoring of sub-recipients, NEPA Environmental Reviews of projects, preparation of the Entitlement Action Plan on a yearly basis, preparation of the Consolidated Annual Performance and Evaluation Report, management of the Residential Rehabilitation Program (funded through CDBG), and oversight of the Economic Development Loan Program (funded through CDBG). This position is also responsible for the preparation and management of the community involvement and approval processes for the Consolidated Plan every five years.

Additionally, the program administrator is expected to maintain pertinent relationships with the local Continuum of Care, community service providers, and civic and business leaders to assure program priorities are in touch with the current needs of residents.

Q. Are there any restrictions on what the funds can be used for?

Yes. The direction, focus and design of the community development program is determined by the local community within guidelines provided by CDBG regulations through the development of its Consolidated Plan.

By federal regulation, the County must allocate at least 70% of its annual CDBG funding on activities that benefit persons of low and moderate income, households, and neighborhoods.

“Low and moderate income” is a specific financial description referring to income guidelines determined by HUD. These income guidelines take into consideration total household size and the annual income for all persons in the household.

Full regulations may be found in the Code of Federal Regulations (CFR) in volume 24 (Housing and Urban Development), Part 570 (Community Development Block Grants).

[\(https://www.hudexchange.info/resource/3689/24-cfr-part-570-cdbg/ \)](https://www.hudexchange.info/resource/3689/24-cfr-part-570-cdbg/)

DEVELOPING ELIGIBLE PROJECTS

Entitlement funding eligibility is determined by a 3-step process:

1. The applicant must be eligible,
2. The activity must be eligible, and
3. The activity must meet a national objective

The rules for determining project eligibility are located in the Federal CDBG regulations at 24 CFR Part 570.

STEP 1: ELIGIBLE APPLICANT

Applicants for CDBG funds must be eligible to administer the project or program. Eligible project administrators include:

- Staff of Participating Municipalities
- County Staff
- Other public agencies
- Private non-profit organizations

Although private citizens may propose a community development activity, only the four specified groups may administer CDBG funded activities. Private individuals or businesses may be the recipients of CDBG funds through an eligible project administrator in cases such as loans to homeowners for property rehabilitation and loans to businesses for working capital. [570.200(f)]

STEP 2: ELIGIBLE ACTIVITIES

Activities must be listed as eligible in the CDBG statute, as amplified by regulation.

Furthermore, the activity must not be within the category of explicitly ineligible activities under other CDBG regulations. For example, rehabilitation of buildings is generally an eligible activity; however, Federal regulations specifically exclude the rehabilitation of office buildings for the general conduct of government.

INELIGIBLE ACTIVITIES

The following activities are explicitly ineligible activities under other CDBG regulations

- BUILDINGS FOR GENERAL CONDUCT OF GOVERNMENT

CDBG expenditures are generally not allowed on buildings that house government offices.

- **GENERAL GOVERNMENT EXPENDITURES**

Funds are not allowed for the general functions of government. However, government departments may carry out eligible projects.

- **POLITICAL ACTIVITIES**

Funds may not be used for political purposes or partisan political activities such as candidate forums, voter transportation, etc.

- **PURCHASE OF EQUIPMENT**

Equipment purchase is generally not eligible with specific exceptions including equipment necessary for a public service project.

- **FURNISHINGS AND PERSONAL PROPERTY**

Furnishings are generally not eligible except when necessary for a public service project.

- **OPERATING AND MAINTENANCE**

Funds are generally not eligible for operating and maintenance except as part of a public service project.

- **INCOME PAYMENTS**

Funds are generally not eligible for income payments for income maintenance, housing allowances, payment of rent, mortgage, etc.

- **RELIGIOUS PROHIBITION**

Restrictions apply to use of CDBG funds on buildings or programs administered by religious organizations and institutions [570.200(j)]. Funds may not be used for the acquisition, construction, rehabilitation, etc. of structures used strictly for religious purposes or to promote religious interests. However, funds may be used to rehabilitate buildings owned by religious entities for non-religious purposes under limited circumstances

ELIGIBLE ACTIVITIES

The following activities are listed as generally eligible activities under other CDBG regulations

- **Acquisition of Real Property**

CDBG funds may be used to acquire real property by purchase, long-term lease, or by donation. Real property includes land, air rights, easements, water rights, rights-of-way, buildings and other real property improvements.

Real property acquisition does not include movable equipment, furnishings, machinery, land “write-downs” in which the land is purchased at one price and then sold to the same entity at a lower price, or acquiring newly constructed housing.

Funds may be provided to private for-profit entities if the property is rehabilitated or sold for residential purposes meeting a national objective.

Note: Acquisition of real property must always be viewed in terms of the ultimate use of the property in meeting a national objective.

- **Disposition of Real Property**

Funds may be used to dispose of real property acquired with CDBG or urban renewal funds provided the property will be used to meet a national objective.

To be eligible, the use after disposition must meet a national objective. Proceeds from the disposition are program income to the CDBG program.

- **Public Facilities and Improvements**

CDBG funds may be provided to public agencies and private non-profits for acquisition, construction, reconstruction, rehabilitation, or installation of public improvements or facilities provided they meet a national objective. Public improvements and facilities include:

- shelters
- water and sewer facilities
- flood and drainage improvements
- fire protection facilities
- community centers
- senior centers
- health centers
- parking, streets, curbs, and sidewalks
- parks and playgrounds.

Eligible expenditures do not include costs of operating or maintaining the public facilities and improvements once they are renovated or constructed. Also not eligible are the costs of purchasing construction equipment and costs of furnishings and other personal property except fire fighting equipment

Public facilities may be owned by private non-profit organizations but such facilities must be open for use by the public during all normal hours of operation.

Government buildings may be considered public facilities when they provide public services for other than the general conduct of government.

- **Clearance**

CDBG funds may be used for clearance, demolition, and removal of buildings and improvements provided these activities meet a national objective. Demolition of HUD-assisted housing units may be undertaken only with the prior approval of HUD.

- **Public Services**

CDBG funds may be used to provide public services including but are not limited to:

- child care
- health care
- job training
- recreation
- education
- public safety
- fair housing
- senior services
- homeless services
- drug abuse services
- energy conservation testing

Public services do not include payments to individuals for food, clothing, rent or other income payments.

Eligible program costs for public services include payment for labor, supplies and materials to administer the program and the costs of operating that portion of a facility in which the public service is located. Eligible costs may also include the purchase or lease of furnishings, equipment, or other necessary personal property, which are typically not eligible expenditures under other activities.

A maximum of 15% of an annual Entitlement grant may be allocated for public services.

- **Interim Assistance**

CDBG funds may be used for certain activities on an interim basis provided the activities meet a national objective.

Eligible interim assistance includes projects that are a prelude to permanent improvements in a deteriorating area when there are determinable signs of physical deterioration and where immediate action is necessary to arrest the deterioration. Eligible activities include repair of streets, sidewalks, public buildings, parks and playgrounds and publicly-owned utilities, special trash collection and neighborhood cleanup campaigns.

CDBG funds may be used to alleviate emergency conditions that threaten public health and safety when designated an emergency by Saratoga County. Eligible activities include repair of streets, sidewalks, public buildings, and publicly-owned utilities, special trash collection and neighborhood cleanup campaigns, snow removal and improvements to private properties.

These activities may not go beyond what is necessary to alleviate the emergency condition.

[570.201(f)(2) and 570.200(3)]

- **Relocation**

CDBG funds may be used for relocation payments and assistance to displaced individuals, families, businesses, non-profit organizations and farms.

Relocation assistance is required if the displacement is caused by CDBG funded activities. In these cases, assistance is required under federal regulations that specify the eligibility and amount of payments to be provided. Relocation assistance is optional when displacement is caused by factors other than CDBG funded activities.

- **Loss of Rental Income**

CDBG funds may be used to pay housing owners for losses of rental income incurred in holding, for temporary periods, housing units to be used for the relocation of persons and families displaced by CDBG assisted activities. [570.201(j)]

- **Privately Owned Utilities**

CDBG funds may be provided to public agencies and non-profit organizations to acquire, construct, reconstruct, rehabilitate, or install distribution lines and facilities of privately owned utilities provided the activity meets a national objective.

- **Housing Rehabilitation**

CDBG funds may be used to finance the costs of rehabilitation in the following manner.

Eligible Types of Property

- Residential – privately or publicly owned
- Commercial/Industrial – if owner by a for-profit, rehabilitation is limited to exterior improvements and correcting code violations
- Other – nonprofit-owned nonresidential improvements

Eligible Types of Assistance

- Costs – labor, materials, supplies and other required expenses for rehabilitation
- (Re) Financing – grants, loans, etc. may be provided under this category
- Property acquisition – assistance to private entities *for use/resale for residential use*
- Renovation – conversion of a closed building from one use to another
- Security devices, water and sewer connection, barrier removal, historic preservation
- Lead-based paint hazard evaluation/reduction
- Rehabilitation services

Housing rehabilitation does not include creation of secondary housing units, installation of luxury items such as a swimming pool, cost of equipment, furnishings, or other personal property not an integral structural fixture such as air conditioners or washer and dryers, or labor costs for homeowners to rehabilitate their own properties.

- **Code Enforcement**

CDBG funds may be used for code enforcement only in deteriorating areas where enforcement, together with public/private improvements, rehabilitation, or services, may be expected to arrest the decline of the area.

- **Special Economic Development Activities**

CDBG funds may be used for “special economic development” activities carried out by public agencies, non-profit organizations and private for-profit businesses. Funds may be used for the following “special economic development” activities:

- Activities carried out by grantee or non-profit including acquisition, (re)construction, rehabilitation, or installation of commercial / industrial buildings or structures, or other real property equipment and improvements
- Assistance to private for-profit entities for an economic development project such as grants, loans, guarantees, technical assistance, etc.
- Economic development services in connection with the above 2 categories

- **Microenterprise Assistance**

Grantees and other public or private organizations may use CDBG funds to facilitate economic development through the establishment, stabilization, and expansion of microenterprises (a business having five or fewer employees, one or more of who owns the business.) CDBG Funds can be used to provide financial assistance of any kind to an existing microenterprise or to assist in the establishment of a microenterprise.

- **Special Activities by Community-based Development Organizations (CBDO's)**

This category authorizes a grantee to designate certain types of entities to carry out a range of activities that may include activities the grantee may not otherwise carry out itself. Under this category, a qualified CBDO may only carry out the following 3 types of projects:

- Neighborhood revitalization
- Community economic development
- Energy conservation

- **Homeownership Assistance**

Grantees and their subrecipients may provide financial assistance to households of low and moderate income to assist them in the purchase of a home. CDBG funds may be used to:

- subsidize interest rates and mortgage principal amounts
- finance the cost of acquiring property already occupied by the household at terms needed to make the purchase affordable
- pay all or part of the mortgage insurance premium
- pay any or all of the reasonable closing costs
- pay up to 50% of the down payment required by the mortgagee.

- **Planning and Capacity Building**

Funds may be used for studies, plans, data gathering, and identification of actions designed to improve the grantee's capacity to plan and manage CDBG programs.

STEP 3: NATIONAL OBJECTIVES

All proposed activities must meet and document compliance with 1 of the 3 “national objectives” to be eligible for funding.

ACTIVITIES BENEFITING PERSONS OF LOW AND MODERATE INCOME

- **Low and Moderate Income Area**

An “area benefit” activity must benefit all the residents of a primarily residential area in which at least 51% of the residents are persons of low and moderate income.

Examples:

- Renovation of a neighborhood facility
- Loan to a grocery store enabling it to remain in a low-income area underserved by food stores
- New sidewalks in low income neighborhoods

Documentation to determine low/moderate income area eligibility includes:

- Boundaries of the service area and the basis for determining those boundaries, and
- The percentage of L/M income person in the service area and the data used for determining that percentage.

- **Activities Benefiting a Limited Clientele of Low and Moderate Income**

A “limited clientele” activity is one that provides benefits to a specific group of persons, at least 51% of whom are of low or moderate income, in the following manner.

- Exclusively benefit a clientele presumed by HUD to be principally of low and moderate income. The following groups are currently presumed by HUD to be made up principally of Low/Moderate income persons:
 - abused children
 - elderly persons
 - battered spouses
 - homeless persons
 - handicapped persons
 - illiterate persons
 - migrant workers
- Require information on family size and income so that it is evident that at least 51% of the clientele are persons whose family income does not exceed the Low/Moderate income limit.
- Be of such nature and in such location that it may reasonably be concluded that the activity’s clientele will primarily be Low/Moderate income persons.
- Be an activity that serves to remove material architectural barriers to the mobility or accessibility of elderly persons or of adults meeting the Bureau of the Census’ Current Population Reports definition of “severely disabled,” provided it is restricted to the removal of such barriers by assisting:
 - the reconstruction of a public facility that does not qualify under the Low/Moderate income area benefit criteria;

- the rehabilitation of privately-owned nonresidential building that does not qualify under the Low/Moderate income area benefit criteria or the Low/Moderate income jobs criteria;
- the rehabilitation of the common areas of a residential structure that contains more than one dwelling unit and that does not qualify under the Low/Moderate income criteria.
- Be a microenterprise assistance activity carried out in accordance with the provision of 570.201(o) with respect to those owners of microenterprises and persons developing microenterprises assisted under the activity during each program year who are low and moderate-income persons.
- An activity designed to provide job training and placement and/or other employment support services, in which the percentage of low- and moderate-income persons assisted is less than 51% may qualify in the following limited circumstance:
 - in such cases where training or provision of supportive services assists businesses, the only use of CDBG assistance for the project is to provide the job training; and
 - the proportion of the total cost of the project borne by CDBG funds is no greater than the proportion of the total number of persons assisted who are of low- or moderate-income.

Low and Moderate Income Housing

An activity may meet this "housing" objective if it assists in the acquisition, construction, or improvement of permanent residential structures providing that persons of low and moderate income occupy that housing.

The housing may be either owner-occupied or rental units in either one family or multi-family structures.

Rental units occupied by low- and moderate-income households must be occupied at affordable rents. Rental buildings under common ownership and management and located on the same or contiguous properties may be considered a single structure.

Low and Moderate Income Jobs

An activity may meet this objective if it assists in the creation or retention of jobs where at least 51% of the jobholders are persons of low and moderate income.

Examples:

- Construction of business incubator by a non-profit to house new businesses
- Loan to a for-profit businesses to expand operations
- Loan to a business that has announced its intention to close in order to retain the jobs where 51% of current employees are from low/moderate income households
- Improvement of public infrastructure as needed by a company to comply with environmental laws to avoid closure.

Under retaining jobs, there must be clear and objective evidence that permanent jobs will be lost without the CDBG assistance. HUD considers evidence to be notices to affected employees, public statements by the business, or relevant financial records.

ACTIVITIES TO ADDRESS SLUM/BLIGHT CONDITIONS

- **Designated Slum / Blight Area**

An activity may meet this objective if it assists in the elimination of physical decay in a “designated” slum/blight area.

- **Slum/Blight Spot Basis**

An activity may meet this objective if it assists in the elimination of physical decay on a “spot basis” located outside of a designated slum/blight area.

Documentation is required identifying the specific condition of blight or physical decay to be addressed and details of the scope of the CDBG assisted rehabilitation.

NOTE: At least 70% of a grantee’s annual Entitlement grant must assist persons of low and moderate income. An activity qualifying under this national objective category does not necessarily assist persons of low and moderate income.

- **Slum/Blight Urban Renewal Completion**

An activity may meet this objective if it assists in the completion of activities carried out in an urban renewal area in accordance with a HUD approved urban renewal plan (Pre-1974 Plans).

ACTIVITIES THAT MEET AN URGENT COMMUNITY DEVELOPMENT NEED

- **Urgent Need**

An activity may meet this objective if it assists to alleviate existing conditions that pose a serious and immediate threat to the health or welfare of the community.

The County must certify that existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs. The emergency must be of recent origin or recently became urgent (18 months is a “safe harbor”). Evidence is necessary to show that other financial resources were not available.

Q. Can the funds be given to an outside agency to do requested projects?

Yes, projects may be contracted out pursuant to set procedures.

Q. Is my community guaranteed a certain amount of funds every year?

No, applications for funding are to be submitted on an annual basis for eligible projects.

Q. My Town or City has received funds through the Small Cities program. Can I still apply for Small Cities funds if my town participates as part of the County’s CDBG entitlement?

No.

Q. Are villages eligible to participate in the CDBG County entitlement independently of the Town/s they are located within?

Villages may opt in, or opt out of participating in the Entitlement County, independently from the Towns.

Q: What happens if not all municipalities in the County want to participate in the County's entitlement status?

If the total population of participating municipalities does not reach 200,000 the County will not be eligible to receive Entitlement Funds from HUD. Once a municipality "opts in" they are locked in for a minimum of 3 years.



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