

FIFTH AMENDMENT  
TO  
COMMUNITY DEVELOPMENT BLOCK GRANT  
DISASTER RECOVERY  
SUBRECIPIENT AGREEMENT

THIS FIFTH AMENDMENT (the "Fifth Amendment") to the Community Development Block Grant Disaster Recovery Subrecipient Agreement dated December 1, 2014 is entered into and made effective as of November 13, 2018 (the "Effective Date") by and between the Housing Trust Fund Corporation, operating by and through its division, the Governor's Office of Storm Recovery ("GOSR"), (collectively referred to herein as the "Grantee") and the Schoharie County Soil and Water Conservation District, a unit of local government ("Subrecipient"). The foregoing Grantee and Subrecipient shall sometimes be referred to herein individually as a "Party" and collectively as the "Parties."

WHEREAS, Grantee and Subrecipient entered into a Community Development Block Grant Disaster Recovery Subrecipient Agreement on December 1, 2014 (the "SRA" and, as amended by the Amendments, referred to herein as the "Agreement"), the terms of which govern Subrecipient's receipt of funds from the State of New York's Community Development Block Grant-Disaster Recovery ("CDBG-DR") program to provide certain services in support of the State of New York's recovery efforts following Hurricane Sandy and other eligible events in calendar years 2011, 2012, and 2013; and

WHEREAS, Grantee and Subrecipient entered into a first amendment to the SRA to provide funding in the amount of \$394,352 for assistance and disaster recovery support for preliminary work in connection with the Village of Schoharie South End Drainage, Town of Schoharie Stony Brook Creek and the Village of Middleburgh Gorge Creek Culvert, dated September 30, 2015 (the "First Amendment"); and

WHEREAS, Grantee and Subrecipient entered into a second amendment to the SRA to provide additional funding in the amount of \$445,285 and disaster recovery support for Engineering Services for the Village of Middleburgh Gorge Creek Culvert, and Engineering Services for the Town of Schoharie Stony Brook Creek project, dated September 23, 2016 (the "Second Amendment"); and

WHEREAS, Grantee and Subrecipient, entered into a third amendment to the agreement to provide additional funding in the amount of \$5,580,125, and disaster recovery support for engineering, design, and construction of the Village of Schoharie Young's Spring Intake Line Replacements, Village of Schoharie Master Drainage Plan & Improvements, Village of Schoharie South End Drainage Improvements, the Village of Middleburgh Gorge Creek Culvert Repair and Stormwater Improvements, and the Town of Schoharie Stony Brook Mitigation projects, dated January 10, 2018 (the "Third Amendment"); and

WHEREAS, Grantee and Subrecipient entered into a fourth amendment to the SRA to provide additional funding in the amount of \$770,565 and disaster recovery support for Engineering Services and construction for the Town of Schoharie Stony Brook Mitigation project, dated April 16, 2018 (the "Fourth Amendment" and, together with the First, Second and Third Amendments, collectively the "Amendments"); and

WHEREAS, pursuant to the Agreement, the Parties desire to enter into this Fifth Amendment to assist Subrecipient with the costs associated with the disaster recovery project described herein; and

WHEREAS, Subrecipient has demonstrated an immediate need for \$368,074 of CDBG-DR funds in order to implement the project.


NOW THEREFORE, pursuant to and in consideration of the above, and other mutual covenants and obligations herein contained, it is

STIPULATED AND AGREED as follows:

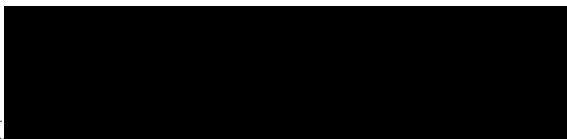
1. The term end date of September 30, 2019, stated in Section II of the Agreement, is hereby replaced with the date September 30, 2022.
2. The amount of the Grant Funds, currently set at \$7,190,327 under Section IV of the Agreement, is hereby increased by \$368,074 to a total amount not to exceed \$7,558,401.
3. Exhibit A5 to this Fifth Amendment is hereby appended to Exhibit A of the Agreement.
4. The "Budget for the Village of Schoharie, South End Drainage Improvements" project located at Exhibit B3 to the Third Amendment is hereby struck out and replaced by the "Budget for the Village of Schoharie, South End Drainage Improvements" attached hereto at Exhibit B5. The replacement of this budget represents an increase of \$368,074 to the Grant Funds amount.

IN WITNESS, WHEREOF, the parties executed this Fifth Amendment on the day and year first above written.

**Schoharie County Soil & Water  
Conservation District**

By:   
Name: Peter Nichols  
Title: District Manager

**Housing Trust Fund Corporation**

By:   
Name: Daniel Greene  
Title: General Counsel  
Governor's Office of Storm Recovery

## EXHIBIT A5

### Fifth Amendment Subrecipient Program Description

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#### Village of Schoharie, South End Drainage Improvements

As described in its abbreviated project application amendment submitted to GOSR on August 17, 2018, the Village of Schoharie is requesting funds to support the construction costs for improvements to the South End Drainage system in the Village of Schoharie. This project will reduce the risk of localized flooding when future storms occur, prevent the isolation of the residents in the area, and allow for uninterrupted emergency response capabilities. In efforts to reduce the risk of localized flooding this project proposes the construction of multiple flood resiliency measures. The implemented measures will consist of, the reestablishment of the swale across the Vroman property, backflow gates that will prevent Schoharie Creek flood waters from back feeding into the project areas, a retention pond and a stormwater outfall into Schoharie Creek.

No construction or acquisition activities are authorized until Subrecipient receives a Clearance Letter (as defined in the Agreement) following Environmental Review.

#### Deliverables

- Appraisal, surveying, recordation, and Acquisition of 12 parcels of property for drainage purposes (Village of Schoharie)
- Reestablishment of the swale across the Vroman property
- Backflow gates that prevent Schoharie Creek waters from flowing East of Rte. 30
- A Retention Pond to withstand peak runoff
- Construction of an outfall to Schoharie Creek, via a 3000 LF, 24" storm sewer with maintenance structures every 300 ft.
- Construction Bid Documentation
- Construction

#### Project Schedule

|                         |                  |
|-------------------------|------------------|
| Environmental Review    | August 25, 2016  |
| Design Completion       | August 30, 2018  |
| Construction Start      | October 30, 2018 |
| Construction Completion | July 15, 2019    |

**EXHIBIT B5**

**Fifth Amendment Budget**

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**Budget for the Village of Schoharic, South End Drainage Improvements**

| <b>South End Drainage Improvements Budget</b> |                           |                         |
|---|---------------------------|-------------------------|
| Architectural/Engineering/Surveying           |                           | \$ 189,195.00           |
| Acquisition Costs                             |                           | \$ 8,450.00             |
| Appraisal Costs                               |                           | \$ 9,300.00             |
| Construction Costs                            |                           | \$ 1,227,684.00         |
| Project Delivery & Administration             |                           | \$ 22,708.00            |
|   |                           |                         |
|   | <b>Total Project Cost</b> | <b>\$ 1,457,337.00*</b> |

\* Although the line items above are estimates and approximate, unless otherwise agreed by GOSR in writing, the total budget for this phase of this project shall not exceed \$1,457,337.