

FOURTH AMENDMENT  
TO  
COMMUNITY DEVELOPMENT BLOCK GRANT  
DISASTER RECOVERY  
SUBRECIPIENT AGREEMENT

THIS FOURTH AMENDMENT (the “Fourth Amendment”) to the Community Development Block Grant Disaster Recovery Subrecipient Agreement dated December 1, 2014 is entered into and made effective as of April 16, 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, together with the First and Second Amendments, collectively the “Amendments”); and

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

WHEREAS, Subrecipient has demonstrated an immediate need for \$770,565 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

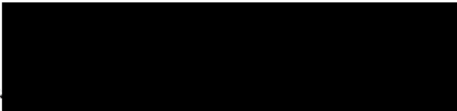
STIPULATED AND AGREED as follows:

1. The amount of the Grant Funds, currently set at \$6,419,762 under Section IV of the Agreement, is hereby increased by \$770,565 to a total amount not to exceed \$7,190,327.
2. Exhibit A4 to this Fourth Amendment is hereby appended to Exhibit A of the Agreement.
3. The "Budget for Town of Schoharie, Stony Brook Mitigation" located at Exhibit B3 to the Third Amendment is hereby struck out and replaced by the "Budget for the Town of Schoharie, Stony Brook Mitigation" attached hereto at Exhibit B4. The replacement of this budget represents an increase of \$770,565 to the Grant Funds amount.

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

**Schoharie County Soil & Water Conservation District    Housing Trust Fund Corporation**

By:   
Name: Peter Nichols  
Title: District Manager

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

## EXHIBIT A4

### Fourth Amendment Subrecipient Program Description

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#### Town of Schoharie, Stony Brook Mitigation

As described in its project application amendment submitted to GOSR on February 28, 2018, the Town of Schoharie is requesting funding to support the design, and construction costs for improvements that will mitigate flooding of the Stony Brook Creek. This amendment includes an additional 770,565 in CDBG-DR funding for the project, including \$51,680 in project delivery and administration costs for Schoharie County Soil and Water Conservation District. The scope of the project has been revised to include the realignment of the stream channel and the acquisition of 13 parcels that were identified as necessary to complete the project. The acquisition aspect is estimated to cost \$129,435 and will be funded with the Town of Schoharie's CDBG-DR funds. There are no other changes in the project scope.

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

#### Deliverables

- Realignment of the stream channel
- Tree Removal & Grubbing
- Floodplain Reconnection
- Culvert replacement/construction
- Demolition
- Acquisition (Funded from the Town of Schoharie CDBG-DR Allotment)
- Legal Recordation

#### Project Schedule

|                         |                   |
|-------------------------|-------------------|
| Environmental Review    | November 12, 2017 |
| Design Completion       | February 2018     |
| Acquisition/Closing     | June 15, 2018     |
| Construction Start      | September 1, 2018 |
| Construction Completion | December 31, 2018 |

**EXHIBIT B4**

**Fourth Amendment Budget**

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**Budget for the Town of Schoharie, Stony Brook Mitigation**

**Stony Brook Mitigation Project Budget**

|   |                       |
|---|-----------------------|
| Architectural/Engineering/Surveying/SWPP          | \$279,448.00          |
| Construction/Demolition/Tree Removal and Grubbing | \$2,016,847.00        |
| Construction Management and Oversight             | \$127,945.00          |
| Contingency                                       | \$281,890.00          |
| Multiyear Escalation                              | \$112,755.00          |
| Project Delivery                                  | \$51,680.00           |
| <b>Total Project Budget</b>                       | <b>\$2,870,565.00</b> |

\* Although the line items above are estimates and approximate, the total budget for this project shall not exceed **\$2,870,565**, unless otherwise agreed by GOSR in writing. The Third Amendment to the Agreement allocated \$2,100,000 of CDBG-DR funds to the project. The replacement of that budget with this budget adds an additional \$770,565 of the total project budget.

**Budget for Stony Brook Mitigation Acquisition**

**Acquisition Budget for Stony Brook Mitigation (Town of Schoharie CDBG-DR)**

|                                     |             |
|-------------------------------------|-------------|
| 9 Permanent & 4 Temporary Easements | \$75,635.00 |
| Barn Acquisition for Demolition     | \$30,000.00 |
| Legal and Recordation               | \$23,800.00 |

**Total Acquisition Budget (Town of Schoharie CDBG-DR Funds)** **\$129,435.00\***

\*Although the line item amounts above are estimate and approximate, the total CDBG-DR acquisition budget for the Stony Brook Mitigation project shall not exceed \$129,435 unless otherwise agreed in writing by GOSR.

**EXHIBIT E4**

**Supplementary Conditions for Contracts**

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[attached]