

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 January 5, 2015 is entered into and made effective as of July 19, 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 Town of Blooming Grove a municipal corporation ("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 January 5, 2015 (the "SRA" and, as amended by the First Amendment, 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 \$577,226.32 and disaster recovery support for the "Town of Blooming Grove Drainage Master Plan" project, dated May 18, 2016 (the "First Amendment"); and

WHEREAS, Grantee and Subrecipient entered into a second amendment to the SRA to provide additional funding in the amount of \$1,319,954 and disaster recovery support for the "Town of Blooming Grove Critical Facilities Flood Mitigation" project and the "Relocation of Town of Blooming Grove Central Maintenance Facility" project, dated October 7, 2016 (the "Second Amendment"); and

WHEREAS, Grantee and Subrecipient entered into a third amendment to the SRA to provide additional funding in the amount of \$1,387,218.74 and disaster recovery support for the "Town of Blooming Grove Critical Facilities Flood Mitigation" and "Relocation of Town of Blooming Grove Central Maintenance Facility" projects, dated November 16, 2017 (the "Third 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 Fourth Amendment to assist Subrecipient with the costs associated with the disaster recovery projects described herein; and

WHEREAS, Subrecipient has demonstrated an immediate need for \$2,581,160.94 of CDBG-DR funds in order to implement the projects.

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 \$3,284,399.06 under Section IV of the Agreement, is hereby increased by \$2,581,160.94 to a total amount not to exceed \$5,865,560.00.
3. Exhibit A4 to this Fourth Amendment is hereby appended to Exhibit A of the Agreement.
4. The following replacements and additions are hereby made with respect to the Budgets as set forth in Exhibit B4 to this Fourth Amendment:
 - a. The Budget for "Joint Master Drainage Plan" located at Exhibit B1 to the First Amendment is hereby struck out and replaced by the "Budget for Drainage Master Plan" attached hereto at Exhibit B4. The replacement of this budget represents an increase of \$65,005.56 to the Grant Funds Amount.
 - b. The "Budget for SR 208 and Clove Road Intersection Improvements" located in Exhibit B4 to this Fourth Amendment is hereby appended to Exhibit B of the Agreement. Appending this budget represents an increase of \$1,530,000.00 to the Grant Funds Amount.
 - c. The "Budget for May's Field Dam Removal" located in Exhibit B4 to this Fourth Amendment is hereby appended to Exhibit B of the Agreement. Appending this budget represents an increase of \$223,380.00 to the Grant Funds Amount.
 - d. The "Budget for Washingtonville Culverts and Drainage Improvements" located in Exhibit B4 to this Fourth Amendment is hereby appended to Exhibit B of the Agreement. Appending this budget represents an increase of \$742,774.39 to the Grant Funds Amount.

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

Town of Blooming Grove

Housing Trust Fund Corporation

By: 

By: 

Name: Robert Jeroloman
Title: Supervisor

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

EXHIBIT A4

Fourth Amendment Subrecipient Program Description

Drainage Master Plan

As set forth in the application submitted to GOSR on July 7, 2016, the Town of Blooming Grove requested funds to undertake a comprehensive master drainage plan focusing on local waterways and infrastructure affecting flooding conditions within the Town of Blooming Grove and the Village of Washingtonville and South Blooming Grove. The Drainage Master Plan obtained a hydraulic and hydrologic study of all the waterways to ascertain the amount of sedimentation present in the creek and stream beds, evidence of erosion of creek and stream banks, the presence of shoaling in water way, and the identification of flooding characteristics. Through an executed contract amendment, the study also made recommendations to address risks of flooding and the development of a joint master drainage plan to address those conditions during future storm events. Additional deliverables for this project include:

- Additional survey work, management and data collection assistance
- Additional stormwater installation oversight
- Additional identification of three (3) projects with modifications that would impact the results of the study
- Additional modeling analysis, assessment & project development for two (2) of the project identified

The full, final budget for this planning only activity is reflected in Exhibit B4 in the Amendment.

SR 208 and Clove Road Intersection Improvements

As set forth in the application submitted to GOSR on January 31, 2018, the Town of Blooming Grove is requesting funding to realign the intersection of State Route 208 and Country Road 27 (Clove Road), remove one culvert, and to right-size and replace a second failing, undersized culvert. The current intersection of State Route 208 and Country Road 27 (Clove Road), between the villages of South Blooming Grove and Washingtonville, is a Y-shaped geometric configuration. An unnamed tributary of the Satterly Creek (in the Moodna Watershed) flows rapidly down the mountainside and currently flows under Clove Road at the intersection via a culvert and then flows under SR 208 via another culvert. The intersection will be realigned into a standard T-geometric configuration, allowing for the removal of one culvert and substantial dredging and streambank repair and stabilization of the unnamed Satterly Creek tributary. The second culvert under SR 208 will be replaced to a newer and larger culvert that will be able to convey the fast-moving storm water, prevent silting and other aggradation, and prevent future undermining and destruction of the roadbed and asphalt. Deliverables of this project include:

- Removal of one culvert
- Replacement of a second undersized culvert
- Realignment of an intersection to a standard T-geometric configuration
- Restoration of streambank and general project site
- Restoration of riparian buffer along stream

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

Project Schedule

CDBG-DR PROGRAM TIME SCHEDULE (January 1, 2018-November 30, 2019)					APPLICANT NAME: Town of Blooming Grove							
MILESTONES	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 5	Quarter 6	Quarter 7	Quarter 8	Quarter 9	Quarter 10	Quarter 11	Quarter 12
Activity (list activity from budget/cost summary form)												
a. Study (H&H, Feasibility, etc.)	X	XXX										
b. Environmental Review			XXX	XXX								
c. A/E Design			XXX	XXX								
d. Construction					X	XXX	XXX	X				
e. Closeout								XX				
Activity (list activity from budget/cost summary form)												
a. Acquisition (N/A)												

Provide the following dates:
*Required

*ERR Complete Date: December 31, 2018
Construction Start Date: March 1, 2019
*Construction End Date: October 31, 2019

Acquisition/Closing: N/A
Design Complete: December 15, 2018

May's Field Dam Removal

As set forth in the application submitted to GOSR on January 31, 2018, the Town of Blooming Grove is requesting funding for the removal of May's Field Dam. May's Field Dam, built along the Moodna Creek in the Town of Washingtonville, rises approximately six feet above the streambed. It is constructed of masonry and is in poor condition. The dam is currently unclassified by the New York State Department of Environmental Conservation and it has never served an economic, flood mitigation, or agricultural purpose. Removing May's Field Dam would return the Moodna Creek to its natural stream channel. Deliverables of this project include:

- Removal of May's Field Dam
- Restoration of Moodna Creek to its natural stream channel
- Restoration of natural riparian vegetation

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

Project Schedule

CDBG-DR PROGRAM TIME SCHEDULE (January 1, 2018-June 30, 2019)						APPLICANT NAME: Town of Blooming Grove						
MILESTONES	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 5	Quarter 6	Quarter 7	Quarter 8	Quarter 9	Quarter 10	Quarter 11	Quarter 12
Activity (list activity from budget/cost summary form)												
a. Study (H&H, Feasibility, etc.)	XXX	XXX										
b. Environmental Review			X	XX								
c. A/E Design			XXX	XXX								
d. Construction					X	XXX						
e. Closeout							X					
Activity (list activity from budget/cost summary form)												
a. Acquisition N/A												

Provide the following dates:
*Required

*ERR Complete Date: November 30, 2018
Construction Start Date: March 1, 2019
*Construction End Date: June 30, 2019

Acquisition/Closing: N/A
Design Complete: December 31, 2018

Washingtonville Culverts and Drainage Improvements

As set forth in the application submitted to GOSR on January 31, 2018, the Town of Blooming Grove is requesting funding to replace the undersized and failing culvert under SR 94 in downtown Washingtonville. In addition, other chronically wet and flooded areas to which swales empty will be connected through extensions of drainage ditches and smaller culverts so that the water empties properly into the Moodna Creek. This project will not only mitigate substantial flooding downstream, but prevent flooding upstream due to obstructions and silt/debris aggradation. Deliverables of this project include:

- Replace undersized culvert under SR 94 in downtown Washingtonville
- Connect other flooded areas via extension of drainage ditches and smaller culverts

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

Project Schedule

CDBG-DR PROGRAM TIME SCHEDULE (January 1, 2018-June 30, 2019)						APPLICANT NAME: Town of Blooming Grove						
MILESTONES	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 5	Quarter 6	Quarter 7	Quarter 8	Quarter 9	Quarter 10	Quarter 11	Quarter 12
Activity (list activity from budget/cost summary form)												
a. Study (H&H, Feasibility, etc.)	XXX	XXX										
b. Environmental Review			X	XX								
c. A/E Design			XXX	XXX								
d. Construction					X	XXX						
e. Closeout							X					
Activity (list activity from budget/cost summary form)												
a. Acquisition N/A												

Provide the following dates:
*Required

*ERR Complete Date: November 30, 2018
Construction Start Date: March 1, 2019
*Construction End Date: June 30, 2019

Acquisition/Closing: N/A
Design Complete: December 31, 2018

EXHIBIT B4

Fourth Amendment Budget

Budget for Drainage Master Plan

Project Management Services.....	\$35,213.87
Study Existing Conditions	\$177,159.58
Survey	\$116,475.29
Flood Data Management & Assessment.....	\$16,038.35
Flood Mitigation Identification, Assessment, & Analysis.....	\$147,923.15
Preferred Flood Mitigation Project Development.....	\$103,819.90
Drainage Master Plan Report Preparation	\$43,876.64
Project Delivery & Administration.....	\$21,726.09
Total Project Cost.....	\$662,232.87*

*Though the line item amounts above are estimates and approximate, the total budget for this project shall not exceed \$662,232.87.

Budget for SR 208 and Clove Road Intersection Improvements

Design and Engineering.....	\$388,480.00
Additional Studies (Beyond WSP Study)	\$214,180.00
Design	\$174,300.00
Implementation	\$1,111,520.00
Permitting.....	\$36,540.00
Culverts.....	\$535,750.00
250' Asphalt Repair	\$152,600.00
Streambank Restoration and Dredging.....	\$112,430.00
Construction Management/Inspection	\$93,150.00
Contingency	\$117,150.00
Multi Year Escalation	\$63,900.00
Project Delivery and Administration Costs.....	\$30,000.00
Total Project Cost.....	\$1,530,000.00*

*Though the line item amounts above are estimates and approximate, the total budget for this project shall not exceed \$1,530,000.00.

Budget for May's Field Dam Removal

Design and Engineering	\$49,270.00
Additional Studies (Beyond WSP Study)	\$31,950.00
Design	\$17,320.00
Implementation	\$169,730.00
Permitting.....	\$19,880.00
Demolition and Debris Removal	\$97,490.00
Streambank Restoration.....	\$11,230.00
Construction Management/Inspection	\$24,150.00
Contingency	\$16,980.00
Project Delivery and Administration Costs	\$4,380.00
Total Project Cost	\$223,380.00*

*Though the line item amounts above are estimates and approximate, the total budget for this project shall not exceed \$223,380.00.

Budget for Washingtonville Culverts and Drainage Improvements

Design and Engineering	\$130,827.00
Additional Studies (Beyond WSP Study)	\$43,887.00
Design	\$86,940.00
Implementation	\$597,092.00
Permitting.....	\$9,100.00
SR 94 Culvert Replacement (including Traffic Control).....	\$407,360.00
Swales/Drainage Ditch Connectivity	\$96,772.00
Construction Management/Inspection	\$24,150.00
Contingency	\$59,710.00
Project Delivery and Administration Costs	\$14,855.39
Total Project Cost	\$742,774.39*

*Though the line item amounts above are estimates and approximate, the total budget for this project shall not exceed \$742,774.39.

Fourth Amendment Funding Summary

Drainage Master Plan.....	+\$85,006.55
SR 208 and Clove Road Intersection Improvements.....	+\$1,530,000.00
May's Field Dam Removal.....	+\$223,380.00
Washingtonville Culverts and Drainage Improvements.....	+\$742,774.39
Total Additional Funds Requested in this Amendment	\$2,581,160.94

EXHIBIT E3

Supplementary Conditions for Contracts

[attached]