

THIS AGREEMENT is entered into by and between the **ULSTER COUNTY ECONOMIC DEVELOPMENT ALLIANCE, INC.**, (the “UCEDA”), and **THE VILLAGE OF ELLENVILLE**, a local municipality...

SCHEDULE A **SCOPE OF SERVICES**

The Village of Ellenville will undertake a Main Street Façade Renovation Program in accordance with the following:

Description of Program

The Main Street Façade Program is part of Ulster County’s Ellenville Million initiative. The Program provides for reimbursement to building owners for façade renovations within the eligible business district area. The Program shall be administered by the Village of Ellenville with funds provided by the Ulster County Economic Development Alliance (UCEDA). This fund is available to owners of commercial buildings in Ellenville’s business district eligible area.

Applications must be received by the Village of Ellenville by the last day March, 2016 and all façade improvements approved by the Village of Ellenville must be completed within 4 months of final approval. To qualify for the Main Street Façade Program applications must meet the eligibility criteria:

Eligibility

- Eligible applicants include building owners of existing commercial buildings located in the business district of Ellenville that comprises the 14 blocks located:
 - East/West between Childs Street and Water Street
 - North/South between Warren Street and Spring Street
- Façade improvements must meet the requirements of Chapter 228-6 of Zoning and Design Standards, Facades and Fenestration of the Village of Ellenville. See <http://ecode360.com/13591169>.
- Maximum award amount is \$10,000.
- A cash match equal to 50% percent of the award is required.
- Applicants must demonstrate financial capacity to meet the program match-funding requirements, and must be current on all property taxes, mortgages and insurance.

Should funding remain after the first funding round, applications will be accepted on an open funding basis until all funds are awarded.

Program Development

Marketing the Program:

- The Village of Ellenville shall conduct outreach in the Business District of Ellenville to ensure that commercial property owners are made aware of the availability of financial assistance through the Ellenville Million Main Street Façade Program.
- The Village of Ellenville will develop and distribute informational materials to market program availability and explain program requirements. Instructions on how to apply will be available at the Village of Ellenville's office.
- The Village of Ellenville shall retain public notices and other documentation of marketing and outreach efforts in the program files.

Program Selection

- The Village of Ellenville must develop and formalize project selection criteria and a clear project selection process. This process must be used consistently throughout the term of the Ellenville Million Main Street Façade Program.
- The Village of Ellenville will advise applicants on the disposition of an application within 30 business days of the submission of a complete application.
- The Village of Ellenville must retain clear documentation of each decision in the program files. This must include a determination for each application reviewed, and each project selected.

Project Development

Work Write-up / Scope of Work:

- If the Village of Ellenville determines an initial application to be eligible for assistance, the Village of Ellenville will meet with the commercial property owner to develop a scope of work and an initial estimate of costs. This meeting may occur at the building site or after a visit to the site. The Village of Ellenville will discuss requirements related to lead-based paint hazards, energy efficiency, historic design standards, or any other relevant work scope issues with the commercial property owner.
- A written scope of work is an Ellenville Million Main Street Façade Program requirement. The scope of work must address:
 - Immediate health and safety concerns
 - The correction of code violations
 - Lead-based paint hazards that may exist in commercial buildings that contain residential units
 - Radon hazards in buildings that contain residential units
 - Installation of energy conservation measures
 - Consistency with any other local program design guidelines
 - Preservation of historical elements of the building.

- The Village of Ellenville is responsible for coordinating work write-ups with local code officials, the State Historic Preservation Office and other regulators. If needed, additional experts must be consulted. Both the Village of Ellenville and the commercial property owner must sign-off on the formal scope of work before the owner is authorized to seek bids for the work. The Village of Ellenville may assist commercial property owners in obtaining interim financing.
- The property owner will be responsible for paying for all agreed upon repairs, and the Village of Ellenville will not reimburse more than the costs identified and agreed to as part of the award funds.

Contractor Selection:

- Proof of proper insurance must be supplied to the Village of Ellenville and approved, before a contractor shall be selected.
- At least two bids must be obtained for each separate construction project or professional service to establish the reasonableness of project costs.
- Certain principles must be upheld in seeking bids or quotes. There must be a clear, written, scope of work for the project for which bids or quotes are sought, as outlined in Work Write-up / Scope of Work above. All bidders must have equal access to relevant information, including information on the commercial property itself. The process should be free of collusion or intimidation, and the Village of Ellenville should exercise appropriate oversight over the entire process to ensure that it is fair and efficient and avoid actual and perceived conflicts of interest.
- Although the property owner may select the contractors to supply quotes, the quotes should be received by the Village of Ellenville. The Village of Ellenville will advise the property owner of acceptability of bids/proposed cost. If the commercial property owner chooses other than the lowest bidder, re-imbursement will be based on the amount of the lowest bid.

Contracting Procedures:

- Prior to final award of funding and entering into any contract, the Village of Ellenville will make any required findings under the State Environmental Quality Review Act (SEQRA) and include such documentation in the project file.
- The Village of Ellenville will enter into a contract with the commercial property owner to provide the agreed financial assistance, subject to the commercial property owner entering into a contract based on the agreed scope of work and the work beginning within 30 days of the village of Ellenville's approval.
- The contract between the Village of Ellenville and the commercial property owner will specify that payments will be made after all work is complete. In addition, it will provide

that the Village of Ellenville has the right to inspect work at any time and cancel the contract should the work being done be inconsistent with the standards mentioned in the preceding sections, or if problems with the workmanship arise, or if insurance is not maintained by the contractor

- The Village of Ellenville will develop a contract to outline the roles and responsibilities for both the Village of Ellenville and the participating commercial property owner. At a minimum, the contract must specify:
 - The agreed upon scope of work
 - The amount of financial assistance awarded
 - The project timeline
 - That payments will be made only after the work is complete
 - The Village of Ellenville has the right to inspect work at any time and to cancel the contract should the work be inconsistent with the standards outlined, or if insurance is not maintained by the contractor.
- The contract should also specify that the contract is subject to the commercial property owner engaging a contractor and beginning construction within 30 days of the Village of Ellenville's approval.
- The commercial property owner will be responsible for paying for all agreed upon repairs, but the Village of Ellenville will not reimburse more than the maximum award amount or increases above 10% of the estimated costs, whichever is less. Payment will only be made upon satisfactory completion of all work. Satisfactory completion will be determined by the Village of Ellenville.

Construction Management/Quality Control

Design Standards:

- All work will be completed in accordance with design standards that are developed to meet the priorities listed in Work Write-up / Scope of Work section. The Village of Ellenville will enforce the standards throughout the development process.

Inspections:

- The Village of Ellenville retains the right to inspect work in progress at any point. Before final payment can be made, a final inspection will be required. The Village of Ellenville, the local code enforcement officer and the commercial property owner will all verify that the work was completed properly and is consistent with the contracted scope of work. The Village of Ellenville must clearly document each site visit and inspection in the project files.

Financial Management

Staff:

- The Village of Ellenville's chief financial officer will be responsible for all financial transactions under this contract. The Village of Ellenville should have a written policy on internal controls, and use this policy to determine the process for review and approval requests for disbursement of the Ellenville Million Main Street Façade Program funds.

Interim / Construction Financing:

- The Ellenville Million Main Street Façade Program is a reimbursement program. The commercial property owner will be responsible for paying for all agreed upon repairs, but the Village of Ellenville will not reimburse more than the costs identified as available per building for the funding year. Payment will only be made upon satisfactory completion of all work. Local commercial property owners will be responsible for obtaining construction or interim financing for their project. The Village of Ellenville may assist commercial property owners in obtaining financing where requested, but commercial property owners are free to make their own arrangements.

SCHEDULE B **FEES, EXPENSES, AND SUBMISSIONS FOR PAYMENT**

1. The Firm's fee for Services to be provided pursuant to this Agreement shall not exceed **TWENTY FIVE THOUSAND AND 00/100 (\$100,000.00) DOLLARS**.
2. The Firm shall invoice the UCEDA for approved reimbursable costs after the expense has been incurred and paid for by the commercial property owners in the Village of Ellenville.
3. The Firm shall not use any funds under this Agreement for the removal of lead, asbestos or any other hazardous material.
4. The Firm shall submit its final invoice under this Agreement no later than thirty (30) days after the end date contained in Article 2 of this Agreement.
5. The UCEDA will remit payment to the Firm within thirty (30) days of approval of the invoice by the Board of Directors.
6. The Firm agrees to meet any additional invoicing requirements that the UCEDA may from time to time require, with reasonable notice to the Firm.
7. The Firm's invoices must contain, or have attached, sufficient supporting detail, as reasonably required by the UCEDA, to verify the claim.

