

**11718**

DATE: May 20, 2010

TO: Board of Acquisition and Contract

FROM: Edward Burroughs  
Acting Commissioner

SUBJECT: Resolution Authorizing an Amendment to the Agreement between the County of Westchester and the Village of Port Chester for a Downtown Street/Façade Improvement Project in the Village of Port Chester

The attached resolution authorizes the County of Westchester to amend the agreement with the Village of Port Chester for the Downtown Street/Façade Improvement Project in the Village of Port Chester. This amendment will change the expiration date from October 11, 2010, to May 31, 2011, expand the scope of service and increase the dollar amount from \$121,000.00 to \$283,000.00 an increase of \$162,000.00. All other terms and conditions of the agreement will remain the same.

The Village of Port Chester is requesting a modification of the agreement as the scope of service has been expanded to include the installation of 80 trees and tree grates, roadway striping and minor pavement patching. The additional work will require additional time and funding.

On October 8, 2009, your Honorable Board approved a request to enter into an agreement with the Village of Port Chester for a Downtown Street/Façade Improvement Project in the Village of Port Chester, from the Community Development Block Grant Program.

The agreement will serve the public purpose of public safety and fiscal responsibility. The goal and objective of this agreement is to provide a safe walkway for pedestrians in the Village of Port Chester. The project also exhibits fiscal responsibility by securing non-County taxpayer resources.

The project will be monitored by the Westchester County Department of Planning staff who will make bimonthly site visits during construction to ensure all contractual requirements are met.

Should the agreement not be authorized, the unsafe passageway will continue to deteriorate and possibly cause harm to the residents of this low/moderate income area of Port Chester.

This procurement is in compliance with the County of Westchester Procurement Policy Procedures, pursuant to Section 3(a)xvi, which states that contracts with recipients for disbursement of grants or loans under the Community Development Block Grant Program are exempt.

Act # 34-2009, adopted March 5, 2009, by the Westchester County Board of Legislators, authorized the County to file an FY 2009-2013 Consolidated Plan application consisting of an Action Plan for Fiscal Year 2009 as an Urban County to the United States Department of Housing and Urban Development

(HUD). Act # 152-2005 authorized the County to enter into cooperation agreements with forty (40) municipalities participating in the program as the first step in qualifying these municipalities to receive these funds during Fiscal Year 2009.

On May 28, 2009, the Board of Acquisition and Contract approved a resolution authorizing the County of Westchester to enter into an agreement with the United States Department of Housing and Urban Development for the thirty-fourth year grant totaling \$8,117,872.00 from HUD. The allocation for the Community Development Block Grant Program is \$5,960,971.00. This project will be funded from the thirty-fourth year CDBG allocation.

Act # 11-2010, adopted March 15, 2010, by the Westchester County Board of Legislators, authorized the County to file an FY 2009-2013 Consolidated Plan application consisting of an Action Plan for Fiscal Year 2010 as an Urban County to the United States Department of Housing and Urban Development (HUD). Act # 152-2005 authorized the County to enter into cooperation agreements with forty (40) municipalities participating in the program as the first step in qualifying these municipalities to receive these funds during Fiscal Year 2009.

On April 29, 2010, the Board of Acquisition and Contract approved a resolution authorizing the County of Westchester to enter into an agreement with the United States Department of Housing and Urban Development for the thirty-fifth year grant totaling \$8,473,589.00 from HUD. The allocation for the Community Development Block Grant Program is \$6,378,239.00. This project will be funded from the thirty-fifth year CDBG allocation.

Pursuant to Act No. 11-2010, prior to disbursement of any grant funds received by the County in connection herewith, any recipient must commit in writing to affirmatively further fair housing ("AFFH") within its borders. Pursuant thereto, such recipient shall agree to certify in writing to the County that it is in compliance with the following terms and conditions, as appropriate, in connection with its commitment to AFFH, in that it will actively further implementation of the Settlement Agreement and Order in *United States of America ex. rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, NY* through recipient's land use regulations and other affirmative measures to assist development of affordable housing, under such terms and conditions as approved by the County Attorney.

I recommend approval of this amendment.

EB/cp  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT 6-10-2010 ONLY VIEIRA SECRETARY

## RESOLUTION

UPON A COMMUNICATION FROM THE ACTING COMMISSIONER OF PLANNING, BE IT HEREBY

RESOLVED, that the County is authorized to amend the agreement between the County of Westchester and the Village of Port Chester, to change the expiration date from October 11, 2010, to May 31, 2011, expand the scope of service to include the installation of 80 trees and tree grates, roadway striping and minor pavement patching, and increase the dollar amount from \$121,000.00 to \$283,000.00 an increase of \$162,000.00, and it is further

RESOLVED, that the municipality is reminded of their obligations to comply with the provisions of Title VI of the Civil Rights Act of 1964, the Fair Housing Act of 1968 and the Americans with Disabilities Act of 1990 as stated in the Urban County Cooperation Agreement in that the municipality agrees to do what is necessary, as determined by the County, to comply with each of the above referenced Acts, the rules and regulations thereunder, and the undertakings and assurances in the application form insofar as they relate to the activities and programs conducted by the municipality pursuant to this grant, including to affirmatively further fair housing within its own jurisdiction and not impede the County's action to comply with its fair housing certifications, and be it further

RESOLVED, that Pursuant to Act No. 11-2010, prior to disbursement of any grant funds received by the County in connection herewith, any recipient must commit in writing to affirmatively further fair housing ("AFFH") within its borders. Pursuant thereto, such recipient shall agree to certify in writing to the County that it is in compliance with the following terms and conditions, as appropriate, in connection with its commitment to AFFH, in that it will actively further implementation of the Settlement Agreement and Order in *United States of America ex. rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County, NY* through recipient's land use regulations and other affirmative measures to assist development of affordable housing, under such terms and conditions as approved by the County Attorney.

RESOLVED, that all the other terms and conditions of the agreement will remain the same, and it is further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Original Agreement	\$121,000.00
This Amendment	\$162,000.00
 TOTAL	 \$283,000.00
 AGREEMENT NUMBER	 C-67-09-S67

Account to be Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
263	19	067J	4380	T067	\$102,000.00
263	19	067K	4380	T067	\$ 60,000.00

Budget Funding Year(s)

FY 2009 & 2010

Start Date October 12, 2009

End Date May 31, 2011

(must match resolution)

Funding Source

Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

**\$283,000.00**

(must match resolution)

Federal Aid \$283,000.00 – U.S. Department of Housing and Urban Development

Other \_\_\_\_\_

S:\ADMINISTRATION\CONTRACTS\Completed Contracts\CDBG\C6709S67\Resolution - Amendment.doc

APPROVED BOARD OF ACQUISITION & CONTRACT - 6-10-2010 - JOMARY VIEIRA, SECRETARY