

**24485**

DATE January 24, 2012

TO: Board of Acquisition and Contract

FROM: Edward Buroughs  
Commissioner of Planning

SUBJECT: Resolution authorizing an amendment to the agreement between the County of Westchester and the City of Yonkers to provide infrastructure improvements in support of an affordable housing development, in order to change the expiration date

On December 18, 2008, the Board of Acquisition and Contract authorized the County of Westchester to enter into an intermunicipal agreement with the City of Yonkers, pursuant to which the City was to provide infrastructure improvements in support of the affordable housing development known as 330 Riverdale Avenue in the City. The IMA provided that the affordable housing units in the development be affordable for a period of fifty (50) years. This will include one hundred thirty six (136) affordable housing units and one (1) unit for a superintendent. The amount of the agreement is in connection with the one hundred thirty six (136) affordable housing units and is in an amount not to exceed \$4,350,000.00. The term of the agreement is December 19, 2008 to January 1, 2011.

On October 7, 2010, the Board of Acquisition and Contract approved a resolution authorizing an amendment to the above agreement in order to decrease the period of affordability for the affordable housing units from fifty (50) to thirty (30) years.

The attached resolution authorizes the County of Westchester to amend this agreement in order to change the expiration date from January 1, 2011 to November 30, 2011. While the work was substantially completed in 2010, inclement weather over the winter of 2010/11 caused construction delays necessitating the need to extend the expiration date of the contract. Additionally, the County required documentation that a Temporary Certificate of Occupancy be provided in order to process additional payment. The TCO was submitted along with a payment voucher in November 2011 to complete all items.

The goal and objective of the agreement is to provide affordable housing to the City of Yonkers. The project will be tracked and monitored by the Planning staff, who will track and monitor the construction to ensure continued compliance with affordable housing requirements during monthly site visits in conjunction with payment requisition meetings for this work.

I recommend approval of this amendment.

EB/cp  
Attachment

**RESOLUTION**

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

RESOLVED: that the County is hereby authorized to approve a second amendment to the agreement between the County of Westchester and the City of Yonkers for the constuction of the development know as 330 Riverdale Avenue in the City, in order to change the expiration date from January 1, 2011 to November 30, 2011; and it is further

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.

Recommended for Approval.

Original Agreement \$4,350,000.00  
 First Amendment \$0.00  
 This Amendment \$0.00

TOTAL \$4,350,000.00

AGREEMENT NUMBER C-HIF-08-46

Account to be Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	Dollars
Fund	Dept	Or Unit			
318	19	BPL01-72-S	6150	N/A	\$0.00

Budget Funding Year(s) FY 2008 Start Date December 19, 2008 End Date November 30, 2011  
 (m/s) match resolution)

Funding Source Tax Dollars \$0.00  
 State Aid \_\_\_\_\_  
**\$0.00** Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_