

36347

DATE: October 9, 2013

TO: Board of Acquisition and Contract

FROM: Edward Buroughs
Commissioner of Planning

SUBJECT: Resolution authorizing an amendment to a certain agreement by and among the County of Westchester and Graceland Terrace Housing Development Fund Company Inc. and Pawling Holdings, LLC for construction of infrastructure improvements on the property located at 525 Ellendale Avenue in the Village of Rye Brook, in order to change the funding source

The County entered into an agreement with Graceland Terrace Housing Development Fund Company Inc. and Pawling Holdings, LLC, dated February 12, 2013, to finance the construction of certain infrastructure improvements (the "Agreement") in an amount not to exceed \$100,000. The infrastructure improvements supported an affordable housing development known as Ellendale Commons consisting of four (4) affordable AFFH one-bedroom condominium housing units (the "Units") on the real property located at 525 Ellendale Avenue in the Village of Rye Brook. The Agreement, as well as the resolution approving it adopted on December 20, 2012, identified the funding as coming from the non-County share of capital project BPL50 ("FAH Funding").

The Units constitute units eligible to be counted under Section 7(c) of the Stipulation and Order of Settlement and Dismissal (the "Settlement Agreement"); however, Section 7(c) (iii) does not permit the use of the FAH Funding to finance units eligible under Section 7(c). The Agreement requires, among other things, compliance with the Community Development Block Grant ("CDBG") Act, as the FAH Funding is subject thereto. The Planning Department has determined that the site work is eligible to be funded from the County's fiscal year 2010 CDBG allotment, which has no restrictions with respect to 7(c) units.

Accordingly, the attached Resolution authorizes the County to amend the Agreement to change the funding source from FAH Funding to funding from fiscal year 2010 CDBG grant (trust account T-067). All other terms and conditions of the Agreement will remain the same.

The goals and objectives of the Agreement serves a public purpose as it fulfills the County's obligations under the Settlement Agreement by supporting the construction of affordable AFFH units in accordance with the terms of the Settlement Agreement.

Act No. 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").

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 CDBG Program is \$6,378,239.00. This project will be funded from the thirty-fifth year CDBG allocation.

I recommend approval of this amendment to the Agreement.

EB/kar/dv

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/31/2013 - JOMARY VIEIRA, SECRETARY

