

May 3, 2010

11284

TO: Honorable Board of Acquisition and Contract

FROM: John J. Hsu, P.E.
Acting Commissioner of Public Works

SUBJECT: Authority to enter into a lease agreement with the Watershed Agricultural Council, Inc., for the use of Building B, Manager/Foreman's House at Hilltop Hanover Farm for a term from May 1, 2010 through October 31, 2012. (Agreement No. 10-924)

Authority is requested for the County of Westchester (the "County") to enter into a lease agreement with the Watershed Agricultural Council, Inc. (the "Tenant") for the use of Building B, Manager/Foreman's House at Hilltop Hanover Farm. Building B consists of approximately 1,500 square feet. The lease will be for a term from May 1, 2010 through October 31, 2012. The Tenant will pay rent as follows:

05/01/10 – 04/30/11	\$15,315.00 annually	\$1,276.25 monthly
05/01/11 – 04/30/12	\$15,744.00 annually	\$1,314.50 monthly
05/01/12 – 10/31/12	\$16,247.00 annually	\$1,353.92 monthly

Under the terms of the lease, the Tenant will also be responsible for all repairs and maintenance of the premises, property taxes and utilities. The Tenant will also give the County a security deposit of \$1,000.00. The lease will be subject to termination by either party upon sixty (60) days notice.

The Tenant's programs and services will include, but not be limited to, the development of a water-quality based Whole Farm Plan for Hilltop Hanover Farm, rotational livestock grazing demonstrations, fencing demonstrations, biological brush control, pasture management, nutrient management, manure management systems, heavy use area protection, conservation cover crops, pasture reclamation, livestock watering facilities, riparian buffers, and barnyard water management.

This agreement will serve a public purpose by providing agricultural conservation education to various youth groups and residents within the County while providing revenue to the County, thus addressing the County Executive's priority areas of Health and the Environment (HE) and Fiscal Responsibility (FR).

The goal and objective of this lease agreement is to provide educational opportunities for visitors at Hilltop Hanover Farm on agricultural conservation practices through programs and demonstration projects. The monitoring of the programs will be provided by the on-site Westchester County staff.

This lease agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(b) thereof, which states that this policy shall not apply to real property, leases, licenses and concessions.

We recommend adoption of the attached proposed Resolution.

R E S O L U T I O N

Upon a communication from the Acting Commissioner of Public Works, be it hereby

RESOLVED, that the County of Westchester (the "County") is authorized to enter into a lease agreement with the Watershed Agricultural Council, Inc. (the "Tenant") for the use of Building B, Manager/Foreman's House at Hilltop Hanover Farm for a term from May 1, 2010 through October 31, 2012; and be it further

RESOLVED, that the Tenant shall pay rent as follows:

05/01/10 – 04/30/11	\$15,315.00 annually	\$1,276.25 monthly
05/01/11 – 04/30/12	\$15,744.00 annually	\$1,314.50 monthly
05/01/12 – 10/31/12	\$16,247.00 annually	\$1,353.92 monthly; and be it further

RESOLVED, that under the terms of the lease, the Tenant shall also be responsible for all repairs and maintenance of the premises, property taxes and utilities; and be it further

RESOLVED, that the Tenant shall also give the County a security deposit of \$1,000.00; and be it further

RESOLVED, that the lease shall be subject to termination by either party upon sixty (60) days notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all actions necessary to effectuate the purposes hereof.

Agreement No. 10-921

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	46	3100	9295		\$10,210.00 (2010)
	101	46	3100	9295		\$15,621.00 (2011)
	101	46	3100	9295		\$13,381.52 (2012)

Budget Funding Year(s) 2010-2012 Start Date 05/01/10 End Date 10/31/12
 (must match resolution)

Funding Source: Tax Dollars _____ Contractor Federal I.D. No./ Social Security No.: _____
 State Aid _____
\$39,212.52 Federal Aid _____ Vendor No.: _____
 (must match resolution) Other Revenue Encumbrance No.: _____