



Robert P. Astorino
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

52808

DATE: September 27, 2016

TO: Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner, Department of Social Services

SUBJECT: Authority for the County of Westchester to ratify a lease agreement with Lucky M's Inc. pursuant to which the County will lease from Lucky M's Inc. the premises located at 101 North Broadway, Yonkers, New York and utilized as a homeless shelter known as the Broadway Manor (the "Premises"), for the term September 23, 2016 through January 31, 2017 for a total amount not-to-exceed \$46,666.64 payable at the rate of \$11,666.66 per month.

Authority is respectfully requested from your Honorable Board for the County of Westchester to ratify a lease from Lucky M's Inc. (hereinafter referred to as "Landlord") of the premises located at 101 North Broadway, Yonkers, New York (the "Premises"), for use as a homeless shelter known as the Broadway Manor for the term September 23, 2016 through January 31, 2017 for total rent in an amount not to exceed \$46,666.64, payable at the rate of \$11,666.66 per month (the "Shelter Lease"). The lease had to be executed last Friday, September 23rd on an emergency basis for the reasons described below. In the event of an emergency, where a contract is needed, the past practice had been for the department to notify the members of this Board of the emergency by the next regular meeting. In this case, we are presenting for your Honorable Board's approval at its next regular meeting, a resolution ratifying the emergency lease.

On September 22, 2016, the City of Yonkers had threatened to close the Broadway Manor which is operated by the Sharing Community, Inc. pursuant to an agreement with the County, as an emergency overnight warming/drop-in center and as a Single Room Occupancy ("SRO") shelter for a total of 76 beds. It is one of two shelters in the City of Yonkers, both of which are operated on the County's behalf, by the Sharing Community. The City of Yonkers had also moved to restrict the use of the second shelter located at One Hudson Street to 13 beds, a total

reduction in the number of available beds to 106. Such actions presented an imminent danger to the homeless population in the City of Yonkers that the County is required to provide services to.

Presented with this emergency, the Department of Social Services (the "Department") immediately entered into negotiations with the Landlord and the Sharing Community, Inc. to lease the building. The County has a duty to act on behalf of all of its citizens and fulfill its duty to provide for the homeless in Westchester County pursuant to NY Social Services Law §65.

Under the Shelter Lease, the County will be solely responsible for all utilities, including oil, electric, natural gas and water as applicable, and the payment of all real estate taxes when due upon proper notice from Landlord. The Landlord will be responsible for the maintenance of a fire alarm system. The County will be responsible for maintaining the Premises, its systems and equipment as well as for structural repairs to the Premises (excluding the roof, which shall be the Landlord's responsibility).

The proposed Shelter Lease will serve a public purpose by providing housing for homeless persons who would otherwise be on the street if the City of Yonkers were permitted to close the Broadway Manor.

The goal and objective of the Shelter Lease is in the best interests of the County in terms of health and safety, because providing housing for homeless persons will help ensure the health and safety of such persons. The goal and objective of the proposed Agreement will be tracked and monitored by the staff of the Department of Social Services.

The Westchester County Procurement Policy does not apply as Section 3(b) thereof provides that the "policy shall not apply to real property leases, licenses and concessions."

I respectfully recommend the adoption of the attached Resolution.

KMM/PE/DI

RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services, be it hereby:

RESOLVED, that the County of Westchester is hereby authorized to ratify a lease agreement (the "Shelter Lease") with Lucky M's Inc. (hereinafter referred to as "Landlord") pursuant to which Landlord will lease the premises located at 101 North Broadway, Yonkers, New York (the "Premises"), for the term September 23, 2016 through January 31, 2017 for a total rent of \$46,666.64 payable monthly at the rate of \$11,666.66; and be it further

RESOLVED, that the County will be solely responsible for all utilities, including oil, electric, natural gas and water as applicable, and the payment of all real estate taxes when due, the systems and equipment as well as for structural repairs to the Premises (excluding the roof, which shall be the Landlord's responsibility); and be it further

RESOLVED, that the he Landlord shall be responsible for the maintenance of a fire alarm system; and be it further

RESOLVED, that the Agreement is subject to County appropriations; and be it further

RESOLVED that the Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of the Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the contractor, then the contractor shall have the right to terminate the Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is empowered to execute all documents and take all actions necessary to effect the purpose of this resolution.

Account to be
Charged/Credited

	Fund	Dept	Unit	Object/ Sub Object	Trust Account	Activity	Dollars
2016	101	22	8900	5860	-----	-----	\$34,999.98
2017	101	22	8900	5860	-----	-----	\$11,666.66

Budget Funding Year(s): 2016-17 Start Date: 09/23/16 End Date: 01/31/17
(must match resolution)

Funding Source Tax Dollars: 71%
State Aid: 29%
\$ 46,666.64 Federal Aid:
(must match resolution) Other:

APPROVED BOARD OF ACQUISITION & CONTRACTS 06/20/16 -- JOAN COCCIARDI, SECRETARY