

57678

DATE: June 20, 2017

TO: Board of Acquisition and Contract

FROM: Eileen Mildenberger
Acting Commissioner of Planning

SUBJECT: Resolution amending a previous Resolution which authorized the County to enter into agreements to purchase and subsequently convey approximately 0.34-acre of real property, to fund the construction of site work and infrastructure improvements and to accept and/or release any rights in the Property as necessary, all in support of an affordable AFFH development to be located at 54 Hunts Place in the Town of New Castle, in order to: 1) delete all references to an intermunicipal agreement with the Town of New Castle for construction of site work and infrastructure improvements; and 2) to authorize the County to enter into a Developer Infrastructure Agreement with Chappaqua Station, LLC to provide construction management services in connection with the construction of site work and infrastructure improvements.

On July 2, 2015, your Honorable Board approved a Resolution authorizing the County of Westchester to enter into agreements to purchase and subsequently convey approximately 0.34-acre of real property located at 54 Hunts Place in the Town of New Castle (the "Property"), to fund the construction of necessary site work and infrastructure improvements and to accept and/or release any rights in the Property deemed necessary in furtherance of this development including, without limitation, easements and/or subordination agreements, all in support of an affordable AFFH development to be known as Chappaqua Station which will be constructed on the Property and will provide twenty-eight (28) one and two-bedroom affordable AFFH rental units.

This Resolution also authorized the County to enter into an agreement with Chappaqua Station, LLC, its designee, successors or assigns currently anticipated to be Chappaqua Station Housing Development Fund Company Inc., a not-for-profit corporation organized and existing under the Not-For-Profit Corporation Law of the State of New York, to convey fee title to the Property for One (\$1.00) Dollar to the developer. Additionally, the prior resolution authorized the County to enter into an intermunicipal agreement ("IMA") with the Town of New Castle (the "Town") in a not-to-exceed amount of \$1,650,000 (the "FAH Funds") for construction of site work and infrastructure improvements.

The attached Resolution amends the prior Resolution to delete all references to an IMA with the Town for infrastructure improvements. Since the Town did not approve the execution of the IMA for infrastructure improvement, the Westchester County Department of Public Works proceeded with a

public bid for construction of the infrastructure improvements at this Property and other public rights of way. That contract was subsequently awarded by your Honorable Board to McNamee Construction Corp. (“McNamee”).

The attached Resolution also amends the July 2, 2015 Resolution to authorize the County to enter into a Developer Infrastructure Agreement with the developer Chappaqua Station, LLC in order to provide construction management services in connection with construction of site work and infrastructure improvements. The County will consent to Chappaqua Station, LLC subcontracting these services to its in-house contractor, Conifer LeChase Construction, LLC (“CLC”). After final payment has been made to McNamee or any subsequent contractors for the infrastructure improvements work, and any change orders that are permitted under the McNamee contract and that might be necessary as determined by the Commissioner of Public Works and Transportation and as approved by your Honorable Board, any and all remaining FAH Funds will be paid to Chappaqua Station, LLC to be applied toward paying CLC a fee for provision of the construction management services. The term of this agreement will be 55 years, consistent with various easements underlying the infrastructure improvements.

The goal and objective of this agreement is to carry out the County’s obligations under the Settlement Agreement by constructing affordable AFFH units in accordance with the terms of said Settlement Agreement. This development will enhance the neighborhood through its design and landscaping. Department of Planning staff will monitor and track construction of the development, as well as monitor compliance with the affordability requirements.

I recommend approval of the attached Resolution amending the July 2, 2015 Resolution.

EM/DLV/NVD
Attachment

RESOLUTION

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

RESOLVED, that the Resolution approved on July 2, 2015 authorizing the County of Westchester to enter into agreements to purchase and subsequently convey approximately 0.34-acre of real property located at 54 Hunts Place in the Town of New Castle (the "Property"), to fund the construction of necessary site work and infrastructure improvements, to enter into an intermunicipal agreement ("IMA") with the Town of New Castle (the "Town") for construction of site work and infrastructure improvements, and to accept and/or release any rights in the Property deemed necessary in furtherance of this development including, without limitation, easements and/or subordination agreements, all in support of an affordable AFFH development to be known as Chappaqua Station which will be constructed on the Property and will provide twenty-eight (28) one and two-bedroom affordable AFFH rental units, is hereby amended to 1) delete all references to an IMA with the Town in a not-to-exceed amount of \$1,650,000 (the "FAH Funds") for infrastructure improvements; and 2) to authorize the County to enter into a Developer Infrastructure Agreement with Chappaqua Station, LLC to provide construction management services in connection with the construction of site work and infrastructure improvements; and be it further

RESOLVED, that the County is authorized to consent to Chappaqua Station, LLC subcontracting these construction management services to its in-house contractor, Conifer LeChase Construction, LLC ("CLC"); and be it further

RESOLVED, that the Developer Infrastructure Agreement shall provide that after final payment has been made to the County's contractor McNamee Construction Corp. ("McNamee") or any subsequent contractors for the construction of site work and infrastructure improvements, and any change orders that are permitted under the McNamee contract and that might be necessary as determined by the Commissioner of Public Works and Transportation and as approved by this Honorable Board, for construction of site work and infrastructure improvement, any and all remaining FAH Funds shall be paid to Chappaqua Station, LLC to be applied toward paying CLC a fee for provision of the construction management services; and be it further

RESOLVED, that the term of the Developer Infrastructure Agreement shall be 55 years, consistent with various easements underlying the infrastructure improvements; and be it further

RESOLVED, that all other terms and conditions of the July 2, 2015 Resolution shall remain unchanged; 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	\$ 2,925,000.00
Amendment	\$ 00.00

TOTAL	\$2,925,000.00
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AGREEMENT NUMBER C-FAH-15-37

Account to be
Charged/Credited

		Major Program, Program & Phase	Object/	Trust	
Fund	Dept	Or Unit	Sub Object	Account	Dollars
318	19	BPL50-15-R BOND ACT 2014-213	6050	N/A	\$0.00
318	19	BPL50-15-S BOND ACT 2014-214	6050	N/A	\$0.00

Budget Funding Year(s) FY 2015: Purchase and Sale: Start Date: Upon Execution End Date: Two years from Execution

Funding Source Tax Dollars \$0.00
 State Aid _____
\$00.00 Federal Aid _____
 (must match resolution) Other _____

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APPROVED BOARD OF ACQUISITION & CONTRACT - 06/22/2017 - LISAMRIJAJ, SECRETARY