

ID57880

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor  
Commissioner of Parks, Recreation and Conservation

DATE: July 3, 2017

SUBJECT: Authorization to enter into two grant agreements with the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation and the Jay Heritage Center ("JHC") a not-for-profit educational corporation located in Rye, New York, in order for the JHC to accept (i) an Environmental Protection Fund – HP grant in the amount of \$500,000 for restoration of the Historic Jay Gardens and (ii) a Hurricane Sandy Disaster Relief Grant for Historic Properties in the amount of \$391,056 for the rehabilitation of the Palmer Tennis House.

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Authorization is requested for the County of Westchester ("County"), acting by and through its Department of Parks, Recreation and Conservation ("Department"), to enter into two grant agreements with the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation ("NYS Parks") and the JHC. The first grant being awarded to the JHC is an Environmental Protection Fund – HP grant in the amount of \$500,000 for restoration of the Historic Jay Gardens. The second grant is a Hurricane Sandy Disaster Relief Grant for Historic Properties in the amount of \$391,056 for the rehabilitation of the Palmer Tennis House.

As your Honorable Board may recall, by Deed dated July 7, 1997, the County granted NYS Parks an undivided 90% interest as tenant in common in and to approximately 21.5 acres in the City of Rye known as the "Jay Property". The County and NYS Parks simultaneously entered into a Cooperative Agreement that governs the respective rights privileges, liabilities and responsibilities of each with respect to such tenancy.

Thereafter, on November 26, 2012 by Act No. 173-2012, your Honorable Board authorized the County to enter into a three-party Cooperative Operation and Maintenance Agreement with NYS Parks and the JHC pursuant to which the County and NYS Parks granted JHC a license to develop, manage, operate, maintain, secure and administer the Jay Property for park and recreational uses for a ten (10) year term ("2012 Cooperative Agreement"). One of the basic tenets of the 2012 Cooperative Agreement is the recognition by the County and NYS Parks that creative solutions must be considered to continue the public's ability to enjoy the full potential of park resources during financially challenging times. The 2012 Cooperative Agreement allows JHC to apply for grant funds for projects on the Jay Property.

JHC recently submitted applications to NYS Parks for the aforementioned grants. Both grant agreements require the County to sign as part-owner and agree that no action will be taken that will conflict with, or impinge upon, the execution of the terms and conditions of each of the grant agreements by the JHC. Both grants additionally require the County, NYS Parks and JHC to execute and record a Declaration of Preservation Covenant and Restrictions ("Declaration") against the Historic Jay Gardens and the Palmer Tennis House. The Declaration shall be binding against the parties for a minimum of 25 years and constitute a covenant running with the land. Legislation seeking authorization for the Declaration has been submitted to the Board of Legislators for its review and approval and upon such approval will subsequently be submitted to this Board for authorization to execute the Declaration.

The authorization to enter into these grant agreements is not contingent upon the Declaration being signed first. NYS Parks has advised that the Hurricane Sandy Disaster Relief Grant is time sensitive and that the grant agreement must be fully executed by July 14<sup>th</sup> or JHC risks losing the grant.

I certify that my department, a) has copies of, or access to, all applicable laws, rules, regulations, grant applications, and grant agreements (including any master grant agreement), as well as any guidance or instructions received from the agency making the grant (the "Grant Terms), b) has reviewed the Grant Terms, c) is aware of and understands all of the Grant Terms, and d) can and will comply with all of the Grant Terms.

I recommend approval of the attached resolution authorizing the County, as part owner, to sign both grant agreements.

KMO/TSA/ta

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/06/2017 - LIS/MB/ASJ/SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, be it hereby

**RESOLVED**, that the County of Westchester, acting by and through its Department of Parks, Recreation and Conservation, is authorized as part-owner to enter into a grant agreement with the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation (“NYS Parks”) and Jay Heritage Center (“JHC”) a not-for-profit educational corporation located in Rye, New York, whereby JHC will be awarded an Environmental Protection Fund – HP grant in the amount of \$500,000 for restoration of the Historic Jay Gardens; and be it further

**RESOLVED**, that the County of Westchester, acting by and through its Department of Parks, Recreation and Conservation is authorized as part-owner to enter into a grant agreement with the NYS Parks and the JHC, whereby JHC will be awarded a Hurricane Sandy Disaster Relief Grant for Historic Properties in the amount of \$391,056 for the rehabilitation of the Palmer Tennis House; and be it further

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

Account to be Charged/Credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
							N/A

Budget Funding Year(s) \_\_\_\_\_ Start Date \_\_\_\_\_ End Date \_\_\_\_\_  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
N/A Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_