

ID 81934

TO: Board of Acquisition and Contract

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

DATE: January 6, 2021

SUBJECT: Authorization to amend an existing Environmental Protection Fund -- HP grant agreement by and among the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation, Jay Heritage Center and the County of Westchester, for the Jay Heritage Center to accept grant funds in an amount of \$500,000, for the restoration of the Historic Jay Gardens, in order to extend the term of the grant agreement through December 31, 2021.

On July 6, 2017, your Honorable Board approved a resolution authorizing the County of Westchester ("County"), acting by and through its Department of Parks, Recreation and Conservation ("Department"), to enter into two (2) grant agreements with the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation ("NYS Parks") and the Jay Heritage Center, a not-for-profit educational corporation located in Rye, New York ("JHC"), for the JHC to accept the following grant funds: (i) a \$500,000.00 Environmental Protection Fund – HP Grant agreement ("Jay Gardens Grant Agreement") for the restoration of the Historic Jay Gardens, and (ii) a \$391,056.00 Hurricane Sandy Disaster Relief Grant for Historic Properties agreement ("Tennis Court Grant Agreement") for the rehabilitation of the Palmer Tennis House. The grant agreements were subsequently executed.

On December 19, 2019, your Honorable Board approved a resolution authorizing the County to enter into certain amendments to said grant agreements in order to (i) extend the term of the Jay Gardens Grant Agreement until December 31, 2020; and (ii) extend the term of the Tennis Court Grant Agreement until December 31, 2019.

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" ("Jay Property"). The County and NYS Parks simultaneously entered into a Cooperative Agreement that governs the respective rights, privileges, liabilities and responsibilities of each party with respect to such tenancy. Thereafter, on November 26, 2012, by Act No. 173-2012, the Westchester County Board of Legislators 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”). The 2012 Cooperative Agreement was subsequently executed. One of the basic tenets of the 2012 Cooperative Agreement was the recognition by the County and NYS Parks that creative solutions should be considered to continue the public’s ability to enjoy the full potential of park resources during financially challenging times and to permit JHC to apply for grant funds for projects on the Jay Property.

Authority is now requested from your Honorable Board for the County to further amend the Jay Gardens Grant Agreement in order to extend the term thereof until December 31, 2021 to permit completion of the Historic Jay Gardens restoration work by JHC.

I recommend approval of the attached resolution authorizing the County, as part owner, to execute the amendment to the Grant Agreement.

KMO/CMC

APPROVED BOARD OF ACQUISITION & CONTRACTS 01/20/22 - LISA M. P. J. S. SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”) acting by and through its Department of Parks, Recreation and Conservation, is authorized, as part-owner of that certain property located in the City of Rye and known as the “Jay Property,” to amend an existing Environmental Protection Fund – HP grant agreement (“Jay Gardens Grant Agreement”), among the State of New York, acting by and through the Commissioner of Parks, Recreation and Historic Preservation, the Jay Heritage Center (“JHC”) and the County, for JHC to accept grant funds in an amount of \$500,000, for the restoration of the Historic Jay Gardens, in order to extend the term of the Jay Gardens Grant Agreement through December 31, 2021; and be it further

RESOLVED, that all other terms and conditions of the Jay Gardens Grant Agreement shall remain unmodified and in full force and effect; 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) 2021 Start Date: End Date: 12/31/2021
 (must match resolution)

Funding Source	Tax Dollars _____
	State Aid <u>\$N/A</u> _____
<u>N/A</u>	Federal Aid _____
(must match resolution)	Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION, SECRETARY