



George Latimer  
County Executive

**86376**

DATE: July 16, 2021

TO: Board of Acquisition and Contract

FROM: George Latimer  
County Executive

Peter McCartt  
Director of Energy Conservation and Sustainability

SUBJECT: Authority to, 1.) enter into an agreement with the Hudson Valley Regional Council, Inc. and eight (8) local municipalities, which will comprise part of the County's existing application, as lead applicant, for a grant of \$100,000.00 from the New York State Department of Environmental Conservation under its Climate Smart Communities Grant Program, and will specify the portion of the 'match' for the grant that is to be provided by each entity, 2.) enter into an agreement with Hudson Valley Regional Council, Inc., pursuant to which it will provide the County with services in relation to the grant, for a total amount not-to-exceed \$93,493.75, and 3.) enter into a grant agreement with the New York State Department of Environmental Conservation for, and otherwise accept, the above-mentioned grant.

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Authority is requested for the County of Westchester (the "County") to enter into an agreement (the "Match Agreement") with the Hudson Valley Regional Council, Inc. ("HVRC"), the City of Peekskill, the City of White Plains, the Town of Ossining, the Village of Hastings-on-Hudson, the Village of Irvington, the Village of Ossining, the Village of Pelham, and the Village of Tarrytown (HVRC and the municipalities, collectively, the "Partners"), which Match Agreement will comprise part of the County's existing application, as lead applicant, for a grant of \$100,000.00 from the New York State Department of Environmental Conservation ("NYSDEC") under its Climate Smart Communities Grant Program (the "Grant"), for certain climate-related work. The Match Agreement will specify the Grant-funded work, how the Grant-funded work will proceed, and what each of the Partners will contribute to the Grant-funded effort in terms of an in-kind match towards the required \$100,000.00 match for the Grant funds. The term of the Match Agreement will commence upon execution and shall continue until the expiration of the Grant Agreement (as defined below), unless terminated earlier pursuant to the provisions of the Match Agreement.

Authority is also requested for the County to enter into an agreement with HVRC (the "Contractor Agreement"), pursuant to which HVRC will provide the County with services in relation to the Grant, for a total amount not-to-exceed \$93,493.75, to be paid out of the Grant funds, for a term that will commence upon execution and shall continue until the expiration of the Grant Agreement, unless terminated earlier pursuant to the provisions of the Contractor Agreement.

In addition, authority is requested for the County to enter into a grant agreement with, and to otherwise accept the Grant from, NYSDEC (the "Grant Agreement").

The proposed Match Agreement will serve a public purpose by enabling the County to complete its paperwork for the Grant and, therefore, be eligible to ultimately actually receive and begin expending the Grant funds on the authorized climate-related work. The proposed Contractor Agreement will serve a public purpose by providing the County with services it needs in relation to the Grant. The proposed Grant Agreement will serve a public purpose by actually providing the County with funds to be used for the authorized climate-related work.

The goal and objective of the proposed Match Agreement is to enable the County to complete its paperwork for the Grant and, therefore, be eligible to ultimately actually receive and begin expending the Grant funds on the authorized climate-related work. The goal and objective of the proposed Contractor Agreement is to provide the County with services it needs in relation to the Grant. The goal and objective of the proposed Grant Agreement is to actually provide the County with funds to be used for the authorized climate-related work.

The goal and objective of each of the proposed Match Agreement, the proposed Contractor Agreement, and the proposed Grant Agreement is in the best interests of the County in terms of fiscal responsibility, as enabling the County to complete its paperwork for the Grant and, therefore, be eligible to actually ultimately receive and begin expending the Grant funds; providing the County with services it needs in relation to the Grant; and actually providing the County with the funds to be used, will allow the County to obtain climate-related work and pay for the services from HVRC under the Contractor Agreement with non-County funds.

The goal and objective of the each of the proposed Match Agreement, the proposed Contractor Agreement, and the proposed Grant Agreement will be tracked and monitored by the Director of Energy Conservation and Sustainability.

Authority to exempt from the requirements of the Westchester County Procurement Policy, pursuant to Section 3(a)(xxi) thereof, the procurement of the Contractor Agreement has been submitted to your Honorable Board in accordance with a separate resolution of even date herewith.

The proposed Grant Agreement and the proposed Match Agreement do not constitute a procurement. Accordingly, the provisions of the Westchester County Procurement Policy and Procedures do not apply to the proposed Grant Agreement and the proposed Match Agreement.

I respectfully recommend the adoption of the attached resolution.

PM/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/29/2021 - JOAN COCCIARDI, SECRETARY

## RESOLUTION

Upon a communication from the County Executive and the Director of Energy Conservation and Sustainability, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Match Agreement") with the Hudson Valley Regional Council, Inc. ("HVRC"), the City of Peekskill, the City of White Plains, the Town of Ossining, the Village of Hastings-on-Hudson, the Village of Irvington, the Village of Ossining, the Village of Pelham, and the Village of Tarrytown (HVRC and the municipalities, collectively, the "Partners"), which Match Agreement will comprise part of the County's existing application, as lead applicant, for a grant of \$100,000.00 from the New York State Department of Environmental Conservation ("NYSDEC") under its Climate Smart Communities Grant Program (the "Grant") for climate-related work; and be it further

**RESOLVED**, that the Match Agreement will specify the Grant-funded work, how the Grant-funded work will proceed, and what each of the Partners will contribute to the Grant-funded effort in terms of an in-kind match towards the required \$100,000.00 match for the Grant funds; and be it further

**RESOLVED**, that the term of the Match Agreement will commence upon execution and continue until the expiration of the Grant Agreement (as defined below), unless terminated earlier pursuant to the provisions of the Match Agreement; and be it further

**RESOLVED**, that the County is also authorized to enter into an agreement with HVRC (the "Contractor Agreement"), pursuant to which HVRC will provide the County with services in relation to the Grant, for a total amount not-to-exceed \$93,493.75, to be paid out of the Grant funds, for a term that will commence upon execution and shall continue until the expiration of the Grant Agreement, unless terminated earlier pursuant to the provisions of the Contractor Agreement; and be it further

**RESOLVED**, that the County is also hereby authorized to enter into a grant agreement with, and to otherwise accept the Grant from, NYSDEC (the "Grant Agreement"); and be it further

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

**RESOLVED**, that the Contractor 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 Contractor 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 Contractor Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a

reduced amount to HVRC, then HVRC shall have the right to terminate the Contractor Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

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APPROVED BOARD OF ACQUISITION & CONTRACT - 07/29/2021 - JOAN COCCARDI, SECRETARY

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	11	0730	9734		\$100,000
101	11	0730	4380		\$93,494

Budget Funding Year(s): \_\_\_\_\_ Start Date: Upon Execution End Date: Expiration of Grant Agreement  
(must match resolution)

Funding Source  
\$100,000  
(must match resolution)

Tax Dollars: \_\_\_\_\_  
State Aid: \$100,000  
Federal Aid: \_\_\_\_\_  
Other: \_\_\_\_\_

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