



Memorandum
Department of Planning

101461

DATE: May 24, 2023

TO: Board of Acquisition and Contract

FROM: Blanca P. Lopez
Acting Commissioner of Planning

SUBJECT: Resolution authorizing a Third Amendment to an Agreement between the County of Westchester and the Freedom Gardens for the Handicapped, Inc. for the renovation of an existing two-bedroom unit, in order to change the expiration date from May 31, 2023 to December 31, 2023

On November 21, 2019, your Honorable Board approved a resolution authorizing the County of Westchester (the "County") to enter into an agreement (the "Agreement") with Freedom Gardens for the Handicapped, Inc. ("Freedom Gardens"), to provide a grant from the Community Development Block Grant Program ("CDBG") and a loan from the CDBG Property Improvement Program to renovate an existing two-bedroom rental apartment ("Unit #8") located at 1680 Strawberry Road, in the Town of Yorktown. The amount of the grant was \$137,500 and the amount of the loan was \$117,985 (with a term of fifteen years at zero percent interest), for a total funding amount of \$255,575, payable pursuant to an approved budget. The term of the Agreement was from December 16, 2019 through December 15, 2020 (the "November 21, 2019 Resolution"). The Agreement was not executed.

Thereafter, on September 24, 2020, your Honorable Board approved a resolution amending the November 21, 2019 Resolution authorizing the County to enter into an agreement with Freedom Gardens, in order to change the loan amount from \$255,575 to \$255,485, and the contract period from December 16, 2019 through December 15, 2020, to July 15, 2020 through July 14, 2021 (the "September 24, 2020 Resolution"). The Agreement was still not executed.

Thereafter, on November 5, 2020, your Honorable Board approved a resolution to amend the September 24, 2020 Resolution in order to correct the source of the total amount of assistance given derived from a grant amount of \$137,500 and a loan amount of \$117,985, for a total amount of \$255,485. All other terms and conditions of

the September 24, 2020 Resolution would remain the same (the "November 5, 2020 Resolution"). The Agreement was subsequently executed on December 11, 2020.

Thereafter, on March 3, 2022, your Honorable Board approved a resolution to amend the Agreement with Freedom Gardens by changing the contract period from July 15, 2020 through July 14, 2021, to July 15, 2020 through May 31, 2022 (the "First Amendment"). The First Amendment was subsequently executed.

Thereafter, on January 19, 2023, your Honorable Board approved a resolution to further amend the Agreement in order to change the expiration date of the Agreement from May 31, 2022 to May 31, 2023 (the "Second Amendment"). The Second Amendment was subsequently executed.

The parties now desire to further amend the Agreement in order to extend the term thereof from July 15, 2020 through May 31, 2023, to July 15, 2020 through December 31, 2023, to give Freedom Gardens additional time to complete the rehabilitation of Unit 8.

Except as otherwise specifically amended hereby, all other terms and conditions of the Agreement shall remain in full force and effect upon the parties.

The goal and objective of this Agreement is to create a fair and affordable rental unit that is safe, secure, and energy efficient for a household where at least one member has a physical disability. The Westchester County Department of Planning Staff will monitor and track the renovations to ensure all contractual and affordability requirements are met

I recommend approval of this third amendment.

BPL/tf/cp
Attachment

RESOLUTION

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

RESOLVED: that the County of Westchester is authorized to further amend an agreement with Freedom Gardens for the Handicapped, Inc. ("Freedom Gardens") pursuant to which Freedom Gardens agreed to renovate an existing two-bedroom rental apartment ("Unit #8") located at 1680 Strawberry Road, in the Town of Yorktown for the period from July 15, 2020 through May 31, 2023 for an amount not-to-exceed \$255,485 in CDBG funding (the "Agreement"), in order to change the expiration date from May 31, 2023 to December 31, 2023, and be it further

RESOLVED: that except as specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect; and be it 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	\$255,458.00
This Amendment	\$ 0.00
	\$255,485.00

AGREEMENT NUMBER: C-67-19-T81

Charged/Credited

		Major Program, Program & Phase	Object/ Sub Object	Trust Account	
Fund	Dept	Or Unit			Dollars
263	19	067U	4380	T067	\$0.00
276	19	2039	N/A	N/A	\$0.00

Budget Funding Year(s) FY 2019 Start Date December 16, 2019 End Date December 31, 2023
(must match resolution)

Funding Source

Tax Dollars _____

State Aid _____

\$0.00
(must match resolution)

Federal Aid \$0.00 – U.S. Department of Housing and Urban Development

Other _____