



Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

Requested Action

Authorize the Community Development Finance Authority (CDFA), under the Community Development Block Grant (CDBG) program, to amend a grant agreement with the County of Cheshire, 33 West Street, Keene, New Hampshire, 03431 in the amount of \$500,000 by extending the completion date to June 30, 2014 from the original grant completion date of June 30, 2013, to allow for finalization of administrative, legal and occupancy contract requirements effective upon Governor and Council approval on June 5, 2013. No additional funding is involved in this time extension request. The original grant was approved by Governor and Council on March 7, 2012, agenda item #4. **100% federal funds.**

Explanation

CDFA is requesting a time extension on behalf of Cheshire County to achieve the required low and moderate income benefit and wrap up the legal, administrative and audit work for the Brookbend East housing project, located in Keene, NH. The project involved the demolition of existing apartments, construction of replacement apartments and temporary relocation of tenants. The project has been under construction since May of 2012 and is proceeding well, with completion scheduled by the end of 2013. The other funding source, the Low Income Housing Tax Credit program, requires a lengthy process for completing applications for leasing. Full occupancy of all 40 apartments is expected by the Spring of 2014, and all administrative and legal work will be completed on or before June 30, 2014.

This Agreement allocates a portion of the Community Development Block Grant (CDBG) funds provided to New Hampshire by the U. S. Department of Housing and Urban Development (HUD). CDFA is administering this program as provided by RSA 162-L. The funds for this contract are from the Community Development Block Grant Fund, which is intended to help municipalities solve development problems.

Sincerely,

Katharine Bogle Shields
Executive Director

KBS/GH:acc

Attachments

AMENDMENT

This Agreement (hereinafter called the "Amendment") dated this 25th day of April, 2013, by and between the State of New Hampshire acting by and through the Community Development Finance Authority (CDFA), (hereinafter referred to as "Grantor") and County of Cheshire, (hereinafter referred to as the "Contractor").

WHEREAS, pursuant to an initial agreement (hereinafter called the "Agreement") which was first entered into upon Governor and Council approval on March 7, 2012, agenda item #4, the Contractor agreed to perform certain services upon the terms and conditions specified in the Agreement and in consideration of payments by Grantor of certain sums specified therein, and;

WHEREAS, pursuant to paragraph 18 of the General Provisions of the Agreement, the contract may be amended, waived or discharged by written instrument executed by the parties hereto and approved by the Governor and Council, and;

WHEREAS, CDFA has received a written request from the Contractor to amend the Agreement;

NOW THEREFORE, in consideration of the foregoing and the covenants and conditions contained in the Agreement as set forth herein, the Contractor and CDFA hereby agree to amend the Agreement as follows:

1. Amendment of Agreement

A. To amend Section 1.7 of the General Provisions by extending the completion date from June 30, 2013 to June 30, 2014.

2. Effective Date of Amendment

This Amendment shall be effective upon its approval by the Governor and Council of the State of New Hampshire. If such approval is withheld, this document shall become null and void, with no further obligation or recourse to either party.

3. Continuance of Agreement

Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement and the obligations of the parties thereunder shall remain in full force and effect in accordance with the terms and conditions as set forth therein.

IN WITNESS WHEREOF, the parties have hereunto set their hands:

CONTRACTOR:

County of Cheshire

By: [Signature]
John M. Pratt, Chairman, Board of Commissioners

GRANTOR:

State of New Hampshire acting through the
Community Development Finance Authority

By: [Signature]
Katharine Bogle Shields, Executive Director

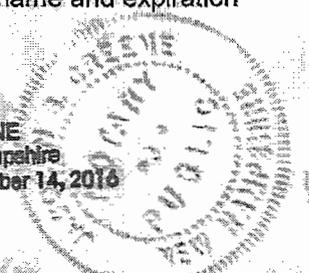
NOTARY STATEMENT - FOR GRANTEE CONTRACTOR SIGNATURE ONLY:

On this the 8 day of May, 2013 there appeared before me
Jacelyn B. Greene (Notary Name) the undersigned officer personally
appeared John M. Pratt (Grantee Contractor Designated Officer Name) who
acknowledged him/herself to be Chairman (Grantee Contractor Designated
Officer Title) and that such officer, they are authorized to do so, executed the foregoing instrument for
the purposes herein contained, by signing him/herself in the name of the municipality.

In witness whereof I hereunto set my hand and official seal (provide seal, stamped name and expiration
date)

By: [Signature]

JACOLYN B. GREENE
Notary Public - New Hampshire
My Commission Expires December 14, 2016



APPROVAL BY NEW HAMPSHIRE ATTORNEY GENERAL AS TO FORM, SUBSTANCE AND
EXECUTION:

By: [Signature] Assistant Attorney General, on 6/13/13
Reesemary Wiant Michael K. Brown

APPROVAL BY THE NEW HAMPSHIRE GOVERNOR AND COUNCIL:

By: _____, on _____



CERTIFICATE OF COVERAGE

The New Hampshire Public Risk Management Exchange (Primex³) is organized under the New Hampshire Revised Statutes Annotated, Chapter 5-B, Pooled Risk Management Programs. In accordance with those statutes, its Trust Agreement and bylaws, Primex³ is authorized to provide pooled risk management programs established for the benefit of political subdivisions in the State of New Hampshire.

Each member of Primex³ is entitled to the categories of coverage set forth below. In addition, Primex³ may extend the same coverage to non-members. However, any coverage extended to a non-member is subject to all of the terms, conditions, exclusions, amendments, rules, policies and procedures that are applicable to the members of Primex³, including but not limited to the final and binding resolution of all claims and coverage disputes before the Primex³ Board of Trustees. The Additional Covered Party's per occurrence limit shall be deemed included in the Member's per occurrence limit, and therefore shall reduce the Member's limit of liability as set forth by the Coverage Documents and Declarations. The limit shown may have been reduced by claims paid on behalf of the member. General Liability coverage is limited to Coverage A (Personal Injury Liability) and Coverage B (Property Damage Liability) only. Coverage's C (Public Officials Errors and Omissions), D (Unfair Employment Practices), E (Employee Benefit Liability) and F (Educator's Legal Liability Claims-Made Coverage) are excluded from this provision of coverage.

The below named entity is a member in good standing of the New Hampshire Public Risk Management Exchange. The coverage provided may, however, be revised at any time by the actions of Primex³. As of the date this certificate is issued, the information set out below accurately reflects the categories of coverage established for the current coverage year.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage afforded by the coverage categories listed below.

Participating Member: Cheshire County 33 West Street Keene, NH 03431		Member Number: 601	Company Affording Coverage: NH Public Risk Management Exchange - Primex ³ Bow Brook Place 46 Donovan Street Concord, NH 03301-2624	
Type of Coverage	Effective Date (mm/dd/yyyy)	Expiration Date (mm/dd/yyyy)	Limits - NH Statutory Limits May Apply, if Not:	
<input checked="" type="checkbox"/> General Liability (Occurrence Form) Professional Liability (describe) <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence	1/1/2013	1/1/2014	Each Occurrence	\$ 5,000,000
			General Aggregate	\$ 5,000,000
			Fire Damage (Any one fire)	
			Med Exp (Any one person)	
<input type="checkbox"/> Automobile Liability Deductible Comp and Coll: <input type="checkbox"/> Any auto			Combined Single Limit (Each Accident)	
			Aggregate	
<input type="checkbox"/> Workers' Compensation & Employers' Liability			Statutory	
			Each Accident	
			Disease - Each Employee	
			Disease - Policy Limit	
<input type="checkbox"/> Property (Special Risk Includes Fire and Theft)			Blanket Limit, Replacement Cost (unless otherwise stated)	
Description: Proof of Primex Member coverage.				

CERTIFICATE HOLDER:	Additional Covered Party	Loss Payee	Primex³ - NH Public Risk Management Exchange
CDFA 14 Dixon Ave, Ste 102 Concord, NH 03301			By: Tammy Dower
			Date: 5/10/2013 tdenver@nhprimex.org
			Please direct inquiries to: Primex³ Claims/Coverage Services 603-225-2841 phone 603-228-3833 fax



CERTIFICATE OF COVERAGE

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Each member of Primex³ is entitled to the categories of coverage set forth below. In addition, Primex³ may extend the same coverage to non-members. However, any coverage extended to a non-member is subject to all of the terms, conditions, exclusions, amendments, rules, policies and procedures that are applicable to the members of Primex³, including but not limited to the final and binding resolution of all claims and coverage disputes before the Primex³ Board of Trustees. The Additional Covered Party's per occurrence limit shall be deemed included in the Member's per occurrence limit, and therefore shall reduce the Member's limit of liability as set forth by the Coverage Documents and Declarations. The limit shown may have been reduced by claims paid on behalf of the member. General Liability coverage is limited to Coverage A (Personal Injury Liability) and Coverage B (Property Damage Liability) only. Coverage's C (Public Officials Errors and Omissions), D (Unfair Employment Practices), E (Employee Benefit Liability) and F (Educator's Legal Liability Claims-Made Coverage) are excluded from this provision of coverage.

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Type of Coverage	Effective Date (mm/dd/yyyy)	Expiration Date (mm/dd/yyyy)	Limits - NH Statutory Limits May Apply, If Not:	
<input checked="" type="checkbox"/> General Liability (Occurrence Form) Professional Liability (describe) <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence	1/1/2013	1/1/2014	Each Occurrence	\$ 5,000,000
			General Aggregate	\$ 5,000,000
			Fire Damage (Any one fire)	
			Med Exp (Any one person)	
<input type="checkbox"/> Automobile Liability Deductible Comp and Coll: <input type="checkbox"/> Any auto			Combined Single Limit (Each Accident)	
			Aggregate	
<input checked="" type="checkbox"/> Workers' Compensation & Employers' Liability	1/1/2013	1/1/2014	<input checked="" type="checkbox"/> Statutory	
			Each Accident	\$2,000,000
			Disease -- Each Employee	\$2,000,000
			Disease -- Policy Limit	
<input type="checkbox"/> Property (Special Risk includes Fire and Theft)			Blanket Limit, Replacement Cost (unless otherwise stated)	
Description: Proof of Primex Member coverage.				

CERTIFICATE HOLDER:	Additional Covered Party	Loss Payee	Primex³ - NH Public Risk Management Exchange
CDFA 14 Dixon Ave, Ste 102 Concord, NH 03301			By: <i>Tammy Denver</i>
			Date: 5/10/2013 tdenver@nhprimex.org
			Please direct inquires to: Primex³ Claims/Coverage Services 603-225-2841 phone 603-228-3833 fax

MUNICIPAL RE-CERTIFICATION FOR CONTRACT AMENDMENT

I, Roger Zerba, County Clerk of Cheshire County, New Hampshire do hereby certify that: (1) at the Public Hearings and meeting held on May 8, 2013, the Board of Commissioners voted to accept Community Development Block Grant funds and enter into a contract with the Community Development Finance Authority, (2) The Board of Commissioners further authorized the Chairman, Board of Commissioners to execute any documents which may be necessary to effectuate this contract or any amendments thereto; (3) I further certify that this authorization has not been revoked, annulled or amended in any manner whatsoever, and remains in full force and effect as of the date hereof; and (4) the following person has been appointed to and now occupies the office indicated under item (2) above:

John M. Pratt, Chairman, Board of Commissioners
Name and Title of Officer Authorized to Sign

IN WITNESS WHEREOF, I have hereunto set my hand as the County Clerk of Cheshire County, New Hampshire this 8th day of May, 20 13.



Roger Zerba, County Clerk



CDFA
 Community Development Finance Authority
Strengthening New Hampshire's Communities

original agreement

Approval by the Governor
 and Council on 3/7/12
 Agenda Item #4

His Excellency, Governor John H. Lynch
 and the Honorable Council
 State House
 Concord, New Hampshire 03301

Requested Action – Award a Grant

Authorize the Community Development Finance Authority (CDFA), under the Community Development Block Grant (CDBG) program, to award a grant to the County of Cheshire, 33 West Street, Keene, New Hampshire 03431, in the amount of \$500,000.00 for the purpose of assisting in site development to support 40 units of affordable housing, beginning from the date of the Governor and Council approval until June 30, 2013. 100% federal funds.

Explanation

This Agreement allocates a portion of the Community Development Block Grant (CDBG) funds provided to New Hampshire by the U. S. Department of Housing and Urban Development (HUD). CDFA is administering this program as provided by RSA 162-L. The funds for this contract are from the Community Development Block Grant Fund, which is intended to help municipalities solve development problems.

The County of Cheshire is requesting CDBG funds, a portion of which will be subgranted to Brookbend East Housing Associates, for site improvements to develop 40 units of affordable housing. Ninety percent (90%) of the units will benefit low and moderate-income households. Matching funds consist of \$5,670,000 in Low Income Housing Tax Credits, a permanent loan in the amount of \$350,000 and a capital subsidy in the amount of \$1,300,000, all from NH Housing Finance Authority.

Sincerely,

Katharine Bogle Shields

Katharine Bogle Shields
 Executive Director

KBS/GH:acc

G&C: 3/7/12

Attachments

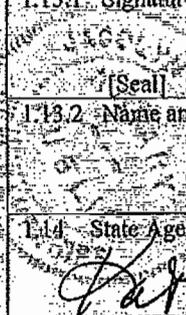
Subject: County of Cheshire – Brookbend East Housing Associates/Brookbend East Site Improvements – Grant #11-403-CDHS

AGREEMENT

The State of New Hampshire and the Contractor hereby mutually agree as follows:

GENERAL PROVISIONS

1. IDENTIFICATION.

1.1 State Agency Name New Hampshire Community Development Finance Authority		1.2 State Agency Address 14 Dixon Ave., Suite 102 Concord, NH 03301	
1.3 Contractor Name County of Cheshire		1.4 Contractor Address 33 West Street Keene, NH 03431	
1.5 Contractor Phone Number 603-352-8215	1.6 Account Number N/A	1.7 Completion Date June 30, 2013	1.8 Price Limitation \$500,000.00
1.9 Contracting Officer for State Agency David Wood, Chairman, Board of Directors		1.10 State Agency Telephone Number 603-226-2170	
1.11 Contractor Signature 		1.12 Name and Title of Contractor Signatory John Pratt, Chairman, Board of Commissioners	
1.13 Acknowledgement: State of <u>NH</u> , County of <u>Cheshire</u> On <u>2/15/12</u> before the undersigned officer, personally appeared the person identified in block 1.12, or satisfactorily proven to be the person whose name is signed in block 1.11, and acknowledged that s/he executed this document in the capacity indicated in block 1.12.			
1.13.1 Signature of Notary Public or Justice of the Peace  			
1.13.2 Name and Title of Notary or Justice of the Peace Jacquelyn B. Greene, N.P.			
1.14 State Agency Signature 		1.15 Name and Title of State Agency Signatory Katharine Bogle Shields, Executive Director	
1.16 Approval by the N.H. Department of Administration, Division of Personnel (if applicable) By: _____ Director, On: _____			
1.17 Approval by the Attorney General (Form, Substance and Execution) By:  On: <u>2-22-12</u>			
1.18 Approval by the Governor and Executive Council By:  DEPUTY SECRETARY OF STATE MAR 07 2012			