

32082

February 6, 2013

To: Honorable Board of Acquisition and Contract

From: Jay T. Pisco, P.E.  
Commissioner of Public Works and Transportation

Mary J. Mahon  
Director of Real Estate

Re: Authority to amend a license agreement with Westchester Airport Associates, L.P. (“WAA”) for the use of one (1) surface lot for emergency overflow parking and the provision of shuttle service at Westchester County Airport for the term November 1, 2008 through October 31, 2013, in order to include a cell phone waiting area consisting of approximately forty-eight (48) spaces and extend the term of the agreement through August 1, 2024, subject to Federal Aviation Administration approval. (License Agreement No. 13-904)

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On September 18, 2008, your Honorable Board authorized the County of Westchester (the “County”) to enter into a license agreement with Westchester Airport Associates, L.P. (“WAA”) for the use of one (1) surface lot for emergency overflow parking and the provision of shuttle service at Westchester County Airport (the “Airport”) for the term November 1, 2008 through October 31, 2013.

In conjunction with a proposed agreement among the County, WAA, and the County of Westchester Industrial Development Agency which will settle pending claims of the County and WAA related to parking operations at the Airport, for which approval of your Honorable Board is being sought by separate Resolution, the parties propose to amend the overflow parking license agreement. The amendment would add to the licensed premises a cell phone waiting area consisting of approximately forty-eight (48) spaces adjacent to the overflow parking lot, and also extend the term of the agreement through August 1, 2024. The extension will make the license agreement terminate at the same time that WAA’s lease for the Airport garage expires.

The amendment will also require WAA to design, build and pay for the installation of certain improvements to the licensed premises, including asphalt, curbs, revenue control equipment and security cameras. The revenue control equipment will be a point of sale system recording every transaction and revenue will be shared by the parties as per the license agreement. Parking will be free for the first thirty (30) minutes in the cell phone waiting area. After thirty (30) minutes, a fee of \$4.00 per half hour will be charged. This charge may be increased (but not reduced) from time to time, as agreed to between the County and WAA. All other terms and conditions of the agreement will remain unchanged.

The amendment will further require that if implementation of an Airport Master Plan requires that the licensed premises be relocated, WAA will be responsible for 100% of the expenses of any relocation, provided that WAA will be allowed to fully deduct any costs and expenses related to the relocation from the percentage of the revenue owed to the County under the terms of the agreement.

It should be pointed out that pursuant to 49 CFR §23.75 and the terms of the separate settlement agreement between the parties, the amendment will be subject to the approval of the Federal Aviation Administration.

The goals of this amendment include resolving longstanding disputes between the parties; serving the general health, safety and welfare of the public by providing designated and safe areas to park vehicles and providing shuttle bus transportation to the Terminal; and generating revenue from County-owned facilities. Airport Administration will oversee the agreement and monthly invoices will be sent to WAA for payment.

Accordingly, we recommend approval of the annexed Resolution.

# RESOLUTION

Upon communication from the Commissioner of Public Works and Transportation and the Director of Real Estate, be it

RESOLVED, that the County of Westchester (the "County") is authorized to amend a license agreement with Westchester Airport Associates, L.P. ("WAA") for the use of one (1) surface lot for emergency overflow parking and the provision of shuttle service at Westchester County Airport for the term November 1, 2008 through October 31, 2013, in order to add to the licensed premises a cell phone waiting area consisting of approximately forty-eight (48) spaces adjacent to the overflow parking lot, and also extend the term of the agreement through August 1, 2024; and be it further

RESOLVED, that the amendment shall also require WAA to design, build and pay for the installation of certain improvements to the licensed premises, including asphalt, curbs, revenue control equipment and security cameras. The revenue control equipment shall be a point of sale system recording every transaction and revenue will be shared by the parties as per the license agreement. Parking shall be free for the first thirty (30) minutes in the cell phone waiting area. After thirty (30) minutes, a fee of \$4.00 per half hour shall be charged. This charge may be increased (but not reduced) from time to time, as agreed to between the County and WAA; and be it further

RESOLVED, that the amendment shall further require that if implementation of an Airport Master Plan requires that the licensed premises be relocated, WAA shall be responsible for 100% of the expenses of any relocation, provided that WAA shall be allowed to fully deduct any costs and expenses related to the relocation from the percentage of the revenue owed to the County under the terms of the agreement; and be it further

RESOLVED, that the amendment shall be subject to the approval of the Federal Aviation Administration; and be it further

RESOLVED, that all other terms and conditions of the license agreement shall remain unchanged; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary or appropriate to effectuate the purposes hereof.

License Agreement No. 13-904

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	161	44	4110	9096-01		\$0.00

Budget Funding Year(s) 2013-2024 Start Date Upon Execution End Date 08/01/2024  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
 Federal Aid \_\_\_\_\_  
\$0.00  
 (must match resolution) Other Airport Special Revenue Fund