

42228

September 15, 2014

TO: Board of Acquisition and Contract

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

Mary Mahon,
Director of Real Estate

Jay T. Pisco
Commissioner of Public Works and Transportation

RE: Authority to enter into a Master License Agreement with Consolidated Edison Company of New York, Inc. ("Con Ed") for various sites throughout Westchester County, authorizing Con Ed to maintain and operate portions of its distribution system for natural gas and electricity over and under various County lands for the period October 1, 2013 through September 30, 2018.

Authority is requested by this Board for the County of Westchester to enter into a Master License Agreement with Consolidated Edison Company of New York, Inc. ("Con Ed") authorizing Con Ed to maintain and operate portions of its distribution system for natural gas and electricity over and under various County lands for the period October 1, 2013 through September 30, 2018.

Portions of the distribution systems for natural gas and electricity owned by Consolidated Edison Company of New York, Inc. crosses over or under County-owned property. The Department of Parks, Recreation and Conservation (the "Department") had a master license agreement with Con Ed for fifteen (15) Department controlled sites which expired September 30, 2013. Since then, the County has had extensive negotiations with Con Ed regarding the terms of a new master license agreement. Con Ed advised the County that use of two of the 15 crossings had been discontinued some time ago and were replaced by new crossings; however, the County continued to bill and Con Ed continued to pay for the discontinued crossings as well as for the new replacement crossings. Con Ed and the County have agreed to the terms for a new Master License Agreement for all of the crossings, adjusting for the removal of two crossings and providing a reduction in the license fee to offset prior over payments as listed on Schedule "A" attached.

Pursuant to the proposed agreement, Con Ed will be licensed to use the sites for a period of five (5) years. The license fees reflect an annual increase of 3% less a refund of \$121,453 to be amortized for a five-year period as described on the attached sheet for the prior overcharge.

<u>Period</u>	<u>License Fee</u>
October 1, 2013 through September 30, 2014	\$58,107
October 1, 2014 through September 30, 2015	\$60,591
October 1, 2015 through September 30, 2016	\$63,076
October 1, 2016 through September 30, 2017	\$65,698
October 1, 2017 through September 30, 2018	\$68,460

In addition, if Con Ed adds or removes a facility site, the License Fee will be adjusted by the then current annual per linear foot charge in a pro rata manner as to when said addition or deletion is made in the year.

The goal and objective of this License Agreement serves a public purpose as it allows Con Ed access through various County lands in order to provide electric and gas service to County residents while generating revenue for the County. The performance of Con Ed under this License Agreement will be tracked and monitored by site visits and interactions with Con Ed staff.

This agreement is exempt from the Westchester County procurement policy pursuant to Section 3(b), thereof.

Accordingly, approval of the attached resolution by your Honorable Board is most respectfully requested.

APPROVED BOARD OF ACQUISITION & CONTRACTS - 10/16/2014 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, the Director of Real Estate and the Commissioner of Public Works, be it hereby

RESOLVED, that the County is authorized to enter into a Master License Agreement with Consolidated Edison Company of New York, Inc. ("Con Ed") authorizing Con Ed to maintain and operate portions of its distribution system for natural gas and electricity over and under various County lands for the period October 1, 2013 through September 30, 2018; and be it further

RESOLVED, that if Con Ed adds or removes a facility site, the License Fee will be adjusted by the then current annual per linear foot charge in a pro rata manner as to when said addition or deletion is made in the year; and be it further

RESOLVED, that for the privilege of permitting Con Ed to maintain and operate portions of its distribution system for natural gas and electricity over and under various County Lands, Con Ed shall pay to the County of Westchester the following annual license fees, which fees reflect a credit for overcharges in accordance with Schedule "A" attached hereto and made a part hereof:

<u>Period</u>	<u>License Fee</u>
October 1, 2013 through September 30, 2014	\$58,107
October 1, 2014 through September 30, 2015	\$60,591
October 1, 2015 through September 30, 2016	\$63,076
October 1, 2016 through September 30, 2017	\$65,698
October 1, 2017 through September 30, 2018	\$68,460; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

Original Agreement \$ 315,932
 First Amendment \$ _____
This Amendment \$ _____
 TOTAL \$ 315,932

Agreement #

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars	
165	42	1100	9542		\$58,107	2013
165	42	1100	9542		\$60,591	2014
165	42	1100	9542		\$63,076	2015
165	42	1100	9542		\$65,698	2016
165	42	1100	9542		\$68,460	2017

Budget Funding Year(s) 2013-2018 Start Date 10-01-13 End Date 9-30-18
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$315,932 Federal Aid _____
 (must match resolution) Other PRC Revenue _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/16/2014 SUMARY VIEIRA, SECRETARY