

47782

July 20, 2015

To: Honorable Members of the
Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: Request for Authorization to Settle the Claim of K & D Industries vs.
The County of Westchester in the amount of \$25,000.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the Notice of Claim of K & D Industries of New York, LLC, in the amount of \$25,000, inclusive of counsel fees and liens.

The Claimant alleges that on October 1, 2014, at approximately 8:30 pm, one of its construction trucks was struck by an unmarked Westchester County Police cruiser. The Claimant is alleging damages for both the repair costs of its vehicle and the loss of income related to it being out of service. Total claimed losses are approximately \$114,000.

The Claimant is represented by David O. Wright, Esq., 1012 Park Street, Peekskill, NY 10566.

In light of the nature of this claim and the possibility that the County would be held liable for all associated damages to the construction vehicle, and a substantial amount related to loss of services of said truck, a settlement of \$25,000 is proposed and the Claimant's attorney has indicated such an amount would be acceptable to the Claimant.

RFM:ssb

RESOLUTION

Upon the communication of the County Attorney; it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the Notice of Claim of K & D Industries, LLC. vs. The County of Westchester in the amount of \$25,000; and it is further

RESOLVED, that the County Attorney or his designee is authorized to execute any documents necessary to implement this resolution.

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase or Unit	Object/ Sub-Object	Trust Account	Dollars
	615	59	0694/3820	4280/05		\$25,000

Budget Funding Year(s) 2015 Start Date 1/1/2015 End Date 12/31/2015
(Must match resolution)

Funding Source: Tax Dollars _____
State Aid _____
Federal Aid _____
Other 6N Fund _____