

47847

Date: July 27, 2015

To: Board of Acquisition and Contract

From: John B. McCaffrey  
Chief Information Officer

Mary J. Mahon  
Director of Real Estate

Re: Authority to extend a site license agreement (IT-735) with the City of Peekskill and amend the agreement in order to modify and install additional antennas and radio equipment on property located in Peekskill, New York

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The County of Westchester (the "County") operates a UHF trunked analog two-way radio system for use by the Department of Emergency Services, the Department of Public Works and Transportation, local fire departments and local emergency medical services. As part of this system, the County installed a radio antenna and related equipment on property owned by the City of Peekskill (the "City") and located at 181 Benefield Blvd., Peekskill, New York. By Resolution approved on June 16, 2005 the County was authorized to enter into an agreement for these purposes with the City for a term of five (5) years, with a mutual option to extend the agreement for an additional five (5) years. By Resolution dated November 18, 2010, the County was authorized to enter into an amendment to extend the agreement. The agreement, as amended, expires on August 9, 2015.

Both parties are desirous of extending the agreement for an additional five (5) year term and also to amend the agreement in order to modify and install additional antennas and radio equipment. Accordingly, authority is requested from your Honorable Board to extend the agreement for an additional five (5) year term, commencing August 10, 2015. The County will pay an annual license fee of \$1.00 and the parties will indemnify and hold harmless the other from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the performance or failure to perform and defend and provide defense for any and all claims, demands or cause of action directly or indirectly arising out of the agreement.

The public purpose of this agreement is the continued operation of the emergency radio system. County staff members monitor the operation of the equipment on a regular basis.

All other terms and conditions of the agreement shall remain in full force and effect.

Approval of the attached resolution by your Honorable Board is requested.

JBM/MJM/TSA

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/19/2015 - JOAN COCCIARDI, SECRETARY

## RESOLUTION

Upon a communication from the Chief Information Officer and the Director of Real Estate, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is authorized to extend a license agreement (IT-735) with the City of Peekskill (the "City") and amend the agreement in order to modify and install additional antennas and radio equipment on property owned by the City and located at 181 Benefield Blvd., Peekskill, New York; and be it further

**RESOLVED**, that the term shall be extended for an additional five (5) years, commencing August 10, 2015; and be it further

**RESOLVED**, that the County will pay an annual license fee of \$1.00 and the parties will indemnify and hold harmless the other from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the performance or failure to perform and defend and provide defense for any and all claims, demands or cause of action directly or indirectly arising out of the agreement the County will defend and indemnify the City against any and all claims that may arise out of the agreement; and be it further

**RESOLVED**, that all other terms and conditions of the agreement, as amended shall remain in full force and effect; and be it further

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

Agreement IT-735

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	16	6000	4070		\$5.00

Budget Funding Year(s) 2015-2020 Start Date August 10, 2015 End Date August 9, 2020  
 (must match resolution)

Funding Source Tax Dollars       \$5.00        
 State Aid \_\_\_\_\_  
 \$ 5.00 Federal Aid \_\_\_\_\_  
 (must match resolution)  
 Other \_\_\_\_\_