



Department of Emergency Services

Memorandum

51834

Date: April 13, 2016

To: The Honorable Board of Acquisition and Contract

From: John M. Cullen  
Commissioner of Emergency Services

**Re: Authority to enter into a license agreement with the North Castle Fire District #2, pursuant to which the County will park a motor vehicle used by the County's Cause and Origin Team on Fire District property for a term commencing upon execution of the Agreement by both parties and continuing through December 31, 2019**

Authorization is requested for the County of Westchester ("County"), acting by and through its Department of Emergency Services (the "Department"), to enter into a license agreement with the North Castle Fire District #2 (the "Fire District") whereby the County will be permitted to park a vehicle used by the County's Cause and Origin ("C&O") Team in the fire station located on the Fire District's property at 400 Bedford Road, Armonk, New York (the "Agreement"). As consideration for the License, the County will pay One (\$1.00) Dollar and such other good and valuable consideration. The term of the Agreement will commence upon execution of the Agreement by both parties and continue through December 31, 2019. Both parties will have the ability to terminate the Agreement on thirty (30) days notice.

The goals and objectives of this arrangement are to enable the Department to preposition the vehicle thereby helping the C&O Team utilize its resources more efficiently. The proposed license agreement will bolster and play a vital role in local disaster preparedness capabilities and will promote the safety and general welfare of the public by enabling faster more efficient response times.

It should be noted that pursuant to the terms of the Agreement, each party will agree to defend, indemnify and hold harmless the other party, its elected officials, officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the performance or failure to perform by the indemnifying party or third parties under the direction or control of the indemnifying party.

The proposed Agreement is exempt from the County's Procurement Policy pursuant to Section 3(b) thereof.

Based upon the foregoing, I most respectfully recommend approval of the attached Resolution.

JMC/JPG/jg  
Att.

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/19/2016 - LISA MRIJAJ, SECRETARY

**RESOLUTION**

Upon a communication from the Commissioner of Emergency Services, be it hereby

**RESOLVED**, that the County of Westchester (“County”), acting by and through its Department of Emergency Services, is authorized to enter into a license agreement with the North Castle Fire District #2 (the “Fire District”) whereby the County will be permitted to park a vehicle used by the County’s Cause and Origin Team in the fire station located on the Fire District’s property at 400 Bedford Road, Armonk, New York, for which the County will pay One (\$1.00) Dollar and such other good and valuable consideration (the “Agreement”); and be it further

**RESOLVED**, that the term of the License Agreement will be for the period commencing upon execution of the Agreement by both parties and continuing through December 31, 2019. Both parties will have the ability to terminate the agreement on thirty (30) days notice; and be it further

**RESOLVED**, that pursuant to the terms of the Agreement, each party will agree to defend, indemnify and hold harmless the other party, its elected officials, officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly out of the performance or failure to perform by the indemnifying party or third parties under the direction or control of the indemnifying party.

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized to execute any documents and take any actions reasonably necessary and appropriate to effectuate the purposes of this Resolution.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	20	1000	4420		\$1.00

Budget Funding Year(s) 2016-2019 Start Date Upon execution End Date: December 31, 2019  
(must match resolution)

Funding Source Tax Dollars \$1.00

State Aid \_\_\_\_\_

\$1.00 Federal Aid \_\_\_\_\_  
(must match resolution) Other \_\_\_\_\_