

62828

Date: April 24, 2018

To: The Honorable Board of Acquisition and Contract

From: Hugh J. Greechan, Jr., P.E.  
Commissioner of Public Works and Transportation

Re: Authority to execute a hold harmless agreement with the Greenburgh Public Library in connection with a permit for use of the Library to hold a public hearing on the County's SMART Commute Program (Agreement No. DOTSM06-18)

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The County of Westchester, acting by and through its Department of Public Works and Transportation (the "Department"), seeks to enter into a permit agreement with the Greenburgh Public Library (the "Library"), 300 Tarrytown Road, Elmsford, New York 10523, for use of the Library meeting room to hold a public hearing to provide information to County residents on the County's SMART Commute Program. The public hearing is scheduled for Tuesday, June 19, 2018 between the hours of 2:00 p.m. and 4:00 p.m. Before the Library will grant the permit to the County, it requires that the County execute a hold harmless agreement (the "Agreement").

Pursuant to the terms of the Agreement, the County will agree to "pay for all damage to any property of the Library and or the Town of Greenburgh resulting directly or indirectly from the conduct of any member, officer, employee or agent of the County or any of its invitees; and will save and hold harmless and indemnify the Library and the Town of Greenburgh and their Boards, employees and agents from and against any and all liability which may be imposed upon them, or either of them, for any injury to persons or property caused by the County or any person in connection with a meeting."

The Agreement will serve a public purpose by providing the County with a suitable venue to hold the public hearing.

This agreement is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

Accordingly, I most respectfully recommend the adoption of the annexed Resolution.

HJG/NK/jpg  
Attachment

# RESOLUTION

Upon a communication from the Commissioner of Public Works and Transportation, be it hereby

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to execute a hold harmless agreement (the “Agreement”) with the Greenburgh Public Library (the “Library”), 300 Tarrytown Road, Elmsford, New York 10523, in connection with the County’s use of the Library meeting room to hold a public hearing to provide information to County residents on the County’s SMART Commute Program to be held on Tuesday, June 19, 2018 between the hours of 2:00 p.m. and 4:00 p.m.; and be it further

**RESOLVED**, that pursuant to the terms of the Agreement, the County will agree to “pay for all damage to any property of the Library and or the Town of Greenburgh resulting directly or indirectly from the conduct of any member, officer, employee or agent of the County or any of its invitees; and will save and hold harmless and indemnify the Library and the Town of Greenburgh and their Boards, employees and agents from and against any and all liability which may be imposed upon them, or either of them, for any injury to persons or property caused by the County or any person in connection with a meeting”; and be it further

**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.

Agreement No. DOTSM06-18

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
			N/A			N/A

Budget Funding Year(s):   N/A    
(must match resolution)

Start Date:   June 19, 2018  

End Date:   June 20, 2018  

Funding Source:

Tax Dollars   N/A  

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

Federal Aid \_\_\_\_\_

Other \_\_\_\_\_

  \$ N/A    
(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACTS 03/19/2018 - LEAH M. J. SECREARY