

65268

September 28, 2018

TO: Board of Acquisition and Contract

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

RE: Authority to enter into a new master license Agreement with Consolidated Edison Company of New York, Inc. ("Con Edison") for various sites throughout Westchester County, authorizing Con Edison to maintain and operate portions of its distribution system for natural gas and electricity over and under various County lands for the period of October 1, 2018 through September 30, 2023.

Portions of the distribution system 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") has a master license agreement with Con Edison for thirteen (13) Department controlled sites which expired on September 30, 2018. Con Edison and the County have agreed to the terms for a new master license agreement for all of the crossings as listed on Schedule "A-1" attached.

Therefore, authority is hereby requested for the County of Westchester, acting by and through the Department of Parks, Recreation and Conservation to enter into a new master license Agreement with Consolidated Edison Company of New York, Inc. ("Con Edison") authorizing Con Edison to maintain and operate portions of its distribution system for natural gas and electricity over and under various County lands for the period of October 1, 2018 through September 30, 2023.

Pursuant to the proposed agreement, Con Edison will be licensed to use the sites for a period of five (5) years at the following license fees:

<u>Period</u>	<u>License Fee</u>
October 1, 2018 through September 30, 2019	\$92,749
October 1, 2019 through September 30, 2020	\$92,749
October 1, 2020 through September 30, 2021	\$92,749
October 1, 2021 through September 30, 2022	\$92,749
October 1, 2022 through September 30, 2023	\$92,749.

In addition, if Con Edison 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 Edison 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 Edison under this License Agreement will be tracked and monitored by site visits and interactions with Con Edison 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 & CONTRACT - 10/25/2018 - LISA MARIJAJ, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Parks, Recreation and Conservation, 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 Edison”) authorizing Con Edison to maintain and operate portions of its distribution system for natural gas and electricity over and under various County lands for the period of October 1, 2018 through September 30, 2023; and be it further

RESOLVED, that if Con Edison 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 Edison to maintain and operate portions of its distribution system for natural gas and electricity over and under various County Lands, Con Edison shall pay to the County of Westchester the following annual license fees, in accordance with Schedule “A” attached hereto and made a part hereof:

<u>Period</u>	<u>License Fee</u>
October 1, 2018 through September 30, 2019	\$92,749
October 1, 2019 through September 30, 2020	\$92,749
October 1, 2020 through September 30, 2021	\$92,749
October 1, 2021 through September 30, 2022	\$92,749
October 1, 2022 through September 30, 2023	\$92,749; 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 \$ 463,745
 First Amendment \$
This Amendment \$ _____
 TOTAL \$ 463,745

Agreement #

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars	
165	42	1100	9542		92,749	2018
165	42	1100	9542		92,749	2019
165	42	1100	9542		92,749	2020
165	42	1100	9542		92,749	2021
165	42	1100	9542		92,749	2022

Budget Funding Year(s) 2018-2022 Start Date 10-01-18 End Date 9-30-23
 (must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$463,745 Federal Aid _____

(must match resolution)

Other PRC Revenue

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/25/2018 - MSA-MRIJAJ, SECRETARY