



**REGINALD A.
LAFAYETTE**
Commissioner

Fax 914-995-7753

JEANNIE L. PALAZOLA
Deputy Commissioner

25 Quarropas Street
White Plains, NY 10601
914-995-5700
www.westchestergov.com/boe

DOUGLAS A. COLETY
Commissioner
Fax 914-995-3190

DOROTHY L. DIPALO
Deputy Commissioner

71096

TO: The Honorable Board of Acquisition and Contract

FROM: Reginald A. LaFayette & Douglas A. Colety
Commissioners of the Board of Elections

DATE: August 12, 2019

RE: Resolution authorizing the County of Westchester (the "County") to agree to hold harmless and indemnify the Town of Mount Pleasant, owner of any and all polling places to be used by the County in connection with the upcoming 2019 Elections

The County of Westchester (the "County"), acting by and through its Board of Elections ("Board of Elections"), uses Town Hall in Mount Pleasant, New York to conduct its election trainings during August and September 2019 for Board of Election employees and election inspectors in order to conduct Primary, Special and General Elections. The Board of Elections has advised that the Town of Mount Pleasant ("Mount Pleasant") has requested that the County agree to indemnify them, in writing, for any damage and/or injury that may result from the County's usage of their property for training purposes in connection with the upcoming 2019 Primary, Special and General Elections.

If authorized by your Honorable Board, the attached resolution would authorize the County to agree as follows:

"...Licensee agrees to protect, defend, indemnify and hold the Town of Mount Pleasant (the "Town") their officers, agents and employees free and harmless from and against any and all losses, penalties, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character, and in any jurisdiction, in connection with or arising directly or indirectly out of this agreement and/or the performance hereof including if a Licensee, its use of Town Property... without limiting the generality of the foregoing, and all such claims, etc., relating to personal injury, death, damage to property, defects in material workmanship, actual or

alleged infringement of any patent, trademark, copyright (or application for any thereof) or of any other tangible or intangible personal property or property right or any alleged violation of any applicable statute, ordinance, administrative order, rule or regulation or decree of any court shall be included in the indemnity hereunder.”

The public purpose, as well as the goal and objective of this resolution, is to allow the Board of Elections to carry out its statutory duties in connection with all upcoming 2019 Primary, Special and General Elections and to ensure that election workers are properly trained in order to staff polling places and enable all eligible County residents to exercise their right to vote.

As we believe this to be in the best interests of the County, and necessary for the Board of Elections to carry out its statutory duties in connection with the upcoming 2019 Elections, we most respectfully recommend and urge the adoption of the annexed Resolution.

RAL/DAC/di

APPROVED BOARD OF ACQUISITION & CONTRACTS 08/15/2019 - JSA MARIJAJ, SECRETARY

RESOLUTION

Upon a communication of the Commissioners of the Board of Elections, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement with the Town of Mount Pleasant which provides as follows:

"...Licensee agrees to protect, defend, indemnify and hold the Town of Mount Pleasant (the "Town") their officers, agents and employees free and harmless from and against any and all losses, penalties, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character, and in any jurisdiction, in connection with or arising directly or indirectly out of this agreement and/or the performance hereof including if a Licensee, its use of Town Property... without limiting the generality of the foregoing, and all such claims, etc., relating to personal injury, death, damage to property, defects in material workmanship, actual or alleged infringement of any patent, trademark, copyright (or application for any thereof) or of any other tangible or intangible personal property or property right or any alleged violation of any applicable statute, ordinance, administrative order, rule or regulation or decree of any court shall be included in the indemnity hereunder."

; and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

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

Budget Funding Year(s) N/A Start Date 08/14/2019 End Date 9/30/19
 (must match resolution)

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