

**71918**

DATE: October 2, 2019

TO: The Honorable Board of Acquisition and Contract

FROM: Norma V. Drummond  
Commissioner of Planning

RE: Resolution authorizing the County of Westchester (the "County") to agree to hold harmless and indemnify the Town of Mount Pleasant, owner of Town Hall, Valhalla, New York, for the use of the County to provide training for the Census Bureau's Building Permits Survey.

---

The County of Westchester (the "County"), acting by and through its Department of Planning, plans to use Town Hall in Mount Pleasant, New York to conduct a training for local municipal staff and board members on October 29, 2019. The Town of Mount Pleasant (the "Town") has requested that the County agree to indemnify them, in writing, for any damage and/or injury that may result from the County's use of their property in connection with the upcoming training to be provided in Town Hall, Mount Pleasant.

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 County Department of Planning to conduct training for municipal staff and board members in the monthly reporting of residential building permits to the United States Census Bureau.

As we believe this to be in the best interests of the County, and necessary for the Department of Planning to conduct training in Town Hall, Mount Pleasant, we most respectfully recommend and urge the adoption of the annexed Resolution.

NVD/DI

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/10/2019 - LISA MRIJAJ, SECRETARY

## RESOLUTION

Upon a communication of the Commissioner of the Department of Planning, 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	N/A	N/A	N/A	N/A	\$0.00

Budget Funding Year(s) \_\_\_\_\_ Start Date October 29, 2019 End Date October 30, 2019  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
\$0.00 Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_