

76725

DATE: May 13, 2020

TO: Board of Acquisition and Contract

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

SUBJECT: Resolution authorizing the County of Westchester to enter into a license agreement with the Pamal Broadcasting LLC in order to access the real property leased by Pamal located at 22 Sky Lane, Phillipstown, New York 10524 in order to temporarily store a County equipment shelter on the property for a \$1.00 license fee and a term of one year unless sooner terminated by the execution of a long term lease agreement between the parties for the County to sublease space at the site for the installation and operation of its radio communication equipment. (License Agreement No. 20-921)

Authority is requested for the County of Westchester (the "County") to enter into a license agreement (the "License Agreement") with the Pamal Broadcasting LLC ("Pamal"), 6 Johnson Road, Latham, New York 12110, to temporarily store the County's 12' by 24' equipment shelter on the real property leased by Pamal located at 22 Sky Lane, Phillipstown, New York 10524, designated as Section Block and Lot No. 83.18-1-23 on the Official Tax Maps for the Town of Phillipstown (the "WHUD Site"), for a term of one (1) year unless sooner terminated by the execution of a long term lease agreement between the parties for the County to sublease space at the WHUD site for the installation and operation of its radio communication equipment.

As consideration for the grant of the license, the County shall pay the sum of one (\$1.00) Dollar and shall indemnify Pamal as follows:

The County agrees that, except for the amount, if any, of damage attributable to, caused by or resulting from the willful misconduct or negligence of Pamal, the County shall indemnify and hold harmless Pamal, its officers, employees and agents from and against any and all liability, claims, demands, costs, judgments, fees and attorneys' fees or loss arising directly or indirectly out of acts or omissions of the County, its officers, employees, agents and contractors hereunder.

The WHUD Site is needed for the County's Public Safety Voice Radio Communications Systems Replacement Project (the "Project") and the installation of the County's public safety radio communication antennas, equipment and equipment shelter.

Board of Acquisition and Contract
License Agreement No. 20-921
Pamal Broadcasting LLC
County Equipment Shelter
22 Sky Lane, Phillipstown, New York
Page 2

Pamal and the County are currently negotiating reciprocal long term lease agreements for Pamal to continue to maintain and operate its radio communication equipment and antennas on the County's facilities located at the Grasslands Reservation in Valhalla, New York and the County to sublease space at the WHUD Site for the County's antennas, equipment and equipment shelter. While the County and Pamal negotiate the terms of the reciprocal lease agreements, this License Agreement will permit the temporary storage of the County equipment shelter at the WHUD Site.

This License Agreement will benefit the public as it will allow temporary storage of equipment necessary for this valuable project, which will insure the uninterrupted and secure transmission of information during both normal and emergency situations for first responders and the Westchester County Departments of Emergency Services and Public Safety.

The License Agreement is exempt from the County of Westchester Procurement Policy and Procedures pursuant to Section 3(b), which states that the policy shall not apply to real property, leases, licenses and concessions.

I recommend the approval of the attached proposed Resolution.

HJG/ran
Attachment

RESOLUTION

License Agreement No. 20-921

UPON A COMMUNICATION FROM THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION, BE IT HEREBY,

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into a license agreement (“License Agreement”) with the Pamal Broadcasting, LLC, 6 Johnson Road, Latham, New York 12110 (“Pamal”) to temporarily store the County’s equipment shelter on the real property leased by Pamal located at 22 Sky Lane, Phillipstown, New York, designated as Section Block and Lot No. 83.18-1-23 on the Official Tax Maps for the Town of Phillipstown (the “WHUD Site”) for a term of one (1) year unless sooner terminated by the execution of a long term lease agreement between the County and Pamal for the County to sublease space at the WHUD site for the installation and operation of its radio communication equipment; and be it further

RESOLVED, that as consideration for the grant of the license, the County shall pay the sum of One (\$1.00) Dollar; and be it further

RESOLVED, that the County is authorized to indemnify Pamal as follows:

The County agrees that, except for the amount, if any, of damage attributable to, caused by or resulting from the willful misconduct or negligence of Pamal, the County shall indemnify and hold harmless Pamal, its officers, employees and agents from and against any and all liability, claims, demands, costs, judgments, fees and attorneys’ fees or loss arising directly or indirectly out of acts or omissions of the County, its officers, employees, agents and contractors hereunder; and be it further

RESOLVED, that the County Executive or his authorized designee be and hereby is authorized to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/Credited

Year	Fund	Dept	Major Program, Program & Phase or Unit	Object / Sub Object	Trust Account	Dollars
2020	101	16	2500	4200		\$1.00

Budget Funding Year(s) 2020 Start Date Upon Execution End Date 1 Year After Execution
 (Must Match Resolution)

Funding Source Tax Dollars 100%
\$ 1.00 State Aid _____
 (must match resolution) Federal Aid _____
 Other _____