

78944

**TO:** Board of Acquisition and Contract

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

Gary A. Freidman  
Director of Real Estate

**DATE:** August 24, 2020

**SUBJECT:** Authority to enter into a license agreement with New York SMSA Limited Partnership, d/b/a Verizon Wireless, for the continued installation, operation and maintenance of telecommunications antennas and related equipment at the Westchester County Airport. (License Agreement No. WCA 20009)

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As a way of background, New York SMSA Limited Partnership, d/b/a Verizon Wireless, by its general partners, Celco Partnership (“Verizon Wireless”), is currently utilizing and operating the radio communications site facilities, including the old non-operational control tower (“Tower”) at the Westchester County Airport (“Site”) and desires to continue to utilize the Tower and the Site to continue to operate and maintain its antennas and related equipment for telecommunication purposes.

Authority is hereby requested from your Honorable Board for the County of Westchester (“County”), acting by and through its Department of Public Works and Transportation, to enter into a new license agreement (“Agreement”) with Verizon Wireless, whereby the County will grant to Verizon Wireless a new license to continue to maintain and operate cellular antennas, equipment cabinets and related connections and appurtenant radio equipment on the Tower and at the Site.

Pursuant to the proposed Agreement, Verizon Wireless will pay to the County an annual license fee of \$100,000.00 for the first year, which annual license fee shall increase annually by five percent (5%). The initial term of the Agreement shall be five (5) years (“Initial Term”), to commence on January 1, 2020 and to expire on December 31, 2024, with an additional five (5) year term (“Extension Term”), which Extension Term shall automatically renew, unless Verizon Wireless terminates the Agreement upon ninety (90) days’ prior written notice to the County prior to the end of the Initial Term. Verizon Wireless has installed and will utilize its electrical submeter for the measurement of electrical power used by Verizon Wireless at the Site and shall reimburse the County for its electrical consumption at the Site.

The goal and objective of the proposed Agreement is to effectively utilize otherwise unused space at the Westchester County Airport (“Airport”) and, thereby, increase the revenue available to operate the Airport. In addition, the operation of antennas and related equipment will serve the public by enhancing communications coverage in and around the Airport for Airport users.

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New York SMSA Limited Partnership, d/b/a Verizon Wireless  
Telecommunications Equipment at the Westchester County Airport  
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This proposed Agreement is exempt from procurement pursuant to Section 3(b) of the Westchester County Procurement Policy and Procedures regarding leases, licenses and concessions.

Approval of the attached resolution by your Honorable Board is requested.

HJG/GAF/CMC/RAN  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/03/2020 - LESY MARIJAJ, SECRETARY

# RESOLUTION

Upon a communication from the Commissioner of Department of Public Works and Transportation and the Real Estate Director, be it hereby

**RESOLVED**, that the County of Westchester (“County”), acting by and through its Department of Public Works and Transportation (“DPWT”), is authorized to enter into a license agreement (“Agreement”) with New York SMSA Limited Partnership, d/b/a Verizon Wireless (“Verizon Wireless”), for the continued maintenance and operation of radio equipment and antennas at the Westchester County Airport (“Site”), for an initial term of five (5) years (“Initial Term”), commencing on January 1, 2020 and expiring on December 31, 2024, with an additional five (5) term (“Extension Term”), which Extension Term shall automatically renew, unless Verizon Wireless intends to terminate the Agreement, by providing at least ninety (90) days’ prior written notice to the County, prior to the end of the Initial Term; and be it further

**RESOLVED**, that, pursuant to the proposed Agreement, Verizon Wireless will pay an annual license fee to the County of \$100,000.00 during the first year, which annual license fee will increase annually by five percent (5%); and be it further

**RESOLVED**, that this Agreement is subject to County appropriations; and be it further

**RESOLVED**, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the “State Budget”) proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to Verizon Wireless, then Verizon Wireless shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

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

License Agreement No. WCA 20009

Account to be Charged/Credited			Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	Fund	Dept.				
	161	44	4110	9096		\$100,000.00 Year 2020
	161	44	4110	9096		\$105,000.00 Year 2021
	161	44	4110	9096		\$110,250.00 Year 2022
	161	44	4110	9096		\$115,762.50 Year 2023
	161	44	4110	9096		\$121,550.62 Year 2024

Budget Funding Year(s): 2020-2024 Start Date: 01/01/2020 End Date: 12/31/2024  
(must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_  
State Aid \_\_\_\_\_  
\$552,563.12 Federal Aid \_\_\_\_\_  
(must match resolution) Other Revenue - Airport Special Revenue Fund