

April 13, 2010

To: Honorable Members of the
Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: Request for Authorization to Settle the Claim of Chris Wachenheim v. The County of Westchester in the amount of \$14,000.00

Attached for your consideration is a resolution, which, if approved by your Honorable Board, would authorize settling the claim of Chris Wachenheim v. The County of Westchester in the amount of \$14,000.00.

On August 27, 2009, the claimant, Chris Wachenheim, was driving his 2004 BMW 325xi while traveling on Harrison Avenue near the intersection with Brown Place in the Town of Harrison. He was traveling behind a 2008 Jeep and his vehicle was followed by a small handicapped bus owned by the County and operated by a County employee. According to the claimant, the driver of the 2008 Jeep slowed to a stop at the intersection of Harrison Avenue and Brown Place in order to make a turn when the County vehicle rear ended the claimant's vehicle causing claimant's vehicle to rear-end the 2008 Jeep. According to the police report, the County driver stated that he was unable to stop his vehicle.

After extensive settlement negotiations, the County has agreed to settle this matter by payment to the claimant in the amount of \$14,000.00 to compensate him for the damage to his vehicle and other related costs such as towing, storage, and rental fees.

Because there is no issue as to liability, only the amount of damages, the County Attorney's office believes that settling this claim in the amount of \$14,000.00 is in the best interest of the County. Joseph Stout, the Commissioner of Parks, Recreation and Conservation, also concurs in this recommendation.

RFM/rjj

RESOLUTION

Upon the communication of the County Attorney; it is hereby

RESOLVED, that the County Attorney is hereby authorized to Settle the Claim of Chris Wachenheim v. The County of Westchester in the amount of \$14,000.00.

RESOLVED, that the County Attorney or his designee is authorized to execute any documents necessary to implement this resolution.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
			Unit/subunit	Object/sub		
	615	59	0689/3320	4280/05		\$14,000.00

Budget Funding Year(s) 2010 Start Date 1/1/2010 End Date 12/31/2010
(must match resolution)

Funding Source

Tax Dollars	
State Aid	
Federal Aid	
Other	6N Fund

\$14,000.00

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-13-2010 JOHANNY VIEIRA, SECRETARY