

46825

Date: May 19, 2015

To: Honorable Board of Acquisition and Contract

From: Jay T. Pisco, P.E.  
Commissioner of Public Works and Transportation

Mary J. Mahon  
Director of Real Estate

Re: Authority to enter into a license agreement with the Metro North Commuter Railroad Company (“Metro North”) in order to authorize Metro North to enter upon and cross over the County’s Yonkers Wastewater Treatment Plant (“YWWTP”), for a term of five (5) years commencing May 1, 2015 and terminating April 30, 2020. (License Agreement No. 15-931)

---

Authority is hereby requested for the County of Westchester (the “County”) to enter into a license agreement with Metro North Commuter Railroad Company (“Metro North”) so that Metro North employees can enter upon and cross over the County’s Yonkers Wastewater Treatment Plant (“YWWTP”) to enable Metro North to more easily access and maintain its railroad equipment located on the tracks immediately adjacent to the YWWTP. The proposed license agreement shall have a term of five (5) years, commencing May 1, 2015 and terminating April 30, 2020, for a fee of One Dollar (\$1.00). In addition, Metro North will agree to maintain the bushes and vines located on the border of the Metro North Property and the YWWTP, provide insurance coverage, and will indemnify the County for any damage attributable to Metro North.

This license is exempt from the County’s Procurement Policy pursuant to Section 3(b) therein.

The objective of this Agreement is in the County’s best interest since enabling Metro North to more easily access its equipment will allow Metro North to better maintain its equipment and help ensure the safety of County residents and Metro North train riders. The license’s progress shall be tracked by direct monitoring of Metro North’s activities by the County.

As we believe this Agreement to be in the best interests of the County, we most respectfully recommend and urge the adoption of the annexed Resolution.

JTP/MJM/JPI  
Attachment

# RESOLUTION

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

**RESOLVED**, that the County of Westchester (the "County") is authorized to enter into a license agreement with Metro North Commuter Railroad Company ("Metro North") in order to authorize Metro North to enter upon and cross over the County's Yonkers Wastewater Treatment Plant ("YWWTP"), for a term of five (5) years commencing May 1, 2015 and terminating April 30, 2020; and be it further

**RESOLVED**, that pursuant to the terms of the license, Metro North will pay the County One Dollar (\$1.00), maintain the bushes and vines located on the border of the Metro North Property and the YWWTP, provide insurance coverage, and indemnify the County for any damage attributable to Metro North; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions reasonably necessary to implement this Resolution.

License Agreement No. 15-931

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Revenue	Trust Account	Dollars
	221	60	0110/0141	9670		\$1.00

Budget Funding Year(s) 2015 - 2020 Start Date 05/01/15 End Date 04/30/20  
 (must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

\$1.00 Federal Aid \_\_\_\_\_  
 (must match resolution)

Other Revenue \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/11/2015 COUNTY CLERK SECRETARY