

51538

Date: March 17, 2016

To: Board of Acquisition and Contract

From: John B. McCaffrey  
Chief Information Officer

Adam Rodriguez  
Director of Real Estate

Re: Authority to amend the September 17, 2015 Resolution which authorized the County of Westchester to enter into a license agreement (IT-1372) with American Tower Management, LLC for the installation of a radio antenna and related equipment on property located in Putnam Valley, New York in order to increase the license fee and change the start date of the agreement.

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On September 17, 2015 your Honorable Board approved a resolution (“2015 Resolution”) which authorized the County to enter a license agreement with American Tower Management, LLC (“American Tower”) to install a radio antenna and related equipment on property owned by American Tower and located at Route 301 West, Putnam Valley, New York.

After approval of the 2015 Resolution, American Tower presented an agreement to the County that required the payment of an additional fee for real estate taxes. Pursuant to the license agreement the County will be obligated to reimburse American Tower a pro rata share of property taxes assessed against the subject property, provided however, that in no event will the County be required to reimburse Licensor an amount that exceeds an amount equal to one-sixth of the total aggregate amount of the monthly license fees that the County is obligated to pay during the calendar year.

In addition, the start date for the term of the license agreement is being changed to accommodate the prolonged discussions with American Tower concerning the additional fee for real estate taxes. The new start date will commence on the earlier of notice to proceed or May 31, 2016.

Accordingly, authority is requested from your Honorable Board to amend the 2015 Resolution in order to increase the license fee to reimburse American Tower a pro rata share of property taxes assessed against the property, provided however, that in no event will the County be required to reimburse Licensor an amount that exceeds an amount equal to one-sixth of the total aggregate amount of the monthly license fees that the County is obligated to pay during the calendar year and change the start date of the agreement to a date that will commence on the earlier of notice to proceed or May 31, 2016.

All other terms and conditions of the 2015 Resolution shall remain in full force and effect and unchanged.

The space rented from American Tower will house equipment and antennas that are critical components of County radio systems used for Police, Fire, and EMS communications. These radio systems serve a public purpose because they allow first responders and other government personnel to serve Westchester's residents by safeguarding their property and health.

The goals and objectives of the agreement are to operate critical County first responder and public transportation radio systems which require the use of antennas and equipment placed at strategically located sites that best cover Westchester. The Department of Information Technology ("DoIT"), along with the Departments of Emergency Services, and Public Safety monitor the radio systems that utilize the radio site to make sure that it best suits the County's needs. DoIT audits the invoices to make sure they comply with the terms of the Agreement.

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

JBM/AR/TSA

**RESOLUTION**

Upon a communication from the Chief Information Officer, and the Director of Real Estate, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is authorized to amend the Board of Acquisition and Contract resolution approved on September 17, 2015, which authorized the County to enter into a license agreement with American Tower Management, LLC (“American Tower”) to install a radio antenna and related equipment on property owned by American Tower and located at Route 301 West, Putnam Valley, New York in order to increase the license fee to reimburse American Towers a pro rata share of property taxes assessed against the property, provided however, that in no event will the County be required to reimburse Licensor an amount that exceeds an amount equal to one-sixth of the total aggregate amount of the monthly license fees that the County is obligated to pay during the calendar year and change the start date of the agreement to a date that will commence on the earlier of notice to proceed or May 31, 2016; and be it further

**RESOLVED**, that all other terms and conditions of the September 17, 2015 Resolution shall remain in full force and effect and unchanged; and, be it further

**RESOLVED**, that the County Executive or his duly appointed designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effect the purposes hereof.

Account to be Charged/ credited

Year	Fund	Dept	Major Program, Program & Phase or Unit	Object / Sub Object	Trust Account	Dollars
2016	101	20	1000	4070		\$2,517.61
2016	101	16	2500	4070		\$2,604.42
2016	101	38	2000	4070		\$1,555.97
2017	101	20	1000	4070		\$3,457.51
2017	101	16	2500	4070		\$3,576.74
2017	101	38	2000	4070		\$2,136.87
2018	101	20	1000	4070		\$3,595.82
2018	101	16	2500	4070		\$3,719.82
2018	101	38	2000	4070		\$2,222.35
2019	101	20	1000	4070		\$3,739.67
2019	101	16	2500	4070		\$3,868.63
2019	101	38	2000	4070		\$2,311.26
2020	101	20	1000	4070		\$3,889.28
2020	101	16	2500	4070		\$4,023.39
2020	101	38	2000	4070		\$2,403.72
2021	101	20	1000	4070		\$4,044.85
2021	101	16	2500	4070		\$4,184.33
2021	101	38	2000	4070		\$2,499.87

2022	101	20	1000	4070		\$4,206.64
2022	101	16	2500	4070		\$4,351.69
2022	101	38	2000	4070		\$2,599.86
2023	101	20	1000	4070		\$4,374.90
2023	101	16	2500	4070		\$4,525.76
2023	101	38	2000	4070		\$2,703.85
2024	101	20	1000	4070		\$4,549.90
2024	101	16	2500	4070		\$4,706.79
2024	101	38	2000	4070		\$2,812.01
2025	101	20	1000	4070		\$4,731.91
2025	101	16	2500	4070		\$4,895.08
2025	101	38	2000	4070		\$2,924.50
2026	101	20	1000	4070		\$1,194.46
2026	101	16	2500	4070		\$1,235.66
2026	101	38	2000	4070		\$738.22

Budget Funding Year(s) 2016-2026 Start Date Apr 1, 2016 End Date March 31, 2026  
(must match resolution)

Funding Source Tax Dollars \$106,903.34

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

\$106,903.34  
(must match resolution) Federal Aid \_\_\_\_\_

Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION - 03/31/2016 - LEGISLATIVE SECRETARY