

51551

Date: March 18, 2016

To: Board of Acquisition and Contract

From: John B. McCaffrey  
Chief Information Officer

Adam Rodriguez  
Director of Real Estate

Re: Authority to amend an agreement (IT-798) with New York SMSA Limited Partnership for the installation of radio antennas and related equipment at a site located at Adams Lane in Pound Ridge, New York in order to extend the term of the agreement and modify the equipment at this site.

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On or about October 9, 2006 the County of Westchester (“County”) and New York SMSA Limited Partnership (“Licensor”) d/b/a Verizon Wireless entered into a license agreement (“Agreement”) whereby the County was permitted to install and maintain antennas and related equipment at Licensor’s telecommunications facility located at Adams Lane, Pound Ridge New York (“Site”). The Agreement commenced on November 1, 2006 and was scheduled to expire on October 31, 2011. The County has continued to use and operate its equipment at the Site pursuant to the Agreement.

Authorization is sought to extend the Agreement for a period of ten (10) years retroactive to November 1, 2011 and expiring on October 31, 2021. The term of the Agreement shall automatically renew for up to 3 additional periods of five (5) years each unless either party notifies the other in writing of its intention not to renew the term of the Agreement at least 90 days prior to the end of the then-existing term. In addition, the County is seeking to amend its Agreement in order to allow the County to modify its equipment currently at the Site and install an additional antenna. There is no license fee charged to the County for this Agreement. The amendment will be executed by ATC Sequoia LLC as Licensor’s attorney-in-fact pursuant to a certain Limited Power of Attorney dated March 27, 2015. All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The communications equipment and antennas located at this Site are critical components of County radio systems used for Police, Fire, and EMS communications and for operation of the Bee Line bus system. 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 and coordinate the operation of the County's public bus system. The goals and objectives of the Agreement are to continue 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, along with the Departments of Emergency Services, Public Safety, and Public Works and Transportation monitor the radio systems that utilize the Site to make sure that it best suits the County's needs.

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

JBM/AR/TSA

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/31/2018

**RESOLUTION**

Upon a communication from the Commissioner of Information Technology and the Director of Real Estate, be it hereby

**RESOLVED**, that the County of Westchester (the "County") is authorized to amend a license agreement ("Agreement") with New York SMSA Limited Partnership ("Licensor"), which amendment will be executed by ATC Sequoia LLC as Licensor's attorney-in-fact pursuant to a certain Limited Power of Attorney dated March 27, 2015, in order to extend the Agreement for a period of ten (10) years retroactive to November 1, 2011 and expiring on October 31, 2021. The term of the Agreement shall automatically renew for up to 3 additional periods of five (5) years each unless either party notifies the other in writing of its intention not to renew the term of the Agreement at least 90 days prior to the end of the then-existing term; and be it further

**RESOLVED**, that the County is authorized to amend the Agreement in order to allow the County to modify its equipment currently at the Site and install an additional antenna. There will be no license fee charged to the County; and be it further

**RESOLVED**, that all other terms and conditions of the agreement shall remain in full force and effect; 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.

Agreement IT-798

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Acct	Dollars
						N/A

Budget Funding Year(s)       N/A       Start Date                      End Date                       
 (must match resolution)

Funding Source                      Tax Dollars                                       
    State Aid                                       
 \$   N/A                                Federal Aid                                       
 (must match resolution)            Other