

**52213**

Date: June 9, 2016

To: Honorable Members of the Board of Acquisition &amp; Contract

From: Michael B. Kaplowitz  
Chairman, Westchester County Board of Legislators

Re: Authority to enter into a permit agreement with Zeltsman Associates, Inc. d/b/a Down to Earth Market ("Zeltsman") pursuant to which Zeltsman will allow the Westchester County Board of Legislator's Hispanic Affairs Task Force to set up a booth, at no charge, at the Farmer's Market in Ossining on Saturday, July 9, 2016 between the hours of 8:30am to 1:00pm to provide outreach to the Hispanic community.

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The attached resolution, if approved by your Honorable Board, would authorize the County of Westchester to enter into an agreement with Zeltsman Associates, Inc. d/b/a Down to Earth Market ("Zeltsman"), pursuant to which Zeltsman will allow the Westchester County Board of Legislator's Hispanic Affairs Task Force (the "Task Force") to set up a booth, at no charge, at the Farmer's Market in Ossining on Saturday, July 9, 2016 between the hours of 8:30am to 1:00pm, to provide outreach to the Hispanic community (the "Agreement").

In consideration for the grant of permit, the County will agree to indemnify, defend and hold Zeltsman, its officers, directors and employees harmless from any claim, action, liability or suit of any kind or nature, including reasonable attorney's fees, arising out of or in any way connected to the Task Force's activities at the Farmer's Market.

The Agreement will serve a public purpose by establishing a presence for the Task Force at the Ossining Farmer's Market to engage and provide outreach to the Hispanic community.

This procurement is exempt from the requirements of the County Procurement Policy and Procedures pursuant to Section 3 (b) thereof.

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

MBK/SS/jpg  
Att.

**RESOLUTION**

Upon a communication from the Chairman of the Board of Legislators, be it hereby:

**RESOLVED**, that the County of Westchester is hereby authorized to enter into a permit agreement with Zeltsman Associates, Inc. d/b/a Down to Earth Market (“Zeltsman”), pursuant to which Zeltsman will allow the Westchester County Board of Legislators’ Hispanic Affairs Task Force (the “Task Force”) to set up a booth, at no charge, at the Farmer’s Market in Ossining on Saturday, July 9, 2016 between the hours of 8:30am to 1:00pm, to provide outreach to the Hispanic community (the “Agreement”); and be it further

**RESOLVED**, that in consideration for the grant of permit, the County will agree to indemnify, defend and hold Zeltsman, its officers, directors and employees harmless from any claim, action, liability or suit of any kind or nature, including reasonable attorney’s fees, arising out of or in any way connected to the Task Force’s activities at the Farmer’s Market, and be it further

**RESOLVED**, that the that the Chairman of the County Board of Legislators or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars

Budget Funding Year(s) 2016 Start Date 7/09/16 End Date 7/09/16  
(must match resolution)

Funding Source      Tax Dollars  
                                  State Aid \_\_\_\_\_  
                                  Federal Aid \_\_\_\_\_  
 \$ \_\_\_\_\_  
 (must match resolution)  
                                  Other \_\_\_\_\_



173 Main Street, 3<sup>rd</sup> Floor  
Ossining, New York 10562

914 923-4837 tel  
914 801-2336 fax

DowntoEarthMarkets.com

Michael Kaplowitz  
Chairman, Westchester County Board of Legislators  
148 Martine Ave., 8<sup>th</sup> Fl  
White Plains, NY 10601

Dear Michael,

This will confirm that we have agreed to permit the Hipanic Affairs Task Force (“you”) to have a presence at no charge to you to be located at the Farmers’ Market we operate in Ossining (the “Market”) on 7/9/16, during the hours of 8:30am-1pm.

You agree to follow all the rules of the market place including the understanding that all business activities will be kept within the vicinity of the table itself and will not take place throughout the market.

In addition, in consideration of our agreeing to accommodate you, you in turn agree to indemnify and hold harmless Zeltsman Associates, Inc., doing business as Down to Earth Market, its Officer, Directors and employees (“us” or “we”) from any claim, action, liability, or suit, of any kind or nature, including reasonable attorneys’ fees, arising out of or in any way connected with your activities at the Market.

In the event any claim is reasonably believed by us to be subject to indemnification hereunder, we will provide timely notice of such claim to you and you will, thereafter, at your own expense, defend and protect us against such claim. Should you be unable or fail to so defend us, we shall have the right to defend or settle such claim, and you shall reimburse us for all settlements, judgments, fees, costs, expenses, and payments, including reasonable attorney’s fees, incurred by us in connection with the discharge of such claim.

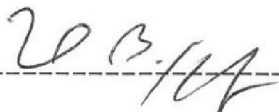
If you have any questions regarding the foregoing, please do not hesitate to call. If you understand and fully agree with the contents of this letter, kindly countersign this letter at the place indicated below, and return it to me, retaining a copy for your files.

We look forward to your visit with us!

Understood and Agreed

Michael Kaplowitz  
Chairman, Westchester County Board of Legislators

Down to Earth Market

BY:  -----

BY: \_\_ Frankie Rowland \_\_\_\_

APPROVED FOR THE COUNTY BOARD OF LEGISLATORS CONTRACT 06/30/2016 - LISA MARIJAJ, SECRETARY