

**72255**

DATE: October 23, 2019

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne  
Chief Information Officer

Gary Friedman, Esq.  
Director of Real Estate

RE: Authority to amend the license agreement with ATC Sequoia LLC in order to a.) install one (1) additional antenna and perform additional equipment modifications at the radio tower site located in Pound Ridge, NY, in order to improve public safety communications, and b.) extend the current term of the agreement until December 31, 2024, subject to four (4) additional five (5) year renewal terms (each a "Renewal Term), which shall commence automatically unless either party provides notice to the other that it does not wish to extend the term at least 120 days prior to the commencement of the applicable Renewal Term. (Agreement No. IT-798)

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On or about October 9, 2006, the County of Westchester ("County"), acting by and through its Department of Information and Technology ("DoIT"), and New York SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon Wireless") entered into a license agreement ("Agreement") whereby the County was permitted to install and maintain antennas and related equipment at Verizon Wireless's telecommunications facility located at Adams Lane, Pound Ridge, New York ("Adams Lane Site"), for a term of five (5) years. The Agreement was subsequently executed with the five-year term commencing on November 1, 2006 and terminating on October 31, 2011.

By resolution approved on March 31, 2016 (the "2016 Resolution"), your Honorable Board authorized the County to amend the Agreement ("First Amendment") in order to extend the term thereof for a period of ten (10) years, commencing retroactively on November 1, 2011 and terminating on October 31, 2021, with three (3) additional five-

year renewal terms, to renew automatically, unless either party provides notice the other in writing of its intention not to renew the Agreement at least ninety (90) days prior to the end of the then existing term. The 2016 Resolution further authorized the County to install one (1) additional antenna and perform additional equipment modifications at the Adams Lane Site. The First Amendment was subsequently executed by ATC Sequoia LLC (“ATC Sequoia”), as Verizon Wireless’s attorney-in-fact, pursuant to a certain Limited Power of Attorney dated March 27, 2015.

Authorization is now sought from your Honorable Board to further amend the Agreement with ATC Sequoia, as successor in interest to Verizon Wireless (“Second Amendment”), in order to permit the County to a.) install one (1) additional antenna and perform additional equipment modifications at the Adams Lane Site, and b.) extend the term of the Agreement, which currently expires on October 31, 2021, until December 31, 2024, subject to four (4) additional five (5) year renewal terms (each a “Renewal Term), which shall commence automatically unless either party provides notice to the other that it does not wish to extend the term at least 120 days prior to the commencement of the applicable Renewal Term.

The space rented from ATC Sequoia houses equipment and antennas that 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 the Westchester County’s residents by safeguarding their property and health and by coordinating 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 County. DoIT, along with the Department of Transportation and the Departments of Emergency Services and Public Safety, monitor the radio systems that utilize the Adams Lane 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.

MB/GF  
Attachment

**RESOLUTION**

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

**RESOLVED**, that the County of Westchester (“County”), acting by and through its Department of Information and Technology (“DoIT”), is authorized to enter into a second amendment (“Second Amendment”) to the license agreement (“Agreement”) with ATC Sequoia LLC, as successor in interest to New York SMSA Limited Partnership d/b/a Verizon Wireless, for the operation of radio equipment and antennas at the radio tower site located in Pound Ridge, New York (“Adams Lane Site”) in order to a.) install one (1) additional antenna and perform additional equipment modifications at the Adams Lane Site, and b.) extend the term of the agreement, which currently expires on October 31, 2021, until December 31, 2024, subject to four (4) additional five (5) year renewal terms (each a “Renewal Term), which shall commence automatically unless either party provides notice to the other that it does not wish to extend the term at least 120 days prior to the commencement of the applicable Renewal Term, and be it further

**RESOLVED**, that, retroactive to the commencement of the Agreement, the County is authorized to agree to the following indemnification provision:

Each Party shall indemnify and hold the other harmless against any claims of liability or loss from personal injury or property damages resulting from or arising out of the negligence or willful misconduct of the indemnifying Party, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the other Party, or its employees, contractors or agents, and be it further

**RESOLVED**, that all other terms and conditions of the Agreement, as amended, shall remain unchanged and in full force and effect; and be it further

**RESOLVED**, that this Agreement is subject to County appropriations; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to execute and deliver any and all documents and to take all action necessary and appropriate to effectuate the purposes hereof.

Agreement IT-798

Account to be charged/credited:

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


Bud  
get  
Fund

ing Years: N/A Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_  
(must match resolution)

Funding Source

\$ N/A  
(must match resolution)

Tax Dollars: \_\_\_\_\_  
State Aid \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/31/2019 - LISA MRIJAJ, SECRETARY