

ID74561

DATE: February 11, 2020

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor  
Commissioner, Department of Parks, Recreation and Conservation

RE: Authority to exercise the mutual option under a license agreement with Cablevision Systems Westchester Corporation ("Cablevision"), which has allowed Cablevision to install, maintain, and operate certain equipment in certain locations on County property in order to provide cable service to the Camp Hemlock facilities in Sal J. Prezioso Mountain Lakes Park, for a five-year term commencing on June 1, 2015 and continuing through May 31, 2020, with the County and Cablevision having said mutual option to renew the license for one additional five-year term.

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By a resolution approved on June 11, 2015, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Parks, Recreation and Conservation ("Parks"), to enter into a license agreement (the "License Agreement") with Cablevision Systems Westchester Corporation ("Cablevision"), which was to allow Cablevision to install, maintain, and operate certain equipment in certain locations on County property in order to provide cable service to the Camp Hemlock facilities in Sal J. Prezioso Mountain Lakes Park, for a five-year term commencing on June 1, 2015 and continuing through May 31, 2020 (the "Initial Term"), with the County and Cablevision having a mutual option to renew the license for a five-year term commencing on June 1, 2020 and continuing through May 31, 2025 (the "Option Term"), subject to the receipt of all necessary legal approvals (the "Mutual Option"). Under the License Agreement, Cablevision was to, without limitation, pay all costs associated with the installation, maintenance, operation, modification, relocation and removal of its equipment. Under the License Agreement, the license rights granted to Cablevision, including pole attachment rights, were to be free of charge by the County. The License Agreement was subsequently executed.

In order to ensure that Cablevision will continue to have the above-described license on the above-described terms, the County and Cablevision now desire to exercise the Mutual Option. Accordingly, authority is respectfully requested from your Honorable Board for the County to exercise the Mutual Option (the "Option-Exercise"). During the Option Term, all of the provisions of the License Agreement shall apply and operate in the same manner as during

the Initial Term.

The proposed Option-Exercise will serve a public purpose by continuing to make available to Camp Hemlock cable communications and information services.

The goal and objective of the proposed Option-Exercise is to continue to make available to Camp Hemlock cable communications and information services.

The goal and objective of the proposed Option-Exercise is in the best interests of the County in terms of public safety, as the cable communications and information services will ensure that Camp Hemlock has access to the resources it may need in the case of an emergency.

The goal and objective of the proposed Option-Exercise will be tracked and monitored by Parks.

As the proposed Option-Exercise concerns a license agreement, it is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

I respectfully recommend the adoption of the attached Resolution.

KMO/LK/bdm/nm

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/05/2020 - USA MRISAJ, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of the Department of Parks, Recreation and Conservation, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to exercise its mutual option under a license agreement with Cablevision Systems Westchester Corporation ("Cablevision"), which was to allow Cablevision to install, maintain, and operate certain equipment in certain locations on County property in order to provide cable service to the Camp Hemlock facilities in Sal J. Prezioso Mountain Lakes Park, for a five-year term commencing on June 1, 2015 and continuing through May 31, 2020 (the "Initial Term"), with the County and Cablevision having said mutual option to renew the license for a five-year term commencing on June 1, 2020 and continuing through May 31, 2025 (the "Option Term"), subject to the receipt of all necessary legal approvals (the "License Agreement"); and be it further

**RESOLVED**, that during the Option Term, all of the provisions of the License Agreement shall apply and operate in the same manner as during the Initial Term, including, without limitation, the following: a.) Cablevision will, without limitation, pay all costs associated with the installation, maintenance, operation, modification, relocation and removal of its equipment, and b.) the license rights granted to Cablevision, including pole attachment rights, shall be free of charge by the County; and be it further

**RESOLVED** that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions necessary and appropriate to effectuate the purposes of this Resolution.

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Account to be  
Charged/Credited

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

Budget Funding Year(s): \_\_\_\_\_ Start Date: 06/01/2020 End Date: 05/31/2025  
(must match resolution)

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/05/2020 - LISA MAHAJ, SECRETARY