

75336

DATE: March 16, 2020

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Marguerite Beirne
Chief Information Officer

RE: Authorization for the County of Westchester to enter into license agreement IT-1607 with the Town of Bedford for the County to relocate certain Town (and its tenants') public safety radio equipment and grant to the Town (and its sublicensees) a license to operate their public safety radio equipment on the new County tower and in the new County equipment Shelter at the Guard Hill Site.

Authorization is being requested from your Honorable Board for the County of Westchester (the "County") to enter into a license agreement (the "License Agreement") with the Town of Bedford (the "Town") for the County to relocate certain Town (and its tenants') public safety radio equipment from the existing State tower and the existing County tower to the New County Tower (defined below) and from the existing Town shed to the New County Shelter (defined below) on the Town-owned real property located at 75 Guard Hill Road in the Town, identified as Section, Block and Lot No. 83.5-2-1 on the Official Tax Maps for the Town (the "Guard Hill Site"), and to grant a license to the Town (and its sublicensees') to operate their public safety radio equipment on the New County Tower and in the New County Shelter, and demolish the existing State tower, existing County tower and existing Town shed at the Guard Hill Site.

By Local Law No. 2016-1, approved on March 7, 2016, the County Board of Legislators authorized the County to enter into a lease agreement with the Town to lease certain space at the Guard Hill Site for public safety radio communication equipment (the "Lease Agreement"). By resolution approved on March 10, 2016, your Honorable Board authorized the County to enter into the Lease Agreement. The Lease Agreement was subsequently executed on March 25, 2016 (the "Lease Agreement").

By Local Law No. 2019-16, approved on December 3, 2019, the County Board of Legislators authorized the County to amend the Lease Agreement with the Town in order to (i) extend the term of the Lease Agreement, (ii) expand the leased premises and (iii) perform certain equipment modifications on the leased premises to improve public safety communications (the "First Amendment"). By resolution approved on January 30, 2020, your Honorable Board authorized the County to enter into the First Amendment.

The First Amendment authorized the County to, among other things, (i) install a new 140' self supporting County tower on the Guard Hill Site (the "New County Tower"), (ii) build a new County equipment shelter with a new generator and load bank (the "New County Shelter"), (iii) relocate the antennas and radio equipment from the existing State tower and existing County tower to the New County Tower and from the existing Town equipment shed to the New County Shelter, (iv) demolish the existing State tower, existing County tower and the Town equipment shed, and (v) enter into a license agreement with the Town for the relocation of the its tenants' antennas and radio equipment and to grant a licensee for the Town (and its sublicensees) to be on the New County Tower and New County Shelter.

In addition, as a condition precedent to the County's performance of the above-referenced equipment modifications, the County and the Town agreed that certain agreements would have to be negotiated and executed on or before February 3, 2020, or an additional time period as may be mutually agreed upon by the parties. One such agreement was a license agreement between the County and the Town to relocate its (and its tenants') radio equipment and antennas to the New County Tower and the New County Equipment Shelter and to grant a license to the Town (and its sublicensees). This resolution authorizes that license agreement between the County and the Town.

The term of the proposed License Agreement shall commence upon execution and continue for so long as the Lease Amendment, as amended by the First Amendment, remains in full force and effect. The licensee fee for the proposed License Agreement is \$0.00 as the radio equipment is for public safety purposes.

The Town is requesting authority to sublicense its space on the New County Tower and in the New County Shelter to the following public services agency:

Katonah Bedford Hills Volunteer Ambulance Corp.
160 Bedford Road
Katonah, NY 10536

And

American Red Cross
40 Saw Mill River Road
Hawthorne, NY 10532.

This proposed License Agreement is exempt from the County Procurement Policy and Procedures pursuant to Section 3(b) thereof.

Accordingly, approval of the attached resolution by your Honorable Board is most respectfully requested.

MB/rn

RESOLUTION

Upon a communication from the Chief Information Officer, be it hereby

RESOLVED, that the County of Westchester (the “County”) is authorized to enter into a license agreement (the “License Agreement”) with the Town of Bedford (the “Town”) for the County to relocate certain Town (and its tenants’) public safety radio equipment and antennas, from the existing State tower and the existing County tower to the New County Tower and from the existing Town shed to the New County Shelter, and to grant a license to the Town (and its sublicensees) to operate their public safety radio equipment on the New County Tower and in the New County Shelter on the Town-owned real property located at 75 Guard Hill Road, identified as Section, Block and Lot No. 83.5-2-1 on the Official Tax Maps for the Town (the “Guard Hill Site”), and demolish the existing State tower, existing County tower and existing Town shed on the Guard Hill Site, and be it further

RESOLVED, that the term of the License Agreement shall commence upon execution and continue for as long as the Lease Agreement, dated March 25, 2016, between the County and the Town for the Guard Hill Site, as amended by the First Amendment to the Lease Agreement, which was approved by this Honorable Board by Resolution on December 12, 2019, remains in full force and effect, and be it further

RESOLVED, that there will be no license fee charged the Town (and its sublicensees) as the radio equipment is for public safety; and be it further

RESOLVED, that the Town is permitted to sublicense space on the New County Tower and in the New County Shelter to the following sublicensees:

Katonah Bedford Hills Volunteer Ambulance Corp.
160 Bedford Road
Katonah, NY 10536

and

American Red Cross
40 Saw Mill River Road
Hawthorne, NY 10532, 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 Number: IT-1607

Account to be charged/credited	Year	Fund	Dept	Major Program, Program & Phase, or Unit	Object / Sub-Object	Trust Account	Dollars
							\$0

Budget Funding Year(s): 2020-2046 Start Date: Upon execution End Date: 3/25/2046

Funding Source

Tax Dollars:	_____	\$0
State Aid:	_____	\$0
Federal Aid:	_____	\$0
Other:	_____	\$0

\$0
(must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 03/26/2020 - ISA MARIA SECRETARY