

79146

DATE: September 1, 2020

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Marguerite Beirne
Chief Information Officer

John M. Cullen
Commissioner, Department of Emergency Services

RE: Authorization for the County of Westchester to enter into sublicense agreement IT-1667 with the Lake Mohegan Fire District for the County to sublicense certain space at 181 Benefield Boulevard, Peekskill, New York to the Fire District for the installation and operation of certain public safety radio equipment.

Authorization is being requested from your Honorable Board for the County of Westchester (the "County") to enter into a sublicense agreement (the "Sublicense Agreement") with the Lake Mohegan Fire District (the "Fire District") for the County to sublicense certain space to the Fire District for the installation and operation of certain public safety radio equipment and appurtenances on one of the County's radio antenna support masts and in the County's radio equipment shelter and cable tray located on certain real property owned by the City of Peekskill (the "City") at 181 Benefield Boulevard, Peekskill, New York (the "Site").

The Fire District has requested permission to sublicense certain space from the County on one of the County's radio antenna support masts and in the County's radio equipment shelter and cable tray for its public safety radio equipment.

The Fire District's equipment would be used solely for public safety radio purposes.

There would be no sublicensee fee charged for the proposed Sublicense Agreement because the radio equipment is for public safety purposes.

The term of the proposed Sublicense Agreement would commence upon execution and have a term of five (5) years, unless sooner terminated as therein provided. The Fire District would have the option to renew for an additional five (5) year term upon ninety (90) days prior written notice to the County, provided that at the time of such renewal, (i) the Ground License (defined

below) was in effect and had not expired or been terminated, and (ii) the Fire District was not in default under the Sublicense Agreement beyond any cure or grace period and no condition existed which if left uncured would with the passage of time or the giving of notice result in a default by the Fire District.

The County licenses space from the City located at Site for the installation and operation of its antennas and radio equipment, including a County shelter, for public safety radio purposes (the "Ground License"). The Ground License was approved by your Honorable Board on June 16, 2005 and executed on August 9, 2005. In addition, the County has executed a First Amendment to the Ground License by a resolution approved by your Honorable Board on November 18, 2010, a Second Amendment to the Ground License by a resolution approved by your Honorable Board on August 19, 2015, and a Third Amendment to the Ground License by resolution approved by your Honorable Board on January 16, 2020.

Also being submitted to your Honorable Board is a resolution, which, if approved, will authorize the County to enter into a Fourth Amendment to the Ground License, which, along with the prior amendments, will permit the County to sublicense the space to the Fire District as provided for herein.

The proposed Sublicense Agreement would be subject to and subordinate to the terms and conditions of the Ground License, as amended.

The proposed Sublicense Agreement serves a County purpose because the Fire District participates in the County Fire Mutual Aid Plan. The Sublicense Agreement will permit the installation of the Fire District's public safety equipment for its emergency radio system. The Sublicense Agreement will assist the local first responders in the community who participate in the County Fire Mutual Aid Plan.

The proposed Sublicense 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/ran

RESOLUTION

Upon a communication from the Chief Information Officer and the Commissioner of the Department of Emergency Services, be it hereby

RESOLVED, that the County of Westchester (the “County”) is authorized to enter into a sublicense agreement (the “Sublicense Agreement”) with the Lake Mohegan Fire District (the “Fire District”) for the County to sublicense certain space to the Fire District for the Fire District to install and operate certain public safety radio equipment and appurtenances on one of the County’s radio antenna support masts and in the County’s radio equipment shelter and cable tray located on real property owned by the City of Peekskill located at 181 Benefield Boulevard, Peekskill, New York (the “Site”) and licensed by the County from the City; and be it further

RESOLVED, that Sublicense Agreement shall be subject to and subordinate to the terms of the County’s ground license with the City, as amended, (the “Ground License”) for the its radio antennas and equipment, including the County shelter, located at the Site; and be it further

RESOLVED, that the term of the proposed Sublicense Agreement shall commence upon execution and have a term of five (5) years, unless sooner terminated as therein provided. The Fire District shall have the option to renew for an additional five (5) year term upon ninety (90) days prior written notice to the County, provided that at the time of such renewal, (i) the Ground License remains in effect and has not expired or been terminated, and (ii) the Fire District is not in default under the Sublicense Agreement beyond any cure or grace period and no condition exists which if left uncured would with the passage of time or the giving of notice result in a default by the Fire District, and be it further.

RESOLVED, that there will be no license fee charged the Fire District because its radio equipment is for public safety purposes; 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-1667

Account to be
Charged/
Credited

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account or Bond Act	Dollars
						\$0

Budget Funding Year(s): N/A Start Date: Upon Execution End Date: 5- Years form Execution
(must match resolution)

Funding Source Tax Dollars: \$0
State Aid: _____
\$0 Federal Aid: _____
(must match resolution) Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/17/2020 - LISA MARIJA SECRETARY