

84952

DATE: May 6, 2021

TO: Board of Acquisition and Contract

FROM: Joseph K. Spano
Commissioner of Correction

RE: Authority to enter into a license agreement with the County of Rockland, pursuant to which it will give the County a license to access and use its Police Academy Range, which is also known as its Firearms Training Facility, for the period from May 1, 2021 through December 31, 2021.

Authority is requested for the County of Westchester, acting by and through its Department of Correction, (the "County") to enter into a license agreement (the "License Agreement") with the County of Rockland ("Rockland"), pursuant to which Rockland will give the County a license to access and use Rockland's Police Academy Range, which is also known as its Firearms Training Facility, for the period from May 1, 2021 through December 31, 2021, for the per diem costs specified below for each aspect of the facility to be accessed and used by the County, and on all of the other terms specified in Exhibit 1:

Range 2 & 3: \$450.00 per day
Range 4: \$400.00 per day
Classroom: \$250.00 per day

Under the License Agreement proposed by Rockland, the County will agree to certain indemnification, defense, and hold-harmless language, as shown in Exhibit 1.

The proposed License Agreement will serve a public purpose by providing the County with access to a firearm training facility for training purposes for new Correction Officer recruits.

The goal and objective of the proposed License Agreement is to provide the County with access to a firearm training facility for training purposes for new Correction Officer recruits.

The goal and objective of the proposed License Agreement is in the best interests of the County in terms of public safety, as the County having access to a firearm training facility for training purposes for new Correction Officer recruits will ultimately help ensure the safety of the public.

The goal and objective of the proposed License Agreement will be tracked and monitored by the staff of the Department of Correction.

The proposed License Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

JKS/SG/bdm/nn

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/03/2021 - LISA MRIJAS SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Correction, be it hereby:

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into a license agreement (the “License Agreement”) with the County of Rockland (“Rockland”), pursuant to which Rockland will give the County a license to access and use Rockland’s Police Academy Range, which is also known as its Firearms Training Facility, for the period from May 1, 2021 through December 31, 2021, for the per diem costs specified below for each aspect of the facility to be accessed and used by the County, and on all of the other terms specified in Exhibit 1, which is attached hereto and made a part hereof:

Range 2 & 3: \$450.00 per day
Range 4: \$400.00 per day
Classroom: \$250.00 per day

; and be it further

RESOLVED, that, under the License Agreement, the County will agree to certain indemnification, defense, and hold-harmless language, as shown in Exhibit 1; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and appropriate to effectuate the purposes of this Resolution.

Account to be charged/credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
101	35	1000	4380		15,000.00

Budget Funding Years: _____ Start Date: 5/1/21 End Date: 12/31/21
(must match resolution)

Funding Source Tax Dollars: 15,000
State Aid: _____
\$15,000 Federal Aid: _____
(must match resolution) Other: _____

EXHIBIT 1

License Agreement

[ATTACHED, STARTING ON NEXT PAGE]

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/03/2021 - LISA MRIJAJ, SECRETARY



OFFICE OF THE COUNTY ATTORNEY
11 New Hempstead Road
New City, New York 10956
Phone: (845) 638-5180 Fax: (845) 638-5676

Thomas E. Humbach
County Attorney

May , 2021

County of Westchester
Department of Corrections
Attention: Joseph K. Spano, Commissioner
148 Martine Avenue
White Plains, New York 10601

RE: LICENSE AGREEMENT between COUNTY OF ROCKLAND and COUNTY OF WESTCHESTER, DEPARTMENT OF CORRECTIONS
Use of the Police Academy Range (Firearms Training Facility) for the Period from May 1, 2021 through December 31, 2021

Dear Commissioner Spano:

Please consider this letter a non-exclusive revocable license agreement ("Agreement") between the County of Westchester, Department of Corrections ("Department of Corrections") and the County of Rockland ("County"). The Department of Corrections has requested use of the Police Academy Range ("Firearms Training Facility"), for firearms training purposes for its employees. The Department of Corrections will be permitted to use the Firearms Training Facility for said purposes for approximately twenty (20) days per year during the period from May 1, 2021 through December 31, 2021 at the per diem rates indicated on the annexed Schedule "A". It is understood that the Firearms Training Facility will be utilized under this Agreement for training purposes only.

The Department of Corrections agrees to indemnify and hold harmless the County from and against all claims, including claims by the municipality against County, actions and suits for personal injury to, or death of, any person, or loss or damage to property arising out of, or resulting from, the negligent acts of the Department of Corrections and its employees, in connection with its use of the Firearms Training Facility. These indemnification provisions are for the protection of the County. The provisions of this section shall survive the termination of this Agreement. This indemnification, however, shall not apply to claims caused solely by the negligence of the County.

In addition, the Department of Correction, shall defend any and all actions brought against County as a result of the use of the property by the Department of Corrections under the terms of the Agreement. The Department of Corrections and/or the County of Westchester shall pay all reasonable attorneys' fees and all other expenses in connection with any litigation and promptly discharge any judgments arising therefrom. It is understood that the County has a right to

independent counsel, and a right to approve or disapprove counsel appointed to defend County (such approval shall not be unreasonably withheld). It is also understood that the County shall not have any obligation to contribute to any settlement of any action or claim brought herein against County as a result of the sole negligence of the Department of Corrections and its employees, in connection with this Agreement.

It is also understood that any weapon which is utilized at said Facility by the Department of Corrections in connection with training purposes shall be stored and maintained exclusively in appropriate and proper locked safes, vault type or other appropriate storage systems available at the Firearms Training Facility.

Please indicate your consent by signing and returning this Agreement to this office. This Agreement may be signed in counterparts. Facsimile and electronic signatures are acceptable. The Rockland County Charter authorizes the County Executive to execute this Agreement letter on behalf of the County. After the County Executive has signed this letter, we will send you a copy.

Very truly yours,

JEANNE GILBERG
Principal Assistant County Attorney
JG:dc

OFFICE OF THE SHERIFF
(Approved for signature of the
County Executive)

By: _____
LOUIS FALCO III
Sheriff

Dated: _____

COUNTY OF WESTCHESTER
DEPARTMENT OF CORRECTIONS

By: _____
JOSEPH K. SPANO
Commissioner

Dated: _____

COUNTY OF ROCKLAND

By: _____
EDWIN J. DAY
County Executive

Dated: _____

SCHEDULE A

The Rockland County Firearms Training Facility is a non-smoking facility

Westchester County Corrections will have the ability to reserve the Firearms Training Facility (FF) using the reservation method that is in place at the time.

Westchester County Corrections will pay the following fees for each day used:

Rental Rates for the Firearms Training Facility

Range 1: Temporarily closed

Range 2 & 3: \$150* per day

Range 4: \$400* per day

Classroom: \$250* per day

*rates are for 2021 and are subject to change

Range 1: Reactive Steel - handgun and sub machinegun

Range 2: 400 feet wide by approximately 40 yards long/handgun, sub-machinegun, carbine, and shotgun, Running man operation

Range 3: 21 Turning targets range 50 yards long - handgun, sub-machinegun, carbine, shotgun

Range 4: Hanging target range 45 feet wide by 25 yards long - handgun, sub-machinegun, carbine, shotgun

Classroom: with audio/visual equipment