

86192

Date: July 7, 2021

To: Board of Acquisition and Contract

From: John M. Nonna
County Attorney

Re: Request for authorization to settle claims by Saw Mill Lodging LLC regarding property damage to the hotel known as the Days Inn by Wyndham Elmsford/White Plains, at which the County leased a building known as Building C, for isolation-type housing related to stopping the spread of COVID-19.

By resolutions approved on April 2, 2020, April 23, 2020, May 21, 2020, June 18, 2020, July 23, 2020, August 27, 2020, December 17, 2020, and March 18, 2021, your Honorable Board authorized the County of Westchester (the "County") to enter into, and then modify and extend, a lease agreement (the "Lease") with Saw Mill Lodging LLC ("Saw Mill"), pursuant to which Saw Mill leased to the County one (1) building, known as Building C, consisting of thirty-nine (39) rooms, at the hotel known as the Days Inn by Wyndham Elmsford/White Plains, located at 25 Valley Avenue in Elmsford, (the "Days Inn") for use as isolation-type housing related to stopping the spread of COVID-19. The authorized Lease was executed, and all authorized modifications thereto were subsequently completed. As of the last modification to the Lease, the Lease was for a term from April 1, 2020 through June 30, 2021, with rental costs totaling \$1,140,000.00 for that period.

Saw Mill has made allegations and claims regarding various property damages at the Days Inn, including damages such as broken televisions, telephones, windows, window screens, and various items of furniture; broken and/or irreparably soiled mattresses; and irreparably soiled linens, carpets, drapes, and shower curtains.

In light of the scope of the property damages at issue, the County negotiated a settlement in an amount of \$75,000.00 for all of these claims for property damage at the Days Inn. In addition, Saw Mill will provide a general release for all damages concerning the Days Inn and the Lease, and the County will not be responsible for any other damages, including damages that may not be discovered until some time in the future.

Given the claims at issue and the totality of the circumstances involved in this situation, I respectfully recommend the adoption of the attached resolution.

JMN/bdm/nn

RESOLUTION

Upon a communication from the County Attorney, be it hereby:

RESOLVED, that the County of Westchester (the "County") is hereby authorized to settle claims by Saw Mill Lodging LLC ("Saw Mill") regarding property damage to the hotel known as the Days Inn by Wyndham Elmsford/White Plains (the "Days Inn"), at which the County leased the building known as Building C under a lease agreement, for use as isolation-type housing related to stopping the spread of COVID-19, (the "Lease") by payment from the County to Saw Mill in an amount of \$75,000.00 (the "Settlement"); and be it further

RESOLVED, that, in addition, Saw Mill will provide a general release for all damages concerning the Days Inn and the Lease, and the County will not be responsible for any other damages, including damages that may not be discovered until some time in the future; and be it further

RESOLVED, that the County Attorney 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.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
03/09/2021
ELSA MARRAS SECRETARY

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	22	8900	5860		\$75,000.00

Budget Funding Year(s): 2021
(must match resolution)

Start Date: N/A

End Date: N/A

Funding Source

Tax Dollars: 71%

State Aid: 29%

\$75,000.00

Federal Aid: _____

(must match resolution)

Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/08/2021 - LISA MARIJA SECRETARY