

**86702**

DATE: August 2, 2021

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Norma Drummond  
Commissioner, Department of Planning

Marguerite Beirne  
Chief Information Officer

SUBJECT: Authority to amend the landscape agreement with the Town of Bedford, dated August 14, 2020, as amended by the first amendment to the landscape agreement dated March 11, 2021, for the Guard Hill site as part of the County's Public Safety Voice Radio Communications Systems Replacement Project.

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By a resolution approved on July 23, 2020 (the "July 23<sup>rd</sup> Resolution"), your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Planning, to enter into a license agreement with the Town of Bedford (the "Town") for the County to perform the following: (i) certain landscape work consisting of a tree removal plan and a planting plan on a portion of the real property owned by the Town, known as Section 83.5 Block 2 and Lot 1 on the Official Tax Maps of the Town of Bedford (the "Guard Hill Site"), (ii) maintenance for a period of two (2) years of the new plantings planted pursuant to the planting plan, and (iii) reimbursement to the Town in an amount not to exceed \$8,000.00 for the cost it incurs to clear a hiking trail located on the Guard Hill Site (the "Landscape Agreement"). The County and Town executed the Landscape Agreement on August 14, 2020.

The Landscape Agreement is related to the lease agreement entered into between the County and Town, dated March 25, 2016, as amended by the first amendment to the lease agreement, dated August 14, 2020, in which the Town granted the County certain rights to perform certain improvements at the Guard Hill Site as part of the County's Public Safety Voice Radio Communications Systems Replacement Project (the "Improvements").

By a resolution approved on March 5, 2021 (the March 5<sup>th</sup> Resolution"), your Honorable Board authorized the County to amend the Landscape Agreement to permit the County to perform the following: (i) remove additional trees and a rock outcropping at the Guard Hill Site in order for construction vehicles, equipment, and materials to access the Guard Hill Site to construct the Improvements, and (ii) remove additional trees as part of selective tree removal for an open view shed requested by the Bedford Historical Society on the property (the "First Amendment"). On

March 11, 2021, the County and the Town entered in the First Amendment to the Landscape Agreement.

The Landscape Agreement and the First Amendment are referred to collectively as the "Agreement".

Authorization is now sought to amend the Agreement in order to agree to the following: (i) a revised landscape plan for the Guard Hill Site to provide for additional tree and rock work at the site; (ii) a time period in which the County will complete the landscape work at the Guard Hill Site (described below), and (iii) a preliminary and final punch list process with the Town through which the County and Town will ensure the landscape work is completed according to the requirements of the revised landscape plan (the "Second Amendment").

In the proposed Second Amendment, the County is agreeing to complete the landscape work within 6 months of completion of the demolition of the two existing towers and equipment shed located on the Guard Hill Site and the installation of the fencing around the County compound for the County Improvements constructed at the Guard Hill Site subject to a force majeure clause.

All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The Improvements are critical to the success of the County's Voice Radio Communication Systems Replacement Project by providing safe access for the radio operations and more enjoyable public access to this historic property.

The Improvements are necessary for the continued operation and improvement of the radio communications systems relied upon by the Department of Emergency Services, the Department of Public Safety, the Bee-Line Bus System and local fire, EMS and police agencies.

This proposed Second Amendment is exempt from the Westchester County Procurement Policy pursuant to Section 3(a)(iii) thereof.

The proposed Second Amendment will be tracked and monitored by the staff of the Department of Planning.

Your approval of the attached resolution is respectfully requested.

ND/RAN  
Attachment

**RESOLUTION**

Upon a communication from the Commissioner of Planning and the Chief Information Officer, be it hereby

**RESOLVED**, that the County of Westchester (the “County”) is hereby authorized to amend the landscape agreement with the Town of Bedford (“Town”), dated August 14, 2020, as amended by the first amendment to the landscape agreement, dated March 11, 2021 (collectively, the “Agreement”), for landscape work at the real property owned by the Town, known as Section 83.5 Block 2 and Lot 1 on the Official Tax Maps of the Town of Bedford (the “Guard Hill Site”) in order to agree to the following: (i) a revised landscape plan for the Guard Hill Site to provide for additional tree and rock work at the site; (ii) a time period in which the County will complete the landscape work at the Guard Hill Site (described below), and (iii) a preliminary and final punch list process for the County and Town to ensure the landscape work is completed according to the requirements of the revised landscape plan; and be it further

**RESOLVED**, the County is hereby authorized to agree to complete the landscape work within 6 months of completion of the demolition of the two existing towers and equipment shed located on the Guard Hill Site and the installation of the fencing around the County compound for the County improvements being constructed at the Guard Hill Site subject to a force majeure clause; and be it further

**RESOLVED**, that all other material terms and conditions of the Agreement shall remain the unchanged and in full force and effect; and be it further

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

Account to be  
Charged/Credited

Agreement Number: C-PL-20-505

Original Agreement: \$8,000.00  
 First Amendment \$0.00  
 This Amendment: \$0.00  
 Total: \$8,000.00

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account Or Bond Act	Dollars
316	16	BIT4101S	6190	BA 41-2020	\$0.00

Budget Funding Year(s): 2020 Start Date: Upon Execution of the Agreement End Date: End of 2 Year Maintenance Period  
 (must match resolution)

Funding Source Tax Dollars: \$0.00  
 State Aid: \_\_\_\_\_  
\$0.00 Federal Aid: \_\_\_\_\_  
 (must match resolution) Other: \_\_\_\_\_