

**#92986**

DATE: May 3, 2022

TO: Board of Acquisition and Contract

FROM: Marguerite Beirne  
Chief Information Officer

Christopher D. Steers  
Director of Countywide Administrative Services  
Office of the County Executive

SUBJECT: Authority for the County of Westchester to enter into a license agreement with New York SMSA Limited Partnership, d/b/a Verizon Wireless, a New York limited partnership, by Cellico Partnership, its general partner, for the installation, operation and maintenance of telecommunications antennas and related equipment at the Grasslands Tower (Agreement No. IT-1606).

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On September 24, 1992, your Honorable Board approved a resolution which authorized the County of Westchester (the "County") to enter in a license agreement with New York SMSA Limited Partnership for the installation, maintenance and operation of radio transmitting and receiving equipment at the Grasslands radio tower for a term of five (5) years from November 1, 1992 to October 31, 1997 with the option to renew for two (2) additional five-year terms for an annual fee of \$30,000 the first year, due and payable to the County in monthly installments with 10% increases for each of the two term extensions and annual increase of 5% on each anniversary date (the "License Agreement"). The License Agreement was executed on September 23, 1992. Verizon exercised the two (2) additional five-year removal terms extending the termination date of the License Agreement to October 31, 2007.

On August 3, 2006, your Honorable Board approved a resolution which authorized the County to enter into an amendment to the License Agreement to allow for Verizon's installation of two (2) additional microwave dishes on the Grasslands Radio Tower, the waiving of charges to the County for the temporary relocation of Verizon's radio equipment at the site, and the extension of the License Agreement for two (2) additional five year terms with the license fee increasing on an annual basis by 3% from the immediately preceding year during the extended terms (the "First Amendment"). The parties entered into the First Amendment on February 23, 2007. Verizon exercised its option to extend the term for the two (2) additional five-year terms extending the term of the First Amendment to October 31, 2017.

Authority is now requested from your Honorable Board for the County, acting by and through its Department of Information Technology, to enter into a new license agreement (the "Agreement") with New York SMSA Limited Partnership d/b/a Verizon Wireless, a New York limited partnership, by Celco Partnership, its general partner, ("Verizon") to grant Verizon a license to install, maintain and operate transmitting and receiving antennae, radio equipment and appurtenant infrastructure and equipment ("Equipment") on the County's radio communication tower ("Grasslands Radio Tower") and in a County equipment shelter in a fence-enclosed compound (the "Grasslands Site") located within the confines of the County Penitentiary and Jail grounds at the Grasslands Campus in Valhalla, New York.

The term of the proposed Agreement will commence retroactively on November 1, 2017 for a five (5) year term to October 31, 2022, with two (2) automatic five (5) year renewals unless terminated sooner pursuant to the Agreement.

Pursuant to the proposed Agreement, Verizon will pay to the County an annual license fee of \$89,310.52 for the first year (November 1, 2017- October 31, 2018), \$96,589.30 for the second year (November 1, 2018 - October 31, 2019) and, thereafter, the annual license fee shall increase annually by five percent (5%) including through the two (2) automatic five (5) year renewals.

Verizon will reimburse the County for its electrical consumption at the Site which the County will bill Verizon no less than semiannually.

Verizon also will pay the County the sum of \$95,961.78 for past due utility usage for the period November 1, 2012 through and including June 30, 2021, and the County will bill and Verizon will pay for its electricity usage for the period of July 1, 2021 up to the date of execution of the Agreement and add such usage charge to the first utility bill issued by the County after the execution date of the Agreement.

The goal and objective of the proposed Agreement is to effectively utilize otherwise unused space at the Grasslands Radio Tower and, thereby, increase the revenue available to the County.

This proposed Agreement is exempt from procurement pursuant to Section 3(b) of the Westchester County Procurement Policy and Procedures regarding leases, licenses and concessions.

Approval of the attached resolution by your Honorable Board is requested.

MB/ran  
Attachment

## **RESOLUTION**

Upon a communication from the Chief Information Officer and the Director of Countywide Administrative Services, be it hereby

**RESOLVED**, that the County of Westchester ("County"), acting by and through its Department of Information and Technology ("DOIT"), is authorized to enter into a license agreement ("Agreement") with New York SMSA Limited Partnership d/b/a Verizon Wireless, a New York limited partnership, by Celco Partnership, its general partner, ("Verizon"), for the installation, maintenance and operation of transmitting and receiving antennae, radio equipment and appurtenant infrastructure and equipment ("Equipment") on the county radio communication tower (the "Grasslands Radio Tower") and in a County equipment shelter in the fence-enclosed compound located (the "Grasslands Site") within the confines of the County Penitentiary and Jail grounds at the Grasslands Campus in Valhalla, New York for a term to commence retroactively on November 1, 2017 for a five (5) year term to October 31, 2022, with two (2) automatic five (5) year renewals unless terminated sooner pursuant to the Agreement; and be it further

**RESOLVED**, that, pursuant to the proposed Agreement, Verizon will pay to the County an annual license fee of \$89,310.52 for the first year (November 1, 2017 - October 31, 2018), \$96,589.30 for the second year (November 1, 2018 - October 31, 2019) and, thereafter, the annual license fee shall increase annually by five percent (5%); and be it further

**RESOLVED**, that the Verizon will reimburse the County for Verizon's electrical consumption at the Site which the County will bill Verizon no less than semiannually, and be it further

**RESOLVED**, that Verizon will pay the County the sum of \$95,961.78 for past due utility usage for the period November 1, 2012 through and including June 30, 2021, and the County will bill Verizon and Verizon will pay for its electricity usage for the period of July 1, 2021 up to the date of execution of the Agreement, which charge be added to the first utility invoice issued after the execution date of the Agreement; 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 No. IT-1606

Account to be  
Charged /  
credited

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object / Sub Object	Trust Account	Dollars
2017-2021	101	52	1000	9675		\$146,816.18
2017	101	16	6000	9065		\$14,601.66
2018	101	16	6000	9065		\$87,609.96
2019	101	16	6000	9065		\$87,609.96
2020	101	16	6000	9065		\$87,609.96
2021	101	16	6000	9065		\$87,609.96
2022	101	16	6000	9065		\$119,994.99
2023	101	16	6000	9065		\$125,994.72
2024	101	16	6000	9065		\$132,294.45
2025	101	16	6000	9065		\$138,909.17
2026	101	16	6000	9065		\$145,854.63
2027	101	16	6000	9065		\$153,147.36
2028	101	16	6000	9065		\$160,804.72
2029	101	16	6000	9065		\$168,844.95
2030	101	16	6000	9065		\$177,287.19
2031	101	16	6000	9065		\$186,151.55
2032	101	16	6000	9065		\$163,585.77

Budget Funding Year(s): 2017-2032  
(must match resolution)

Start Date: November 1, 2017

End Date: October 31, 2032

Funding Source

Tax Dollars: \_\_\_\_\_

State Aid: \_\_\_\_\_

\$2,184,727.18

Federal Aid: \_\_\_\_\_

(must match resolution)

Other: Revenue

APPROVED BOARD OF ACQUISITION & CONTRACTS 05/05/2022 - RICHMOND COUNTY, VIRGINIA