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113431

TO: The Honorable Board of Acquisition and Contract

FROM: Tajian M. Nelson & Douglas A. Colety
Commissioners of the Board of Elections

DATE: April 8, 2026

RE: Resolution authorizing the County of Westchester to enter into a facility use agreement with the Town of Mount Pleasant, owner of space to be used by the Board of Elections to provide Election Training in connection with the upcoming primary and general elections in 2026.

Authority is requested from your Honorable board for the County of Westchester (the "County"), acting by and through its Board of Elections, to enter into a facility use agreement (the "Agreement") with the Town of Mount Pleasant ("Mount Pleasant") in order to use conference rooms in the Town Hall owned by Mount Pleasant to provide training to election workers from May 6 through May 8, 2026 and August 24 through 27, 2026.

In addition, Mount Pleasant in the Agreement has requested that the County indemnify them, in writing, for any damage and/or injury that may result from the County's usage of Mount Pleasant's facility, as follows:

"The Contractor and/or Licensee agrees to protect, defend, indemnify and hold harmless the Town of Mount Pleasant ("the "Town"), their officers, agents and employees free and harmless from and against any and all losses, penalties, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character, and in any jurisdiction, in connection with or arising directly or indirectly out of this agreement and/or the performance hereof including if a Licensee, its use of Town Property located at One Town Hall Plaza, Valhalla, NY 10595 for the following days or time period May 6, 2026 through May 8, 2026 and August 24, 2026 through August 27, 2026. If a Contractor, for the use of Tower Room at Town Hall for Westchester County Board of Elections poll work training. Without limiting the generality of the foregoing, and all such claims, etc., relating to personal injury, death, damage to property, defects in material workmanship, actual or

alleged infringement of any patent, trademark, copyright (or application for any thereof) or of any other tangible or intangible personal property or property right or any alleged violation of any applicable statute, ordinance, administrative order, rule or regulation or decree of any court, including COVID-19, shall be included in the indemnity hereunder. The Contractor further agrees to investigate, handle, respond, provide defense for and defend any such claims, etc., at its sole expense and agrees to bear all other costs and expenses related thereto, even if it (claims etc.) is groundless, false or fraudulent. In any case in which such indemnification would violate Section 5-322.1 of the New York General Obligations Law, or any other applicable legal prohibition, the foregoing provisions concerning indemnification shall not be construed to indemnify the owner for damage arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the owner or its employees.”

The proposed Agreement will serve a vital public purpose as it will allow the Board of Elections to carry out its statutory duties in connection with all upcoming 2026 elections and ensure that election workers are properly trained to ensure that all eligible County residents can exercise their right to vote.

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

As we believe this to be in the best interests of the County, and necessary for the Board of Elections to carry out its statutory duties in connection with the upcoming elections, we most respectfully recommend and urge the adoption of the annexed Resolution.

TMN/DAC/ran

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/16/2026 - RAYMOND SOULKY, SECRETARY

RESOLUTION

Upon a communication of the Commissioners of the Board of Elections, be it hereby

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into a facility use agreement (the “Agreement”) with the Town of Mount Pleasant (“Mount Pleasant”) to utilize conference rooms in the Town Hall owned by Mount Pleasant to provide election training to poll workers for the upcoming primary and general elections in 2026; and be it further

RESOLVED, that the County is authorized to protect, defend, indemnify and hold harmless the Mount Pleasant, its officers, agents and employees as follows:

“The Contractor and/or Licensee agrees to protect, defend, indemnify and hold harmless the Town of Mount Pleasant (“the “Town”), their officers, agents and employees free and harmless from and against any and all losses, penalties, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character, and in any jurisdiction, in connection with or arising directly or indirectly out of this agreement and/or the performance hereof including if a Licensee, its use of Town Property located at One Town Hall Plaza, Valhalla, NY 10595 for the following days or time period May 6, 2026 through May 8, 2026 and August 24, 2026 through August 27, 2026. If a Contractor, for the use of Tower Room at Town Hall for Westchester County Board of Elections poll work training. Without limiting the generality of the foregoing, and all such claims, etc., relating to personal injury, death, damage to property, defects in material workmanship, actual or alleged infringement of any patent, trademark, copyright (or application for any thereof) or of any other tangible or intangible personal property or property right or any alleged violation of any applicable statute, ordinance, administrative order, rule or regulation or decree of any court, including COVID-19, shall be included in the indemnity hereunder. The Contractor further agrees to investigate, handle, respond, provide defense for and defend any such claims, etc., at its sole expense and agrees to bear all other costs and expenses related thereto, even if it (claims etc.) is groundless, false or fraudulent. In any case in which such indemnification would violate Section 5-322.1 of the New York General Obligations Law, or any other applicable legal prohibition, the foregoing provisions concerning indemnification shall not be construed to indemnify the owner for damage arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the owner or its employees.”

;and be it further

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute all appropriate contracts or documents necessary to effectuate the purposes of this resolution in the manner prescribed by law.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	14		4380		\$0.00

Budget Funding Year(s) 2026 Start Date 5/6/2026 End Date 8/27/2026
 (must match resolution)

Funding Source

Tax Dollars _____

State Aid _____

\$ _____ 0
(must match resolution)

Federal Aid _____

Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/16/2026 - RAYMOND SCULKY, SECRETARY