

ONBASE 110198
DATE: December 11, 2024
TO: Honorable Members of the Board of Acquisition and Contract
FROM: Marguerite Beirne
Chief Information Officer
RE: Authority to further amend the license agreement (IT-798) with ATC Sequoia LLC pursuant to which the County was granted a license to install wireless telecommunications antennas on a telecommunications tower located at Pound Ridge, New York, in order to authorize the County to modify its equipment at the site

Pursuant to a resolution approved on April 27, 2006, your Honorable Board authorized the County of Westchester (the "County"), acting by and through its Department of Information Technology ("DoIT") to enter into an agreement (the "Original Agreement") with New York SMSA Limited Partnership d/b/a Verizon Wireless ("Licensor") whereby the County was permitted to install and maintain antennas and related equipment at Licensor's telecommunications facility located at Adams Lane, Pound Ridge New York ("Site"). The County subsequently executed the Original Agreement on or about October 9, 2006. The Agreement commenced on November 1, 2006 and was scheduled to expire on October 31, 2011.

Pursuant to a resolution approved on March 31, 2016, your Honorable Board authorized the County to amend the Original Agreement (the "First Amendment") with the Licensor, acting through ATC Sequoia LLC, its attorney-in-fact, pursuant to that certain Limited Power of Attorney, dated March 27, 2015, by extending the term thereof for a period of ten (10) years retroactive to November 1, 2011 and expiring on October 31, 2021 (the "Amended Term") with the Agreement to automatically renew for up to 3 additional periods of five (5) years each unless either party notifies the other in writing of its intention not to renew the term of the Agreement at least 90 days prior to the end of the then-existing term. The First Amendment was subsequently executed on June 3, 2016.

By a resolution approved on October 31, 2019, your Honorable Board authorized the County to further amend the Original Agreement, as amended, (the "Second Amendment") with ATC Sequoia LLC, as successor in interest to New York SMSA Limited Partnership d/b/a Verizon Wireless, in order to: a.) install one (1) additional antenna and perform additional equipment modifications at the Site, and b.) extend the term of the agreement, which currently expires on October 31, 2021, until December 31, 2024, subject to four (4) additional five (5) year renewal terms (each a "Renewal Term), which shall commence automatically unless either party provides notice to the other that it does not wish to extend the term at least 120 days prior to the commencement of the applicable renewal term. The Second Amendment was subsequently executed on November 26, 2019.

The Original Agreement, First Amendment and Second Amendment are collectively referred to as the "Agreement".

Authorization is now sought from your Honorable Board to further amend the Agreement to modify the County's equipment at the Site by raising a dish up from 93 feet to 117 feet on the tower facility located at the Site.

The space rented at the Site houses equipment and antennas that are critical components of County radio systems used for Police, Fire, and EMS communications and for operation of the Bee Line bus system. These radio systems serve a public purpose because they allow first responders and other government personnel to serve the Westchester County's residents by safeguarding their property and health and by coordinating the operation of the County's public bus system.

The goals and objectives of the Agreement are to continue to operate critical County first responder and public transportation radio systems which require the use of antennas and equipment placed at strategically located sites that best cover Westchester County.

DoIT, along with the Department of Transportation and the Departments of Emergency Services and Public Safety, monitor the radio systems that utilize the Adams Lane Site to make sure that it best suits the County's needs. DoIT audits the invoices to make sure they comply with the terms of the Agreement.

Except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement shall remain in full force and effect upon the parties.

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

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

MB/ran
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/09/2025 - RAYMOND SULEY, SECRETARY

RESOLUTION

Upon a communication from the Chief Information Officer, Department of Information Technology, be it hereby

RESOLVED, that the County of Westchester (“County”), acting by and through its Department of Information Technology, is hereby authorized to further amend an agreement (IT-798) with ATC Sequoia LLC, (“Sequoia”), as successor in interest to New York SMSA Limited Partnership d/b/a Verizon Wireless, as amended by the first amendment and second amendment to the agreement (collectively, the “Agreement”), pursuant to which the County was granted a license to install and maintain antennas and related equipment at a telecommunications facility located at Adams Lane, Pound Ridge New York (“Site”) for a term commencing on November 1, 2006 and continuing through December 31, 2024, subject to four (4) additional five (5) year renewal terms, which shall commence automatically unless either party provides notice to the other that it does not wish to extend the term at least 120 days prior to the commencement of the applicable renewal term, to modify its equipment at the Site; and be it further

RESOLVED, that except as specifically amended hereby, all remaining terms and conditions set forth in the Agreement shall remain in full force and effect upon the parties; 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.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
NA	NA	NA	NA	NA	NA

Budget Funding Year(s): NA Start Date: NA End Date: NA
 (must match resolution)

Funding Source NA Tax Dollars: NA
 State Aid: NA
NA Federal Aid: NA
 (must match resolution) Other: NA

APPROVED BOARD OF ACQUISITION & CONTRACTS - 01/09/2025 - RAYMOND J. SULLIVAN