

April 29, 2010

TO: Board of Acquisition and Contract

FROM: Joseph A. Stout, Commissioner
Parks, Recreation and Conservation

RE: AUTHORITY TO AMEND A LICENSE AGREEMENT WITH
TOLVE AMUSEMENTS, INC., 251 FOREST AVENUE, RYE, NY
10580 FOR THE OPERATION OF ARCADE GAMES ON THE
BOARDWALK AT PLAYLAND PARK FOR THE 2006, 2007, 2008, 2009
AND 2010 OPERATING SEASONS FOR A TERM COMMENCING
MAY 1, 2006 AND TERMINATING OCTOBER 31, 2010 BY REDUCING
THE LICENSE FEE PAYABLE FOR THE 2010 SEASON BY \$4,000.

By resolution dated April 13, 2006, your Honorable Board authorized the County to enter into a license agreement with Tolve Amusements, Inc., 251 Forest Avenue, Rye, New York 10580 for the operation of Arcade Games on the Boardwalk at Playland Park, Rye, New York for the 2006, 2007, 2008, 2009 and 2010 operating seasons for a term commencing May 1, 2006 and terminating October 31, 2010. An agreement was subsequently executed.

Authority is now requested of this Board for the County of Westchester to amend this license agreement with Tolve Amusements, Inc., 251 Forest Avenue, Rye, New York 10580 for the operation of Arcade Games on the Boardwalk at Playland Park, Rye, New York for a term commencing May 1, 2006 and terminating October 31, 2010 by reducing the license fee payable for the 2010 season by \$4,000.

As a result of on-going County construction, Tolve Amusements, Inc. is being forced to relocate the Arcade Games on the Boardwalk to a location that is half the size of their original location. Consequently, they will not be able to operate all of their arcade games. If the license fee is not reduced, the Licensee will not be able to operate the arcade games profitably. Accordingly, authority is requested to amend the agreement with Tolve Amusements, Inc. to reduce the license fee payable in 2010 by \$4,000. The Licensee will now pay the County of Westchester a license fee of \$4,000 for 2010 operating season.

The goal and objective of this agreement is to provide arcade concessions for Playland patrons. If this agreement were not in place, these arcade games would not be available for patron use. This would result in disappointed customers who have become accustomed to visiting this attraction. This agreement promotes fiscal responsibility as

the County will benefit from the revenue generated by it. The County would lose revenue as a result of this concession not being open. If this resolution is not approved, there would be negative consequences to County residents since the less revenue the County generates the greater the burden placed on the taxpayer.

The objective of this agreement will be monitored using revenue reports.

This agreement is exempt from the County's procurement policy pursuant to Section 3 (b).

A Resolution is attached for your favorable consideration.

APPROVED BOARD OF ACQUISITION & CONTRACT - 5-13-2010 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner, Department of Parks, Recreation and Conservation, be it hereby

RESOLVED, that the County of Westchester is authorized to amend a license agreement with Tolve Amusements, Inc., 251 Forest Avenue, Rye, New York 10580 for the operation of Arcade Games on the Boardwalk at Playland Park, Rye, New York for the 2006, 2007, 2008, 2009 and 2010 operating seasons for a term commencing May 1, 2006 and terminating October 31, 2010 by reducing the license fee payable in 2010 by \$4,000; and be it further

RESOLVED, that based upon the reduction approved above, Tolve Amusements, Inc. will pay the County of Westchester a license fee of \$4,000 for the 2010 operating season; and be it further

RESOLVED, that all other terms and conditions of the license agreement shall remain the same; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby empowered to execute any and all instruments and take such other actions as may reasonably be necessary to effectuate the purposes thereof.

Original Agreement	\$35,000
This Amendment	<u>(\$4,000)</u>
TOTAL	\$31,000

Agreement #

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
165	42	5520	9205		(\$4,000) 2010

Budget Funding Year(s) **2010** Start Date **5/1/2006** End Date **10/31/2010**
(must match resolution)

Funding Source Tax Dollars _____

State Aid _____

(\$4,000) Federal Aid _____

(must match resolution)

Other _____ REVENUE _____