

18884

May 12, 2011

TO: Board of Acquisition and Contract

FROM: Kathleen M. O'Connor, Commissioner
Parks, Recreation and Conservation

RE: **AUTHORITY TO ENTER INTO A LICENSE AGREEMENT WITH ATLANTICPACIFIC ENTERTAINMENT, INC., 21 CAYUGA ROAD, SCARSDALE, NEW YORK 10583 FOR USE OF PLAYLAND PARK TO HOLD UP TO FOUR CONCERTS KNOWN AS THE "SUNSET SERIES" DURING THE 2011 OPERATING SEASON FOR THE PERIOD JULY 5, 2011 THROUGH SEPTEMBER 2, 2011 WITH NET REVENUES OF APPROXIMATELY \$118,250**

Authority is requested for the County of Westchester to enter into a license agreement for use of Playland Park, Playland Parkway, Rye, New York 10580 by AtlanticPacific Entertainment, Inc. ("AtlanticPacific"), 21 Cayuga Road, Scarsdale, New York 10583 to hold up to four concerts known as the "Sunset Series" for the period July 5, 2011 through September 2, 2011. The net revenues from the "Sunset Series" are estimated to be \$118,250. The number of concerts is approximate, as AtlanticPacific cannot book the talent until the proposed license agreement has been executed.

AtlanticPacific will promote and produce up to four concerts at Playland on dates to be determined during the 2011 Playland Season. AtlanticPacific has experience producing concerts for Disney, Belmont Park and the Rose Bowl. Up to two concerts will take place on Monday evenings when the amusement park is closed and up to two concerts will take place on Tuesday through Friday evenings when the amusement park is open. These concerts will be recorded and replayed as a "Live from Playland" production on radio and internet broadcasts. Playland will receive approximately two free commercials during each broadcast. This concert series is expected to generate substantial press coverage in the Tri-State area and should help to increase attendance, revenue and interest in Playland. The estimated media value based on four concerts is approximately \$180,000.

For each concert held on a Monday, when Playland is normally closed, Playland will provide the required staff and security at a personnel cost not to exceed Fifteen Thousand (\$15,000) Dollars per concert. In addition, Playland will pay AtlanticPacific an amount not to exceed Six Hundred Twenty Five (\$625) Dollars to cover unanticipated expenses related to the production for each show, for two shows, resulting in a total amount not to exceed One Thousand Two Hundred Fifty (\$1,250) Dollars.

For a concert held on a Monday with the rides closed, AtlanticPacific will pay the County of Westchester a license fee of Three Thousand Five Hundred (\$3,500) Dollars per hour, with a four hour minimum, plus a load in fee of One Thousand (\$1,000) Dollars per hour. For a concert held on a Monday with the rides open, AtlanticPacific will pay the County of Westchester a license fee of Eight Thousand (\$8,000) Dollars per hour, with a four hour minimum. AtlanticPacific will retain all gate receipts and Playland will retain all parking revenue for Monday concerts. Gate receipts on Mondays will be an entry fee for the concert, in an amount to be determined, which will be based on the talent booked and an estimate of attendance.

For each concert held Tuesday through Friday, Playland will be open for business as usual and will provide additional staff and security as required at a personnel cost not to exceed Five Thousand (\$5,000) Dollars per concert. In addition, Playland agrees to pay AtlanticPacific an amount not to exceed Twenty Six Thousand Eight Hundred Seventy Five (\$26,875) Dollars for each Tuesday through Friday show for a total not to exceed amount of Fifty Three Thousand Seven Hundred Fifty (\$53,750) Dollars for two shows. For each show this amount consists of Six Thousand Two Hundred Fifty (\$6,250) Dollars for production costs, 50% of talent fees up to Twenty Thousand (\$20,000) Dollars and Six Hundred Twenty Five (\$625) Dollars for unanticipated expenses related to the production for each show.

For each Tuesday through Friday concert, Playland will retain the first Twenty Five Thousand (\$25,000) Dollars in gate receipts generated after 5 p.m. on the concert night. AtlanticPacific will retain the next Twelve Thousand Five Hundred (\$12,500) Dollars. All gate receipts generated after 5 p.m. in excess of Thirty Seven Thousand Five Hundred (\$37,500) Dollars will be split 65% for Playland and 35% for AtlanticPacific. Playland will also retain all parking revenue.

This concert series will promote Playland in a variety of ways and will result in an increase in attendance and revenue during the 2011 season. The projected revenue produced by this agreement based on four concerts is One Hundred Seventy Three Thousand Two Hundred Fifty (\$173,250) Dollars. Playland will contribute an amount not to exceed Fifty Five Thousand (\$55,000) Dollars to assist in the production costs associated with the concert series. It is of note that the \$55,000 County expenditure for the proposed license does not come from taxpayer funds, but rather is funded through existing advertising and promotion programs. The concert series will therefore provide the County with net revenues of approximately One Hundred Eighteen Thousand Two Hundred Fifty (\$118,250) Dollars.

The goal and objective of this agreement is to increase attendance, revenue and exposure of Playland while providing entertainment for patrons. This agreement promotes fiscal responsibility as the media value and additional revenue generated will exceed the expenses associated with the concert series. The goal and objective of this agreement will be monitored using attendance and 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.

RESOLUTION

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

RESOLVED, that the County of Westchester is authorized to enter into a license agreement for use of Playland Park, Playland Parkway, Rye, New York 10580 by AtlanticPacific Entertainment, Inc. ("AtlanticPacific"), 21 Cayuga Road, Scarsdale, New York 10583 for purposes of holding up to four concerts known as the "Sunset Series" for the period July 5, 2011 through September 2, 2011 with net revenues to the County of approximately \$118,250; and be it further

RESOLVED, that Playland will provide required staff and security at a cost not to exceed Fifteen Thousand (\$15,000) Dollars for each Monday concert and will pay AtlanticPacific an amount not to exceed Six Hundred Twenty Five (\$625) Dollars for unanticipated expenses for each Monday concert for a total amount not to exceed One Thousand Two Hundred Fifty (\$1,250) Dollars for two shows; and be it further

RESOLVED, that AtlanticPacific will pay the County of Westchester a license fee of Three Thousand Five Hundred (\$3,500) Dollars per hour, with a four hour minimum, plus a load in fee of One Thousand (\$1,000) Dollars per hour for any Monday concert when the rides are closed and Eight Thousand (\$8,000) Dollars per hour, with a four hour minimum, for any Monday concert when the rides are open; and be it further

RESOLVED, that AtlanticPacific will retain all gate receipts for each Monday concert; and be it further

RESOLVED, that Playland will provide additional staff and security as required at a cost not to exceed Five Thousand (\$5,000) Dollars for each Tuesday Through Friday Concert and will pay AtlanticPacific an amount not to exceed Twenty Six Thousand Eight Hundred Seventy Five (\$26,875) Dollars for each Tuesday through Friday show for a total not to exceed amount of Fifty Three Thousand Seven Hundred Fifty (\$53,750) Dollars for two shows. For each Tuesday through Friday show this amount consists of Six Thousand Two Hundred Fifty (\$6,250) Dollars for production costs, 50% of talent fees up to Twenty Thousand (\$20,000) Dollars and Six Hundred Twenty Five (\$625) Dollars for unanticipated expenses related to the production for each show; and be it further

RESOLVED, that Playland will retain the first Twenty Five Thousand (\$25,000) Dollars in gate receipts generated after 5 p.m. on each Tuesday through Friday concert night and AtlanticPacific will retain the next Twelve Thousand Five Hundred (\$12,500) Dollars. All gate receipts generated after 5 p.m. in excess of Thirty Seven Thousand Five Hundred (\$37,500) Dollars will be split 65% for Playland and 35% for AtlanticPacific; and be it further

RESOLVED, that Playland will collect and retain all parking revenue during each concert; and be it further

RESOLVED, that the County Executive or his 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.

This Agreement \$118,250

Agreement #

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
263	42	774L	4380	T774	(\$55,000)
165	42	5520	9201		\$105,250 * est.
165	42	5520	9080		\$20,000 * est.
165	42	5520	9219		\$48,000 * est.

Budget Funding Year(s) 2011 Start Date 7/5/2011 End Date 9/2/2011
(Must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$118,250 estimate Federal Aid _____
(must match resolution)

Other Revenue & Sponsorship

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/12/2011 - JOMARY VIEIRA, SECRETARY