

29702

October 16, 2012

TO: Board of Acquisition and Contract

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

RE: Authority to exercise the option with E&R Friberg Enterprises, Ltd. for the food and refreshment concession at Willsons Woods Park for the period January 1, 2013 through December 31, 2017

On April 17, 2008, the Board of Acquisition and Contract granted authority to enter into a license agreement with E&R Friberg Enterprises Ltd., 319 Woodcrest Lane, Mount Kisco, New York for the food and refreshment concession at Willsons Woods Park, Mount Vernon, New York for the period May 1, 2008 through December 31, 2012, with the sole option of the County to extend the agreement for a period of five years for a license fee to be negotiated.

Authority is requested to exercise the option to extend the license agreement with E&R Friberg Enterprises, Ltd. for the period January 1, 2012 through December 31, 2017. As consideration for the privilege of operating this License, E & R Friberg Enterprises Ltd. , shall pay to the County a license fee consisting of the greater of an annual minimum fee or an annual per capita fee based on the number of bathing tickets sold.

The annual minimum license fee shall be:

January 1, 2013 through December 31, 2013 - \$19,000  
January 1, 2015 through December 31, 2014 - \$19,500  
January 1, 2015 through December 31, 2015 - \$20,000  
January 1, 2016 through December 31, 2016 - \$20,500  
January 1, 2017 through December 31, 2017 - \$21,000

The annual per capita fee based on the number of bathing tickets sold shall be:

January 1, 2013 through December 31, 2013 - \$0.45  
January 1, 2015 through December 31, 2014 - \$0.46  
January 1, 2015 through December 31, 2015 - \$0.47  
January 1, 2016 through December 31, 2016 - \$0.48  
January 1, 2017 through December 31, 2017 - \$0.49

The public purpose of this agreement to provide food and refreshments for patrons at Willsons Woods Park. The goal of this agreement is to provide revenue to the County and provide an important amenity in support of the pool facility.

The objective of this agreement will be tracked and monitored by observations and interactions with staff and site visits.

This agreement is exempt from the Westchester County procurement policy pursuant to Section 3(b), thereof.

Accordingly, approval of the attached resolution by your Honorable Board is most respectfully requested.

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/21/2019 - JOMARY VIEIRA, SECRETARY

## 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 hereby authorized to exercise the option and extend the license agreement with E&R Friberg Enterprises, Ltd. for the period January 1, 2013 through December 31, 2017; and be it further

**RESOLVED**, that as consideration for the privilege of operating this License, E&R Friberg Enterprises Ltd shall pay to the County a license fee consisting of the greater of an annual minimum fee or a per capita fee based on the number of bathing tickets sold, payable as follows:

The annual minimum license fee shall be:

<u>Period</u>	<u>License Fee</u>
January 1, 2013 through December 31, 2013	- \$19,000
January 1, 2015 through December 31, 2014	- \$19,500
January 1, 2015 through December 31, 2015	- \$20,000
January 1, 2016 through December 31, 2016	- \$20,500
January 1, 2017 through December 31, 2017	- \$21,000

The annual per capita fee based on the number of bathing tickets sold shall be:

<u>Period</u>	<u>License Fee</u>
January 1, 2013 through December 31, 2013	- \$0.45
January 1, 2015 through December 31, 2014	- \$0.46
January 1, 2015 through December 31, 2015	- \$0.47
January 1, 2016 through December 31, 2016	- \$0.48
January 1, 2017 through December 31, 2017	- \$0.49; and be it further

**RESOLVED**, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

Original Agreement       \$ 91,000  
 First Amendment       \$100,000  
**This Amendment**       \$ \_\_\_\_\_  
 TOTAL                     \$191,000

Agreement #

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	4450	9246		\$19,000	2013
165	42	4450	9246		\$19,500	2014
165	42	4450	9246		\$20,000	2015
165	42	4450	9246		\$20,500	2016
165	42	4450	9246		\$21,000	2017

Budget Funding Year(s) 2013-2017 Start Date 01-01-13 End Date 12-31-17  
 (must match resolution)

Funding Source           Tax Dollars \_\_\_\_\_  
                                   State Aid \_\_\_\_\_  
\$100,000                 Federal Aid \_\_\_\_\_  
 (must match resolution)  
                                   Other    Revenue \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/21/2012 - JOHANNY VIEIRA, SECRETARY