

January 8, 2010

TO: Honorable Board of Acquisition and Contract

FROM: John J. Hsu, P.E.
Acting Commissioner of Public Works

SUBJECT: Resolution authorizing the County of Westchester (the "County") to consent to the assignment of Lease Agreement No. 08-939 with David Smith for space located on the street floor of the County's Coachman Hotel building located at 129 East Post Road, White Plains, New York, to Francesco Binasco, effective February 1, 2010.

On June 6, 2008, the Westchester County Board of Acquisition and Contract approved a resolution authorizing the County of Westchester (the "County") to enter into a lease agreement (the "Lease") with tenant David Smith, 49 Sasso Lane, Wingdale, New York 12594, for space located on the street floor of the County's Coachman Hotel building located at 129 East Post Road, White Plains, New York, for the use and operation of a barber shop for a five (5) year term commencing on January 1, 2009 and terminating on December 31, 2013. The lease agreement between the County and Mr. Smith was duly executed. Mr. Smith has successfully operated his business at this location under a prior lease with the County since 2004. Mr. Smith has advised the County that due to health issues, he is in the process of selling his business and has requested that the County consent to an assignment of the Lease to Mr. Francesco Binasco, 69 Bellwood Road, White Plains, New York 10603. Mr. Binasco has worked with Mr. Smith for approximately five (5) years and is fully familiar with the operation of the business. The terms of the Lease require the County's approval prior to the assignment of the Lease. The security deposit provided by Mr. Smith will be returned to him, and a new security deposit will be provided by Mr. Binasco.

Consenting to the assignment of this Lease is in the best interest of the County as it will serve a public purpose by continuing to generate revenue to the County while also providing for the continuation of a small business offering a service to the community. If this assignment is not approved, full utilization of the retail space in this facility would not be realized, thus resulting in a loss of revenue for the County. This Lease will continue to be tracked by the Department of Public Works' Financial Control Section, through the receipt of monthly lease payments. There are no energy or environmental benefits associated with this assignment.

Approval of the attached resolution is respectfully requested.

RESOLUTION

Upon a communication from the Acting Commissioner of Public Works, be it hereby

RESOLVED, that the County of Westchester (the "County") is authorized to consent to the assignment of Lease Agreement No. 08-939 dated July 9, 2008 with David Smith (the "Assignor"), 49 Sasso Lane, Wingdale, New York 12594, for space located on the street floor of the County's Coachman Hotel building located at 129 East Post Road, White Plains, New York, to Francesco Binasco (the "Assignee"), 69 Bellwood Road, White Plains, New York 10603, effective February 1, 2010; and be it further

RESOLVED, that the security deposit provided by Mr. Smith will be returned to him, and a new security deposit will be provided by Mr. Binasco, with all other terms of the original Lease remaining the same; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute and deliver all instruments and to take all actions necessary or appropriate to effectuate the purposes of this Resolution in the manner prescribed.

Agreement No. 08-939

| Account to be Charged/Credited | Fund | Dept. | Major Program, Program & Phase Or Unit | Object/ Sub Object | Trust Account | Dollars |
|--------------------------------|------|-------|--|--------------------|---------------|--------------------|
| | 101 | 46 | 3300 | 9274 | | \$11,498.08 (2010) |
| | 101 | 46 | 3300 | 9274 | | \$13,170.48 (2011) |
| | 101 | 46 | 3300 | 9274 | | \$13,828.92 (2012) |
| | 101 | 46 | 3300 | 9274 | | \$14,520.36 (2013) |

Budget Funding Year(s) 2010-2013 Start Date 02/01/10 End Date 12/31/13
 (must match resolution)

Funding Source: Tax Dollars _____ Contractor Federal I.D. No./ Social Security No.: _____
 State Aid _____
\$53,017.84 Federal Aid _____ Vendor No.: _____
 (must match resolution) Other _____ Revenue _____ Encumbrance No.: _____

APPROVED BOARD OF ACQUISITION & CONSTRUCTION - 1-28-2010 - JOMARY VIKI SECRETARY