

ID 71314

August 23, 2019

TO: Board of Acquisition and Contract

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

RE: **Authority to amend the license agreement with Costa Foods, Inc. for the operation of the food and refreshment concession at Sprain Ridge Park to eliminate the license fee for 2018, when the park was closed, terminate the agreement effective December 31, 2019 and enter into a new license agreement with Costa Foods, Inc. for the term of January 1, 2020 through December 31, 2024 with the sole option of the County to extend the term of the agreement from January 1, 2025 through December 31, 2029 for a license fee to be negotiated.**

On May 25, 2017, the Board of Acquisition and Contract approved a resolution with Costa Foods, Inc. for the operation of the food and refreshment concession at Sprain Ridge Park, Yonkers, New York. The term of the current license agreement, is from January 1, 2017 to December 31, 2021 with the sole option of the County to extend the agreement from January 1, 2022 through December 31, 2026.

Since the execution of the agreement, the pool was closed for the 2018 season and both pools were not fully operational until July 31, 2019. As a result, Costa Foods, Inc. was not able to open and operate the concession in 2018. Since the construction has now allowed both pools to become operational, the agreement was re-negotiated to account for delays and closures and also for anticipated future increases in attendance.

Authority is now requested to amend the term of the License Agreement to terminate the current agreement, effective December 31, 2019 and enter into a new five-year agreement commencing January 1, 2020 and ending December 31, 2024, with the sole option of the County to extend the agreement from January 1, 2025 through December 31, 2029, for a license fee to be negotiated.

For the privilege of operating the food and refreshment concession, Costa Foods, Inc. shall pay to the County an annual license fee as follows:

The greater of \$15,000 or .28 per bathing ticket sold in 2020
The greater of \$20,000 or .30 per bathing ticket sold in 2021
The greater of \$20,000 or .35 per bathing ticket sold in 2022
The greater of \$20,000 or .40 per bathing ticket sold in 2023

The greater of \$20,000 or .45 per bathing ticket sold in 2024;

The County, as its sole option, may extend the license for a period of five years from January 1, 2025 through December 31, 2029.

The goal of this agreement is to provide revenue for the County and food and beverage service for patrons at Sprain Ridge Park.

The objectives of this agreement will be monitored through revenue reports and site visits from Department of Parks, Recreation and Conservation staff.

A resolution is attached for your favorable consideration.

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/19/2019 - LISA MURRAY, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (“County”) is hereby authorized to amend the term of the License Agreement to terminate the current agreement, effective December 31, 2019; and be it further

RESOLVED, that the license fee will be eliminated for 2018 since the pool was closed; and be it further

RESOLVED, that the County is authorized to enter into a new agreement with Costa Foods Inc., 11 Lincoln Avenue, Rye Brook, NY 10573 for the operation of the food and refreshment concession at Sprain Ridge Park, Yonkers, New York, for the period of January 1, 2020 through December 31, 2024; and be it further

RESOLVED, for the privilege of operating the food and refreshment concession, Costa Foods, Inc. shall pay to the County an annual license fee as follows:

The greater of \$15,000 or .28 per bathing ticket sold in 2020

The greater of \$20,000 or .30 per bathing ticket sold in 2021

The greater of \$20,000 or .35 per bathing ticket sold in 2022

The greater of \$20,000 or .40 per bathing ticket sold in 2023

The greater of \$20,000 or .45 per bathing ticket sold in 2024; and be it further

RESOLVED, that the County may, at its sole option, extend the license agreement for the period of January 1, 2025 through December 31, 2029 for a license fee to be negotiated; 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.

Agreement #

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	1100	9246		15,000	2020
165	42	1100	9246		20,000	2021
165	42	1100	9246		20,000	2022
165	42	1100	9246		20,000	2023
165	42	1100	9246		20,000	2024

Budget Funding Year(s) 2020-2024 Start Date 1/1/2020 End Date 12/31/2024
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
\$95,000 Federal Aid _____
(must match resolution) Other Revenue _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/19/2019 - LISA MRS. SECRETARY