

72189

October 17, 2019

TO: Board of Acquisition and Contract

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

RE: AUTHORITY TO AMEND A RESOLUTION EXTENDING THE TERM OF AN AGREEMENT WITH CULINART, INC., 175 SUNNYSIDE BOULEVARD, PLAINVIEW, NY 11803 FOR THE FOOD, BEVERAGE, VENDING AND CATERING CONCESSION AT PLAYLAND PARK FOR THE PERIOD SEPTEMBER 21, 2019 THROUGH NOVEMBER 3, 2019 IN ORDER TO REDUCE TO 18% THE LICENSE FEE PAYABLE TO THE COUNTY

On May 3, 2018, pursuant to a resolution approved by your Honorable Board on April 26, 2018, the County of Westchester ("County") entered into an agreement with CulinArt, Inc., 175 Sunnyside Boulevard, Plainview, NY 11803, for the food, beverage, vending and catering concession at Playland Park, Rye, NY for the period May 5, 2018 through September 30, 2019 (the "Agreement").

On August 1, 2019, your Honorable Board approved a resolution to extend the term of the Agreement for the period October 1, 2019 through November 3, 2019 (the "Resolution"). The Agreement has not yet been executed.

Authority is now requested for the County to amend the Resolution to include that the license fee payable to the County shall be 18% of gross receipts for sales during the period September 21, 2019 through November 3, 2019. The proposed amendment is being requested because the Agreement provides that the License fee for gross sales per operating season increases to 24.1% when gross sales exceed \$3,000,000. Culinart, Inc. reached \$3,000,000 in gross sales in late August and the Department of Parks, Recreation and Conservation does not want to penalize them for staying open through November 3, 2019, during Playland's extended season. All other terms and conditions of the Resolution shall remain in full force and effect.

The objective of this Agreement will be monitored through site inspections and the review of financial reports.

A Resolution is attached for your favorable consideration.

KMO/KH/DI

RESOLUTION

WHEREAS, On May 3, 2018, pursuant to a resolution approved by your Honorable Board on April 26, 2018, the County of Westchester entered into an agreement with CulinArt, Inc., 175 Sunnyside Boulevard, Plainview, NY 11803, for the food, beverage, vending and catering concession at Playland Park, Rye, NY for the period May 5, 2018 through September 30, 2019 (the "Agreement"); and

WHEREAS, on August 1, 2019, your Honorable Board approved a resolution to extend the term of the Agreement for the period October 1, 2019 through November 3, 2019. The agreement has not yet been executed; and

WHEREAS, the County wishes to amend the license fee payable for the additional weekends Playland was open in September and for the sales during October of 2019.

NOW, therefore, be it

RESOLVED, that the Resolution dated August 1, 2019 authorizing the County of Westchester ("County") to extend the term of the Agreement between the County and Culinart, Inc. ("the Agreement") for the food, beverage, vending and catering concession at Playland Park for the term October 1, 2019 through November 3, 2019 (the "Resolution") is hereby amended to change the license fee payable to the County to 18% of gross receipts for sales during the period September 21, 2019 through November 3, 2019; and be it further

RESOLVED, that all other terms and conditions of the Resolution shall remain in full force and effect; 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.

Original Agreement \$ 1,320,000
 First Amendment \$ 3,600
This Amendment \$ (5,000)
 TOTAL \$1,318,600

Agreement # PRC-1165B

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
165	42	5520	9205		(\$5,000)*

2019

*Estimate

Budget Funding Year(s) 2019 Start Date 9/21/2019 End Date 11/3/19
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
 Federal Aid _____
(\$5,000) Other _____ Estimated Revenue _____
 (must match resolution)

APPROVED BOARD OF ACQUISITION & CONTRACT - 11/14/2019 - LISA MRIJAJ, SECRETARY