

Department of Parks, Recreation  
& Conservation

11920

June 3, 2010

TO: Board of Acquisition and Contract

FROM: Joseph A. Stout  
Commissioner, Department of Parks, Recreation and Conservation

RE: **Resolution Authorizing the County of Westchester to enter into a License Agreement with Frank Costa, 11 Lincoln Avenue, Rye Brook, New York 10573 for the operation of the food and refreshment concession at Tibbetts Brook Park from June 18, 2010 through December 31, 2014 with the sole option of the County to extend the agreement for an additional period of five years.**

Authority is requested to enter into a license agreement with Frank Costa (the "Licensee"), 11 Lincoln Avenue, Rye Brook, New York 10573 for the operation of the food and refreshment concession at Tibbetts Brook Park for the period of June 18, 2010 through December 31, 2014 with the sole option of the County of Westchester (the "County") to extend the agreement for an additional period of five years, for a license fee to be negotiated.

The attached Resolution, if approved by this Board, would authorize the County to enter into a License Agreement with the Licensee for the period of June 18, 2010 to December 31, 2014 with the sole option of the County to extend the agreement for an additional period of five years for a license fee to be negotiated. In consideration for the privilege of operating this License, the Licensee shall pay a total license fee consisting of the greater of an annual guaranteed minimum fee or an annual per capita fee based on the number of bathing tickets sold.

Guaranteed Minimum Fee

<u>Period</u>	<u>License Fee</u>
June 18, 2010 through December 31, 2010	\$25,000
January 1, 2011 through December 31, 2011	\$26,500
January 1, 2012 through December 31, 2012	\$27,000

January 1, 2013 through December 31, 2013	\$28,000
January 1, 2014 through December 31, 2014	\$29,000

Per capita fee based on the number of bathing tickets sold:

<u>Period</u>	<u>License Fee</u>
June 18, 2010 through December 31, 2010	\$0.40
January 1, 2011 through December 31, 2011	\$0.41
January 1, 2012 through December 31, 2012	\$0.42
January 1, 2013 through December 31, 2013	\$0.43
January 1, 2014 through December 31, 2014	\$0.44

The Licensee will also furnish and install water lines to accommodate fountain soda units at an estimated total cost of \$1,000. This improvement will be completed no later than July 1, 2010.

At Tibbetts Brook Park, Mr. Costa has done an outstanding job with respect to cleanliness, providing high quality food and beverages along with excellent customer service.

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

The ultimate goal of the agreement will be for the public good by providing revenue for the County in addition to serving food and refreshments for patrons visiting the pool and park at Tibbetts Brook Park.

The program will be tracked and monitored by site inspections and daily interaction with park staff.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

JAS/JMC  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 6-17-2010 JIMMY VIERA SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County is hereby authorized to enter into a license agreement with Frank Costa (the "Licensee"), 11 Lincoln Avenue, Rye Brook, New York 10573 for the operation of the food and refreshment concession at Tibbetts Brook Park for the period of June 18, 2010 through December 31, 2014, with the sole option of the County of Westchester (the "County") to extend the agreement for an additional period of five years, for a license fee to be negotiated; and be it further

**RESOLVED**, that in consideration for the privilege of this license, the Licensee shall pay the County a license fee consisting of the greater of an annual guaranteed minimum fee or a per capita fee based on the number of bathing tickets sold, payable as follows:

### Guaranteed Minimum Fee

<u>Period</u>	<u>License Fee</u>
June 18, 2010 through December 31, 2010	\$25,000
January 1, 2011 through December 31, 2011	\$26,500
January 1, 2012 through December 31, 2012	\$27,000
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January 1, 2013 through December 31, 2013	\$0.43
January 1, 2014 through December 31, 2014	\$0.44;

and be it further

**RESOLVED**, that the Licensee shall also furnish and install water lines to accommodate fountain soda units at an estimated cost of \$1,000 no later than July 1, 2010; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Original Agreement      \$135,500  
 First Amendment      \$  
**This Amendment**      \$  
 TOTAL                      \$135,500

Agreement #

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	4250	9246		\$25,000	2010
165	42	4250	9246		\$26,500	2011
165	42	4250	9246		\$27,000	2012
165	42	4250	9246		\$28,000	2013
165	42	4250	9246		\$29,000	2014

Budget Funding Year(s) 2010-2014      Start Date 6/18/10      End Date 12/31/14  
 (must match resolution)

Funding Source      Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

**\$ 135,500**      Federal Aid \_\_\_\_\_

(must match resolution)

Other PRC Revenue

APPROVED BOARD OF ACQUISITION & CONTRACT - 6-17-2010 - JOMARY VIEIRA, SECRETARY