

14592

January 18, 2011

TO: Board of Acquisition and Contract

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

RE: AUTHORITY TO AMEND AN AGREEMENT WITH 181 NEW ENGLAND SEAFOOD CORPORATION, 12 VALE PLACE, RYE, NEW YORK 10580 FOR THE OPERATION OF THE BOARDWALK RESTAURANT AT PLAYLAND PARK, RYE, NEW YORK FOR THE PERIOD APRIL 1, 2010 THROUGH DECEMBER 31, 2014 WITH A COUNTY OPTION TO EXTEND THE AGREEMENT FOR AN ADDITIONAL FIVE YEARS, IN ORDER TO INCREASE THE SIZE OF THE LICENSED AREA AND ALLOW FOR ADDITIONAL CAPITAL IMPROVEMENTS.

On February 19, 2009 this Board approved a resolution authorizing the County of Westchester to enter into a license agreement with 181 New England Seafood Corporation ("New England Seafood"), 12 Vale Place, Rye, New York 10580 for the operation of the Boardwalk Restaurant at Playland Park, Rye, New York for a term commencing February 23, 2009 and terminating December 31, 2013 (the "License"), with the sole option on the part of the County to extend the agreement for an additional period of five years. The License was never executed.

On April 16, 2009 this Board approved an amended resolution authorizing the County of Westchester to enter into a license agreement with 181 New England Seafood Corporation ("New England Seafood"), 12 Vale Place, Rye, New York 10580 for the operation of the Boardwalk Restaurant at Playland Park, Rye, New York for a term commencing April 1, 2010 and terminating December 31, 2014 (the "License"), with the sole option on the part of the County to extend the agreement for an additional period of five years. This resolution also authorized the County to enter into a separate construction license agreement with New England Seafood in order to allow them to complete capital improvements on the licensed premises for a term commencing May 15, 2009 and terminating March 31, 2010. Both agreements have since been executed.

New England Seafood had a very successful first season of operation during 2010. However, the overwhelming but unanticipated popularity of the Pier Restaurant and Tiki Bar did cause some operational difficulties for New England Seafood, particularly with respect to seating capacity and service volume. New England Seafood has thus requested

that the licensed area be amended to better accommodate restaurant patrons. They have also requested that the licensed area on the pier be reduced to more accurately reflect their usage and the portion designated for public access. In addition, New England Seafood has requested to complete additional capital improvements to increase the size of the kitchen.

Therefore, authority is hereby requested to amend the license agreement dated January 21, 2010 with New England Seafood in order to adjust the licensed area by decreasing the licensed area under the covered portion of the pier and increasing the licensed area to include additional portions of the boardwalk for customer seating, including a new self-service area, and a portion of the Ice Casino for storage and restroom facilities. This will result in a net increase of approximately 4,500 square feet, from approximately 11,000 square feet to approximately 15,500 square feet. A Diagram illustrating the current licensed area and the revised licensed area is attached.

Based on the amended license, New England Seafood will pay to the County of Westchester a 50% increase in the minimum license fee in each remaining year of the agreement. The minimum license fee will increase by \$15,000 from \$30,000 to \$45,000 in 2011 and 2012 and by \$20,000 from \$40,000 to \$60,000 in 2013 and 2014. In addition, New England Seafood has agreed to provide adequate security. It should be noted that pedestrian access to the boardwalk and pier will be maintained.

Authority is also requested to amend the license agreement with New England Seafood for the period commencing April 1, 2010 and terminating December 31, 2014 in order to allow for additional capital improvements to increase the size of the kitchen on the current licensed premises. The size of the current kitchen has been found to be too small to satisfy current demand. The renovated kitchen will also include a take-out window for customers preferring to eat in the new self-service area. A drawing of the proposed kitchen renovation is attached.

All other terms and conditions of the license agreement dated January 21, 2010 remain the same.

The goal of amending this contract is to allow New England Seafood to complete renovations to increase the size of their kitchen and provided additional space to be used for customer seating. These changes will help to increase the service capacity of New England Seafood. This contract amendment promotes fiscal responsibility as the County will benefit through the additional revenue generated at the Pier Restaurant and Tiki Bar. If this amendment is not approved, this location on the boardwalk would be underutilized. This would result in unsatisfied customers and the County could lose revenue. More specifically, if this resolution is not approved, there would be negative consequences to County residents since the less revenue the County generates the greater the burden placed on the taxpayer.

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

A Resolution is attached for your favorable consideration.

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 authorized to amend a license agreement with 181 New England Seafood Corporation (“New England Seafood”), 12 Vale Place, Rye, New York 10580 to operate the Boardwalk Restaurant at Playland Park, Rye, New York for the term commencing April 1, 2010 and terminating December 31, 2014 (“License”), with the sole option on the part of the County to extend the License for an additional period of five years, to increase the size of the licensed premises by approximately 4,500 square feet and allow for additional capital improvements; and be it further

RESOLVED, that pursuant to the amended License, New England Seafood will pay to the County of Westchester an increased minimum license fee of \$15,000, from \$30,000 to \$45,000 in 2011 and 2012 and \$20,000, from \$40,000 to \$60,000 in 2013 and 2014; and be it further

RESOLVED, that all other terms and conditions of the license agreement dated January 21, 2010 remain the same; and be it further

RESOLVED, that the County Executive or his duly 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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 25/2011 - JOHANN NEIRA, SECRETARY

Original Agreement \$170,000
 First Amendment \$
This Amendment **\$ 70,000**
 TOTAL \$240,000

Agreement #

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	5520	9205		\$15,000	2011
165	42	5520	9205		\$15,000	2012
165	42	5520	9205		\$20,000	2013
165	42	5520	9205		\$20,000	2014

Budget Funding Year(s) 2010-2014 Start Date 4/1/2010 End Date 12/31/2014
 (must match resolution)

Funding Source Tax Dollars _____

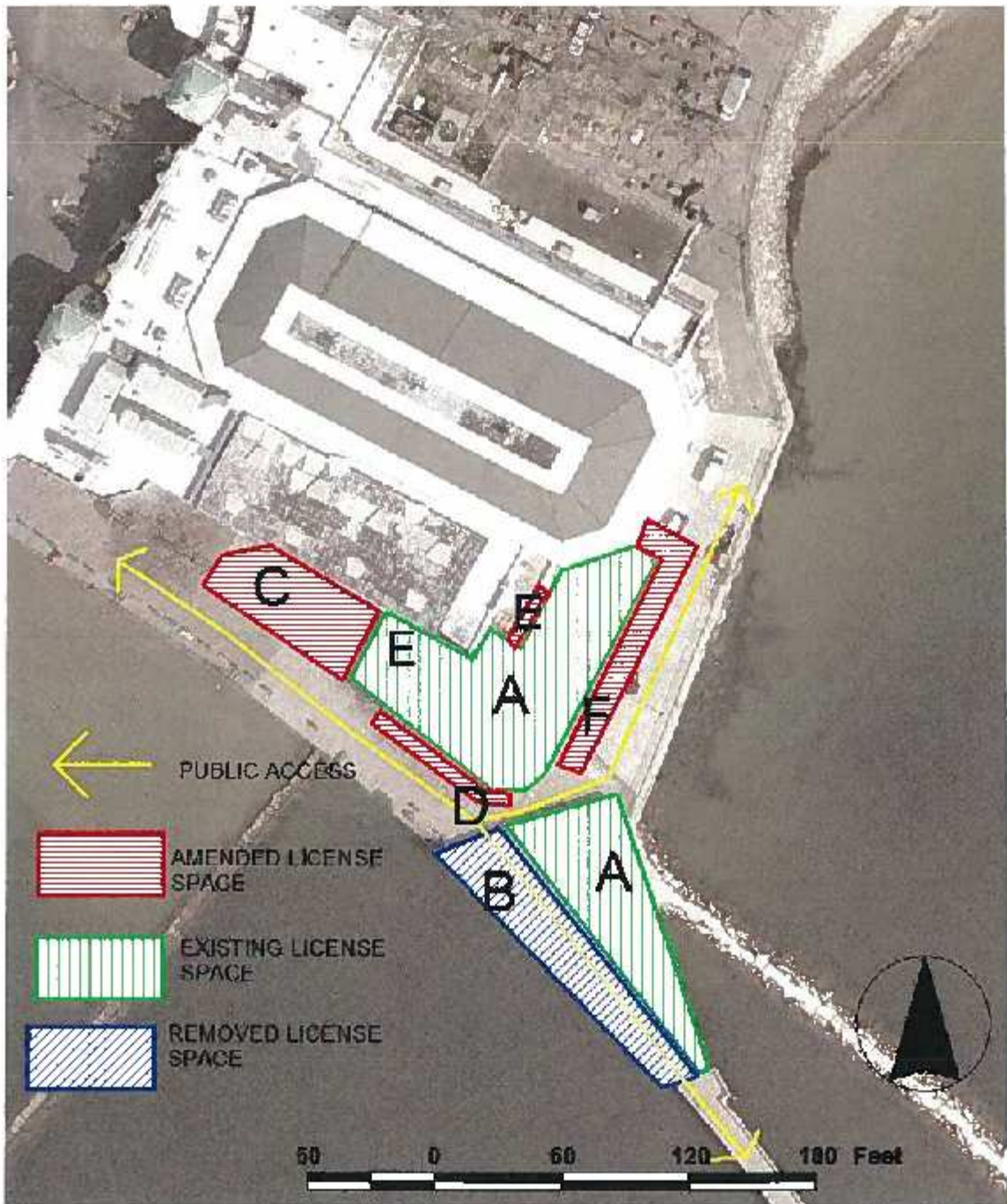
State Aid _____

\$70,000 Federal Aid _____

(must match resolution)

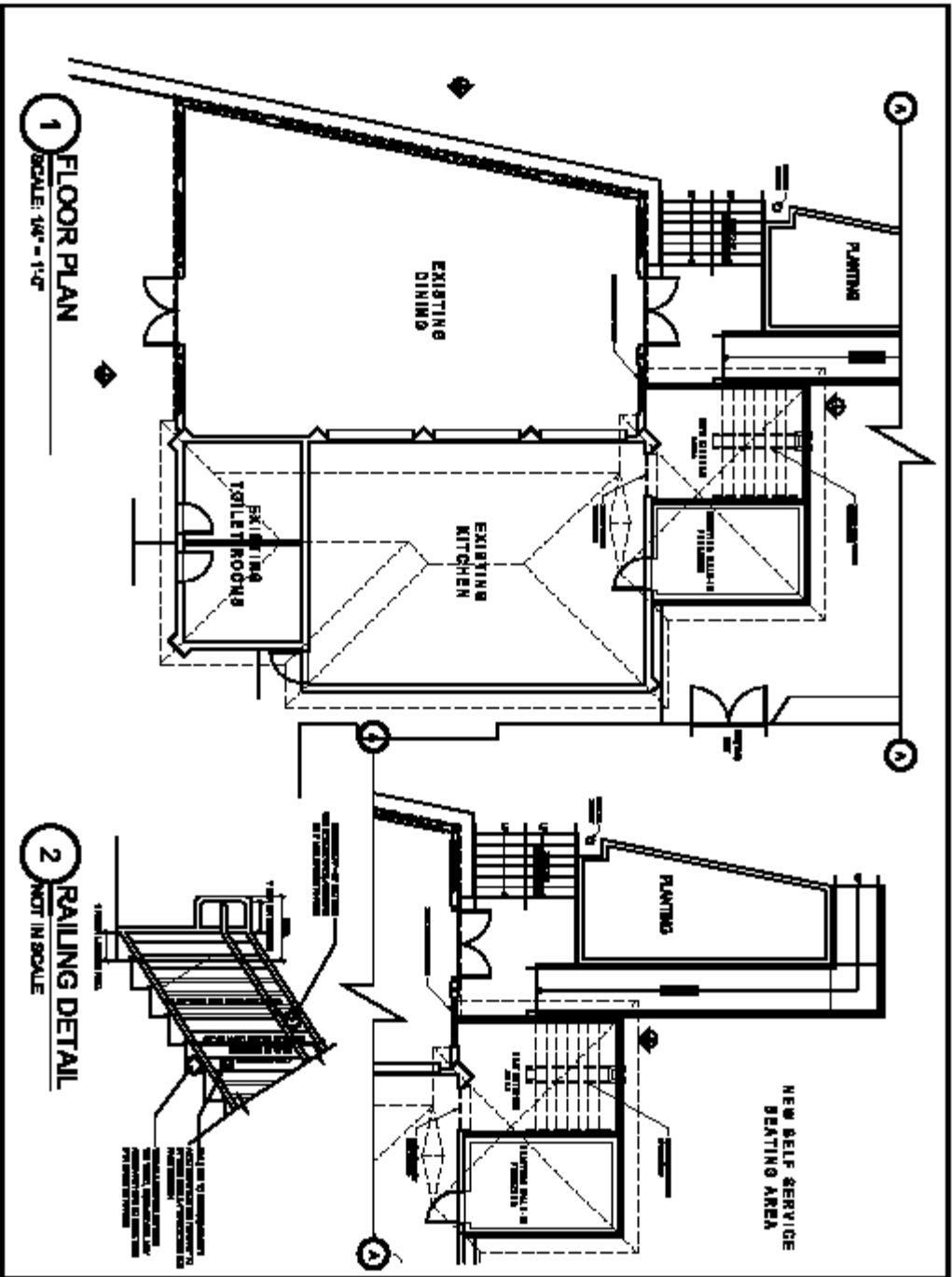
Other _____ REVENUE _____

APPROVED BOARD OF ACQUISITION CONTRACT - 1-28-2011 - JOMARY VIEIRA, SECRETARY



SCHEDULE A-1

WESTCHESTER COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION



THE PEIR RESTAURANT AND TAP BAR 1000 W. 10th St. New York, NY 10014	
ARCHITECT J. ROSS ARCHITECTS 125 W. 47th St. New York, NY 10036	DATE 01/15/14
PROJECT RESTAURANT RENOVATION AND TAP BAR	NO. A-101

LEGEND	
	EXISTING WALLS TO REMAIN
	EXISTING WALLS TO BE REMOVED
	NEW WALLS
	NEW WALLS TO BE REMOVED
	EXISTING DOORS
	NEW DOORS
	EXISTING WINDOWS
	NEW WINDOWS
	EXISTING STAIRS
	NEW STAIRS
	EXISTING CEILING
	NEW CEILING
	EXISTING FLOOR
	NEW FLOOR
	EXISTING FLOOR FINISH
	NEW FLOOR FINISH
	EXISTING CEILING FINISH
	NEW CEILING FINISH

THE PEIR RESTAURANT AND TAP BAR	
FLOOR PLAN FOR NEW DRAWING	NO. A-101

DATE 01/15/14	NO. A-101
PROJECT RESTAURANT RENOVATION AND TAP BAR	NO. A-101