

Department of Parks, Recreation
& Conservation

16652

January 6, 2011

TO: Board of Acquisition and Contract

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

RE: AUTHORITY TO ENTER INTO A LICENSE AGREEMENT WITH
MGE, INC., 4 MANHATTAN AVENUE, RYE, NEW YORK 10580 FOR
THE OPERATION OF A CONCESSION RIDE KNOWN AS THE "SKY
FLYER" AT PLAYLAND PARK FOR THE 2011 OPERATING
SEASON FOR A TERM COMMENCING MAY 1, 2011 AND
TERMINATING OCTOBER 31, 2011

Authority is requested of this Board for the County of Westchester to enter into a license agreement with MGE, Inc. for the operation of a concession ride known as the "Sky Flyer" at Playland Park, Rye, New York for the 2011 operating season for a term commencing May 1, 2011 and terminating October 31, 2011.

As consideration for this license privilege, MGE, Inc. will pay the County of Westchester a license fee of 40% of gross receipts during the operating season. At the conclusion of the operating season an adjustment will be made, if necessary, to the license fee percentage based upon the end of season gross receipts as follows:

| <u>End of Season Gross Receipts</u> | <u>License Fee</u> |
|--|--------------------|
| If Total Gross Receipts are \$135,000 or less | 34% |
| If Total Gross Receipts are between \$135,001 to \$150,000 | 38% |
| If Total Gross Receipts are between \$150,001 to \$185,000 | 40% |
| If Total Gross Receipts are between \$185,001 to \$200,000 | 38% |
| If Total Gross Receipts are between \$200,001 and over | 36% |

The goal and objective of this agreement is to increase County revenue while providing a safe attraction for Playland patrons. If this agreement were not in place, the "Sky Flyer" ride would not be available for patron use. The County would also lose revenue as a result of the ride not being open.

The objective of this agreement will be monitored using inspection and ridership reports.

This agreement is exempt from the County's procurement policy pursuant to Section 3 (b).

A Resolution is attached for your favorable consideration.

RESOLUTION

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

RESOLVED, that the County of Westchester is authorized to enter into a license agreement with MGE, Inc., 4 Manhattan Avenue, Rye, New York 10580 for the operation of a concession ride known as the "Sky Flyer" at Playland Park, Rye, New York 10580 for the 2011 operating season for a term commencing May 1, 2011 and terminating October 31, 2011; and be it further

RESOLVED, that for this license privilege, MGE, Inc., will pay the County of Westchester a license fee of 40% of gross receipts during the operating season; and be it further

RESOLVED, that at the conclusion of the operating season an adjustment will be made, if necessary, to the license fee percentage based upon the end of season gross receipts as follows:

| <u>End of Season Gross Receipts</u> | <u>License Fee</u> |
|--|------------------------|
| If Total Gross Receipts are \$135,000 or less | 34% |
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| If Total Gross Receipts are between \$185,001 to \$200,000 | 38% |
| If Total Gross Receipts are between \$200,001 and over | 36%; 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.

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION 2011 - JOMARY VIEIRA, SECRETARY

Original Agreement \$75,000
 First Amendment \$
This Amendment \$ _____
 TOTAL \$75,000

Agreement #

Account to be
 Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub-Object | Trust Account | Dollars |
|------|------|--|-----------------------|------------------|--------------|
| 165 | 42 | 5520 | 9201 | | \$75,000 est |
| | | | | | |
| | | | | | |
| | | | | | |

Budget Funding Year(s) 2011 Start Date 5/1/2011 End Date 10/31/2011
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$ 75,000 Federal Aid _____
 (must match resolution)
 Other ESTIMATED REVENUE _____

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