

51831

DATE: April 20, 2016

TO: Honorable Members of the Board of Acquisition & Contract

FROM: Robert P. Astorino
County Executive

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

RE: Resolution authorizing the County of Westchester ("County") to enter into a Second Amendment to the Playland Management Agreement with Standard Amusements, LLC.

On June 15, 2015, the Board of Legislators ("BOL") adopted Act 2015-100 which authorized the County of Westchester, ("County") to enter into an agreement with the Standard Amusements. The agreement was duly executed on or about August 10, 2015 ("Agreement"). Standard Amusements, recognizing that more time was needed to complete the necessary due diligence in taking over operations from the County, requested and, by letter signed by Kevin J. Plunkett as Acting County Executive, was given a five (5) month extension to March 31, 2016 of its option to terminate the Agreement.

On or about February 22, 2016, legislation was submitted to the BOL seeking authority to enter into a Restated and Amended Playland Management Agreement with Standard Amusements. In addition, in connection with various capital projects to be undertaken at Playland, legislation seeking authority to amend the 2016 Capital Budget, and/or also seeking bond act authorization, was also submitted to the BOL for consideration.

On March 30, 2016 the BOL adopted Act 2016-35 authorizing the County to enter into a First Amendment to the Playland Management Agreement with Standard Amusements, in order extend the date that Standard Amusements has to terminate the Playland Management Agreement through and including April 29, 2016. Additional time is required to completely evaluate the legislation that is pending, and as such it is necessary to extend the date by which Standard Amusements has to exercise its option to terminate the Playland Management Agreement through and including May 3, 2016. On April 18, 2016 the BOL adopted Act 2016-88 authorizing the County to enter into a Second Amendment to the Playland Management Agreement with Standard Amusements, in order to extend the date that Standard Amusements has to terminate the Playland Management Agreement through and including May 3, 2016.

Accordingly, authorization is sought to enter into a Second Amendment to the Playland Management Agreement with Standard Amusements, in order extend the date that Standard Amusements has to terminate the Playland Management Agreement through and including May 3, 2016.

For the foregoing reasons, I respectfully request the approval of the annexed proposed Resolution.

RPA/KMO/tsa

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/21/2016 - LISA MRBAJ, SECRETARY

RESOLUTION

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

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into a Second Amendment to the Playland Management Agreement with Standard Amusements, LLC, by amending paragraph "8" of section 1 of the Playland Management Agreement, as modified by Section 1 of the First Amendment to the Playland Management Agreement, in order extend the date that Standard Amusements has to terminate the Playland Management Agreement through and including May 3, 2016; and be it further

RESOLVED, that all other terms and conditions of the Playland Management Agreement 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 be reasonably necessary to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
					N/A

Budget Funding Year(s): 2015-2030 Start Date: _____ End Date: _____
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$ N/A Federal Aid _____
 (must match resolution) Other _____