



Memorandum

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Department of Parks, Recreation
& Conservation

65854

March 13, 2019

TO: Board of Acquisition and Contract

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

RE: **Authority to amend the license agreement with Doggone Right, Inc. to include additional capital improvements and then to terminate the agreement effective December 31, 2018 and enter into a new license agreement with Mule Inc. for the term of January 1, 2019 through December 31, 2023 with the sole option of the County to extend the term of the agreement from January 1, 2024 through December 31, 2028 for a license fee to be negotiated.**

The term of the current license agreement with Doggone Right, Inc. for the rehabilitation and operation of a food concession at the Bronx Street Terminal, White Plains, New York, is from January 1, 2016 to December 31, 2020 with the sole option on the part of the County to extend the agreement from January 1, 2021 through December 31, 2025.

Under this agreement, as an additional license fee, Doggone Right, Inc. agreed to invest a minimum of One Hundred Ninety Nine Thousand (\$199,000) Dollars in capital improvements to the Bronx Street Terminal Building and surrounding areas, which have been completed and was scheduled to pay a license fee of \$5,000 over the term of the agreement.

Since the execution of the agreement, a number of unforeseen issues came to light during the extensive renovation of the building. The former bus terminal, which has been closed up for more than 30 years and virtually untouched, required unforeseen work not included in the original estimates including the expenses to bring utilities to the site by connecting to the sewer system, water, electricity and telephone/internet service and asbestos remediation. As a result, Doggone Right, Inc. was not able to open and operate the facility until June of 2018 and Doggone Right, Inc. incurred additional costs of \$92,000.

Authority is now requested to amend the term of the License Agreement in order to include the \$92,000 in additional capital expenses, in lieu of the payment of the \$5,000 in license fees over the term of the license agreement and then terminate the agreement, effective December 31, 2018.

Doggone Right, Inc. has changed the name of the corporation to Mule Inc. d/b/a The Dog Den (“Mule”), 10 South Cottenet Street 1N, Irvington, New York. Authority is now requested to enter into a new agreement with Mule for the operation of the food and refreshment concession at the Bronx Street Terminal for a period of five years with a five-year option.

As consideration for this privilege, Mule shall pay the following license fees:

| <u>Period</u> | <u>License Fee</u> |
|-------------------------------------|--------------------|
| January 1, 2019 – December 31, 2019 | \$ 500 |
| January 1, 2020 – December 31, 2020 | \$ 750 |
| January 1, 2021 – December 31, 2021 | \$1,000 |
| January 1, 2022 – December 31, 2022 | \$1,250 |
| January 1, 2023 – December 31, 2023 | \$1,500 |

The goal of the License is to allow Doggone Right, Inc. and Mule to amortize the cost of renovations to rehabilitate an unused County asset and convert it into a viable revenue producing operation to serve park patrons.

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

A resolution is attached for your favorable consideration.

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/04/2019 - LISA MRHAJ, SECRETARY

RESOLUTION

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

RESOLVED, that the County is authorized to amend the License Agreement with Doggone Right, Inc. with the term of January 1, 2016 through December 31, 2020, to accept the improvements in the amount of \$92,000 on the attached schedule in lieu of the \$5,000 in license fees over the term of the agreement; and be it further

RESOLVED, that the County is authorized to terminate the agreement with Doggone Right, Inc. effective December 31, 2018; and be it further

RESOLVED, that the County is authorized to enter into a new agreement with Mule Inc. d/b/a The Dog Den (“Mule”), 10 South Cottenet Street 1N, Irvington, New York for the operation of the food and refreshment concession at the Bronx Street Terminal Building for the period of January 1, 2019 through December 31, 2023; and be it further

RESOLVED, that Mule shall pay the following license fees:

| <u>Period</u> | <u>License Fee</u> |
|-------------------------------------|----------------------------|
| January 1, 2019 – December 31, 2019 | \$ 500 |
| January 1, 2020 – December 31, 2020 | \$ 750 |
| January 1, 2021 – December 31, 2021 | \$1,000 |
| January 1, 2022 – December 31, 2022 | \$1,250 |
| January 1, 2023 – December 31, 2023 | \$1,500; and be it further |

RESOLVED, that the County may, at its sole option, extend the license agreement for the period of January 1, 2024 through December 31, 2028 at a license fee to be negotiated; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments necessary to implement this Resolution.

Agreement #

Account to be
Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub- Object | Trust Account | Dollars | |
|------|------|--|------------------------|------------------|---------|------|
| 165 | 42 | 1100 | 9246 | | 500 | 2019 |
| 165 | 42 | 1100 | 9246 | | 750 | 2020 |
| 165 | 42 | 1100 | 9246 | | 1,000 | 2021 |
| 165 | 42 | 1100 | 9246 | | 1,250 | 2022 |
| 165 | 42 | 1100 | 9246 | | 1,500 | 2023 |
| | | | | | | |

Budget Funding Year(s) 2019-2023 Start Date 1/1/2019 End Date 12/31/2023
(must match resolution)

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

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/04/2019 - LISA MRIJAJ, SECRETARY

DOG DEN ADDITIONAL IMPROVEMENTS

| <u>Additional Costs Associated with Demo</u> | <u>Est. Cost</u> |
|--|-------------------------|
| Asbestos and lead paint removal/air quality testing | \$ 20,000 |
| Sewer system inside building including additional excavation, restoration of concrete, cap / redirect old drains | \$ 5,000 |
| Replace waterline with 1.5" copper tubing, brass valves, backflow preventer, drawings, fees and inspections for DOH | \$ 8,000 |
| Roof vent flashings and vent system flashing | \$ 900 |
| Fur all walls and add insulation upstairs and downstairs w/2 layers of fire rated Gypsum Wall Board with fiberglass installation | \$ 16,000 |
| LED lighting and 6,000 feet of Cat 6 cable and quartz countertops, oil rubbed bronze light fixtures and door handles | \$ 2,400 |
| Alarm system burglar and fire with monitoring system | \$ 2,500 |
| Additional cost of outside lighting with additional conduits and fixtures. | \$ 5,000 |
| HVAC hyper unit heat pump heat and cooling, compressor on roof, additional heaters | \$ 12,000 |
| Cover staircase with red oak treads, poplar risers and red oak trimming tile basement landing, staining and sealing | \$ 2,000 |
| Furnish/install bollards and safety railing | \$ 3,500 |
| Quality tile, lumber for casing, moldings, finish plywood baseboard moldings for both floors, extra doors, including labor and materials | \$ 14,700 |
| Total | \$ 92,000 |

APPROVED BOARD OF ACQUISITION CONTRACT 04/04/2019 - LISA MARIJAJ, SECRETARY