

ID74627

February 21, 2020

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 WESTCHESTER SEAFOOD CO., LLC DBA CHARLEY'S PIER RESTAURANT AND TIKI BAR, 26 LOEWEN COURT, RYE, NEW YORK 10580 FOR THE OPERATION OF THE PIER RESTAURANT AND TIKI BAR AT PLAYLAND PARK IN RYE, NEW YORK AS WELL AS FOR THE OPERATION OF A DAILY BOAT PARKING SERVICE UTILIZING THE SERVICE DOCK, RAMP AND MOORINGS LOCATED OFF THE PLAYLAND PIER INCLUDING THE OPERATION OF A BOAT SHUTTLE TO AND FROM THE MOORINGS TO A FLOATING DOCK FOR A TERM COMMENCING FEBRUARY 28, 2020 AND TERMINATING DECEMBER 31, 2021.

Authority is requested of this Board for the County of Westchester ("County") to enter into a license agreement with Westchester Seafood Co., LLC DBA Charley's Pier Restaurant and Tiki Bar ("Charley's"), 26 Loewen Court, Rye, New York 10580 for the operation of the Pier Restaurant and Tiki Bar at Playland Park in Rye, New York, as well as for the operation of a daily boat parking service utilizing the service dock, ramp and moorings located off the Playland Pier, including the operation of a boat shuttle to and from the moorings to a floating dock for a term commencing February 28, 2020 and terminating December 31, 2021.

As consideration for this license privilege, Charley's will pay the County a minimum license fee or a percentage of the gross receipts, whichever is greater, for each operating season as follows:

<u>Period</u>	<u>Minimum License Fee</u>	<u>Percentage of Gross Sales License Fee</u>
2/28/20-12/31/20	\$235,000	9%
1/1/21-12/31/21	\$235,000	9%

In addition, Charley's will furnish and install improvements valued at \$99,000 to upgrade the men's and women's bathrooms and create a handicapped-accessible/family bathroom as listed on the attached schedule no later than May 22, 2020.

Charley's will also purchase new tables and chairs for the upper patio area at an estimated expense of \$24,000 and furnish and install a new sign valued at \$8,000 which shall remain the property of the Licensee.

Charley's has also committed to provide marketing and promotions valued at \$70,000 during the term of the agreement and \$6,000 of food and related services during the term of the agreement.

The daily boat parking service will be operated and maintained solely by Charley's. This service will bring additional customers to Playland Park at no cost to the County. Charley's will pay all costs associated with operating the shuttle. In addition, the shuttle service will be provided to users free of charge.

The goal and objective of this agreement is to allow the County to provide quality food, refreshment and catering options for patrons at Playland utilizing the Boardwalk area. This agreement promotes fiscal responsibility as the County will benefit through the revenue generated.

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

Although licenses are exempt from the County's Procurement Policy pursuant to section 3(b) therein, a Request for Proposals ("RFP") was published on the Westchester County website on October 2, 2019. The RFP was also advertised in the Journal News and was provided to numerous organizations and individuals directly. Four proposals were received in response to the RFP but after careful consideration, all four proposals are being rejected by the County as not being in the County's best interest. The president of the County's prior licensee, 181 New England Seafood Corp., died suddenly and unexpectedly on September 16, 2019. The vice president of Charley's was also the vice president of the prior licensee. The County has negotiated the proposed two season license with Charley's which would permit the County to maintain a continuity of the operations of the restaurant and bar at Playland Park, and allow the County sufficient time to make necessary improvements prior to the 2020 season and at the same time provide additional time to reconsider its long-term options at the end of 2021.

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 (“County”) is authorized to enter into a license agreement with Westchester Seafood Co., LLC DBA Charley’s Pier Restaurant and Tiki Bar (“Charley’s”), 26 Loewen Court, Rye, New York 10580 for the operation of the Pier Restaurant and Tiki Bar at Playland Park in Rye, New York as well as for the operation of a daily boat parking service utilizing the service dock, ramp and moorings located off the Playland Pier including the operation of a boat shuttle to and from the moorings to a floating dock for a term commencing February 28, 2020 and terminating December 31, 2021; and be it further

RESOLVED, that for this license privilege, Charley’s will pay the County a minimum license fee or a percentage of the gross receipts, whichever is greater, for each operating season as follows:

<u>Period</u>	<u>Minimum License Fee</u>	<u>Percentage of Gross Sales License Fee</u>
2/28/20-12/31/20	\$235,000	9%
1/1/21-12/31/21	\$235,000	9%; and be it further

RESOLVED, that Charley’s will furnish and install improvements valued at \$99,000 to upgrade the men’s and women’s bathrooms and create a handicapped-accessible/family bathroom as listed on the attached schedule, no later than May 22, 2020; and be it further

RESOLVED, that Charley’s will provide marketing and promotions valued at \$70,000 during the term of the agreement and \$6,000 of food and related services during the term of the agreement; and be it further

RESOLVED, that Charley’s will pay an annual flat fee of \$1,500 for garbage removal; 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.

Original Agreement \$473,000
 First Amendment \$
This Amendment \$ _____
 TOTAL \$473,000

Agreement #

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	5520	9205		235,000	2020
165	42	5520	9219		1,500	2020
165	42	5520	9205		235,000	2021
165	42	5520	9219		1,500	2021

Budget Funding Year(s) 2020-2021
 (must match resolution)

Start Date 02/28/20 End Date 12/31/21

Funding Source Tax Dollars _____

State Aid _____

\$ 473,000 Federal Aid _____

(must match resolution)

Other Revenue

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/27/2020 - LISA MRIJAJ, SECRETARY

SCHEDULE OF IMPROVEMENTS

Men's Bathroom

Demolish existing men's bathroom,
Furnish and install new stalls, toilets and urinals and sinks,
Furnish and install new floor, ceiling and wall tiles
Upgrade plumbing
Furnish and install new LED light fixtures
Total estimated cost \$38,000

Women's Bathroom

Demolish existing women's bathroom,
Furnish and install new stalls, toilets and sinks,
Furnish and install new floor, ceiling and wall tiles
Upgrade plumbing
Furnish and install new LED light fixtures
Total estimated cost \$36,000

Handicapped Accessible-Family Bathroom Addition

Create unisex single-use handicapped accessible/family bathroom compliant with the Americans with Disabilities Act (ADA)
Furnish and install new toilet and sink
Furnish and install floor, ceiling and wall tiles
Furnish and install new baby changing station
Total estimated cost \$25,000

All improvements to be completed no later than May 22, 2020.