

Department of Parks, Recreation  
& Conservation

ID 83095

March 9, 2021

TO: Board of Acquisition and Contract

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

RE: **Authority to 1) terminate the current license agreement with E & R Friberg Enterprises, Ltd. and 2) enter into a new license agreement with Beachfront BBQ, Inc. to operate the food concession at Willsons Woods Park from April 1, 2021 through December 31, 2025, with option of the County of Westchester to extend the license from January 1, 2026 through December 31, 2030.**

On October 26, 2017, the Board of Acquisition and Contract approved a resolution with E & R Friberg Enterprises, Ltd., 319 Woodcrest Lane, Mount Kisco, NY 10549 to enter into a license agreement with the County for the operation of the food and refreshment concession at Willsons Woods Park, Mount Vernon, New York, for the period of January 1, 2018 through December 31, 2019, with the County's sole option to extend the agreement for the period of January 1, 2020 through December 31, 2021. The license agreement with E & R Friberg Enterprises, Ltd. was subsequently executed.

Thereafter, on December 19, 2019, the Board of Acquisition and Contract approved a resolution exercising the option to extend the license agreement with E & R Friberg Enterprises, Ltd, for the period from January 1, 2020 through December 31, 2021. The amendment to the license agreement with E & R Friberg Enterprises, Ltd. was subsequently executed.

E & R Friberg Enterprises Ltd., has requested that the County terminate its license agreement, as amended, effective December 31, 2020. Accordingly, authority is hereby requested for the County to terminate the license agreement with E & R Friberg Enterprises Ltd., effective retroactive to December 31, 2020.

Authority is further requested to enter into a new license agreement with Beachfront BBQ, Inc. ("Beachfront BBQ"), 399 Bronxville Road, Bronxville, New York 10708 for the operation of the food and refreshment concession at Willsons Woods Park, Mount Vernon, New York, for the period of April 1, 2021 through December 31, 2025, with the sole option of the County to extend the license agreement with Beachfront BBQ from January 1, 2026 through December 31, 2030.

For the privilege of operating the food and refreshment concession at Willsons Woods Park, Beachfront BBQ, Inc. shall pay to the County an annual license fee as follows:

<u>Period</u>	<u>License Fee</u>
April 1, 2021 to December 31, 2021	\$10,500
January 1, 2022 to December 31, 2022	\$10,500
January 1, 2023 to December 31, 2023	\$10,500
January 1, 2024 to December 31, 2024	\$10,500
January 1, 2025 to December 31, 2025	\$10,500

In addition to the above, Beachfront BBQ Inc. shall complete improvements at an estimated cost of \$78,000 on the attached schedule, to remodel the concession including the installation of a hood and ansul system, plumbing, electrical, walls, upgrade the bathroom and repair all flooring.

If the County exercises the option to extend the license agreement with Beachfront BBQ for the period of January 1, 2026 through December 31, 2030, Beachfront BBQ shall pay to the County an annual license fee as follows:

<u>Period</u>	<u>License Fee</u>
January 1, 2026 to December 31, 2026	\$22,500
January 1, 2027 to December 31, 2027	\$22,500
January 1, 2028 to December 31, 2028	\$23,500
January 1, 2029 to December 31, 2029	\$24,500
January 1, 2030 to December 31, 2030	\$25,500.

The goal of this agreement is to provide revenue for the County and food and beverage service for patrons at Wilsons Woods Park.

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

This agreement is exempt from the Westchester County procurement policy pursuant to Section 3(b), thereof.

A resolution is attached for your favorable consideration.

## RESOLUTION

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

**WHEREAS**, on October 26, 2017, the Board of Acquisition and Contract approved a resolution authorizing the County of Westchester (the "County"), acting by and through its Department of Parks Recreation & Conservation (the "Department") to enter into a license agreement with E & R Friberg Enterprises, Ltd., 319 Woodcrest Lane, Mount Kisco, NY 10549 for the operation of the food and refreshment concession at Willsons Woods Park, Mount Vernon, New York, for the period of January 1, 2018 through December 31, 2019, with the County's sole option to extend the agreement for the period of January 1, 2020 through December 31, 2021; and

**WHEREAS**, on December 19, 2019, the Board of Acquisition and Contract approved a resolution exercising the option to extend the license agreement with E & R Friberg Enterprises, Ltd. from January 1, 2020 through December 31, 2021; and

**WHEREAS**, both the agreement and amendment with E & R Friberg Enterprises, Ltd. were executed; and

**WHEREAS**, E & R Friberg Enterprises Ltd., has requested that the County terminate the license agreement effective December 31, 2020; and

**WHEREAS**, the Department now seeks to enter into a new license agreement with Beachfront BBQ, Inc. for the period from April 1, 2021 through December 31, 2025.

### NOW THEREFORE BE IT

**RESOLVED**, that the license agreement with E&R Friberg Enterprises Ltd. shall be terminated effective retroactive to December 31, 2020; and be it further

**RESOLVED**, that the County of Westchester shall enter into a new license agreement with Beachfront BBQ, Inc., 399 Bronxville Road, Bronxville, New York 10708 for the food and refreshment concession at Willsons Woods Park, Mount Vernon, New York, for the period of April 1, 2021 through December 31, 2025; and be it further

**RESOLVED**, that for the privilege of operating the food and refreshment concession at Willsons Woods Park, Beachfront BBQ, Inc. shall pay to the County an annual license fee as follows:

<u>Period</u>	<u>License Fee</u>
April 1, 2021 to December 31, 2021	\$10,500
January 1, 2022 to December 31, 2022	\$10,500
January 1, 2023 to December 31, 2023	\$10,500
January 1, 2024 to December 31, 2024	\$10,500
January 1, 2025 to December 31, 2025	\$10,500; and be it further

**RESOLVED**, Beachfront BBQ Inc. shall complete improvements at an estimated cost of \$78,000 on the attached schedule no later than June 15, 2021; and be it further

**RESOLVED**, that the County may, at its option, extend the license agreement with Beachfront BBQ, Inc. for the period from December 1, 2026 through December 31, 2030; and be it further

**RESOLVED**, if the County exercises the option to extend the license with Beachfront BBQ, Inc. for the period of January 1, 2026 through December 31, 2030, Beachfront BBQ, Inc. shall pay to the County an annual license fee as follows:

<u>Period</u>	<u>License Fee</u>
January 1, 2026 to December 31, 2026	\$22,500
January 1, 2027 to December 31, 2027	\$22,500
January 1, 2028 to December 31, 2028	\$23,500
January 1, 2029 to December 31, 2029	\$24,500
January 1, 2030 to December 31, 2030	\$25,500; 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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/01/2024  
KAMARIJAJ, SECRETARY

Agreement # PRC-1305

Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	4450	9246		10,500	2021
165	42	4450	9246		10,500	2022
165	42	4450	9246		10,500	2023
165	42	4450	9246		10,500	2024
165	42	4450	9246		10,500	2025

Budget Funding Year(s) 2021-2025 Start Date 4/1/2021 End Date 12/31/2025  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
State Aid \_\_\_\_\_  
**\$52,500** Federal Aid \_\_\_\_\_  
(must match resolution) Other Revenue \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/01/2021 - LISA MRISA, SECRETARY

## SCHEDULE OF IMPROVEMENTS

### WILLSONS WOODS PARK

1. Remodel interior space and install new walls	\$10,000
2. Furnish and install a new hood and ansul system.	\$15,000
3. Upgrade interior plumbing.	\$19,000
4. Upgrade electrical system.	\$19,000
5. Repair all flooring	\$ 5,000
6. Upgrade bathroom and miscellaneous repairs, painting	<u>\$10,000</u>
Total estimated cost of improvements	\$78,000.

All improvements shall be completed by June 15, 2021.

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/01/2021 - LISA MRIJAJ, SECRETARY