

**ID 84363**

April 20, 2021

To: The Honorable Board of Acquisition and Contract

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

Re: Authority to enter into an Agreement with Westchester Heat, LLC for the use of two (2) baseball fields and a pavilion at V.E. Macy Park for the purpose of operating a baseball program for children for the period of June 1, 2021 through December 31, 2025, with the sole option of the County to extend the agreement for an additional period of five years for a license fee to be negotiated.

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Authority is requested for the County of Westchester, acting by and through the Department of Parks, Recreation & Conservation (the "Department"), to enter into an agreement with Westchester Heat, LLC, 3 Sugar Hill Road, North Salem, New York 10560 ("Westchester Heat"), pursuant to which the County will grant Westchester Heat a revocable License for use of two (2) baseball fields and a pavilion at V.E. Macy Park for the purpose of operating a baseball program for children consisting of a Summer Camp, Clinics, Instruction and Team Games, for the period of June 1, 2021 through December 31, 2025, with the sole option of the County to extend the agreement for an additional period of five years for a license fee to be negotiated.

In addition to granting a License for use of designated portions of V.E. Macy Park, the County will provide Westchester Heat with marketing assistance for the Summer Camp and Department staff to collect Summer Camp fees and provide field maintenance.

In consideration of the granting of the License, and for the additional services described above, Westchester Heat will pay the County the following annual license fees:

- 35 % of all gross revenue generated from Summer Camp in 2021;
- 35 % of all gross revenue generated from Summer Camp in 2022;
- 36 % of all gross revenue generated from Summer Camp in 2023;
- 36 % of all gross revenue generated from Summer Camp in 2024;
- 37 % of all gross revenue generated from Summer Camp in 2025;

The objective of this Agreement is to increase opportunities for Westchester residents to experience baseball, complimenting the County's goal of a more active and healthier Westchester County. Additionally, it will promote our facility and increase revenue to the County. Department of Parks, Recreation and Conservation personnel will track and monitor the program through frequent site visits.

The proposed Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

As this is a revenue-producing contract for the County, I respectfully request the approval of the annexed resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 05/13/2021 - LISA MARIJAJ, SECRETARY

## RESOLUTION

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

**RESOLVED**, that the County of Westchester, acting by and through the Department of Parks, Recreation & Conservation (the "Department"), is hereby authorized to enter into an agreement with Westchester Heat, LLC, 3 Sugar Hill Road, North Salem, New York 10560 ("Westchester Heat"), pursuant to which the County will grant Westchester Heat a revocable License for use of two (2) baseball fields and a pavilion at V.E. Macy Park for the purpose of operating a baseball program for children consisting of a Summer Camp, Clinics, Instruction and Team Games, for the period of June 1, 2021 through December 31, 2025, with the sole option of the County to extend the agreement for an additional period of five years for a license fee to be negotiated; and be it further

**RESOLVED**, that the County will provide Westchester Heat with marketing assistance for the Summer Camp and Department staff to collect Summer Camp fees and provide field maintenance; and be it further

**RESOLVED**, that for this license privilege; Westchester Heat will pay the County of Westchester the following annual License Fees:

- 35% of all gross revenue generated from Summer Camp in 2021;
- 35% of all gross revenue generated from Summer Camp in 2022;
- 36% of all gross revenue generated from Summer Camp in 2023;
- 36% of all gross revenue generated from Summer Camp in 2024;
- 37% of all gross revenue generated from Summer Camp in 2025; 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.

Original Agreement \$ 80,000.00 \*  
 First Amendment \$  
**This Amendment** \$ \_\_\_\_\_  
 TOTAL \$ 80,000.00 \*

Account to be  
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	4300	9289		\$15,000*	2021
165	42	4300	9289		\$15,500*	2022
165	42	4300	9289		\$16,000*	2023
165	42	4300	9289		\$16,500*	2024
165	42	4300	9289		\$17,000*	2025

Budget Funding Year(s) 2021-25 Start Date 6/01/2021 End Date 12/31/2025  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
**\$ 80,000.00 \*** Federal Aid \_\_\_\_\_  
 (must match resolution) Other \_\_\_\_\_ Revenue \_\_\_\_\_

\*Estimated

APPROVED BOARD OF ACQUISITION & CONTRACT 05/13/2021 J. USA MARIJAJ, SECRETARY