

85220

June 1, 2021

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
MGE, INC., P.O. BOX 955, RIVERSIDE, CT 06878 FOR THE
OPERATION OF A CONCESSION RIDE KNOWN AS THE "ZOMBIE
CASTLE" AT PLAYLAND PARK FOR THE PERIOD JUNE 1, 2021
THROUGH SEPTEMBER 30, 2022.

Authority is requested of this Board for the County of Westchester ("County") to enter into a license agreement with MGE, Inc. for the operation of a concession ride known as the "Zombie Castle" at Playland Park, Rye, New York for the period June 1, 2021 through September 30, 2022, which will cover the 2021 and 2022 operating seasons. The start and end dates for each operating season will be determined by the County.

As consideration for this license privilege, MGE, Inc. will pay the County of Westchester a license fee of 9% of gross receipts up to \$500,000 and 18% of gross receipts over \$500,000 in each operating season.

The County shall have the right to: (a) terminate this agreement on thirty (30) days notice to the Licensee, or (b) assign this Agreement in its entirety to Standard Amusements LLC.

The goal and objective of this agreement is to increase County revenue while providing a safe attraction for Playland patrons. This agreement promotes fiscal responsibility as the County will benefit from the additional revenue.

The objective of this agreement will be monitored using inspection and ridership reports.

The Westchester County Procurement Policy does not apply to concessions pursuant to Section 3(b) thereof, and, therefore, does not apply to this license agreement.

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 MGE, Inc., P.O. Box 955, Riverside, CT 06878 for the operation of a concession ride known as the "Zombie Castle" at Playland Park, Rye, New York 10580 for the period June 1, 2021 through September 30, 2022; and be it further

RESOLVED, that for this license privilege, MGE, Inc., will pay the County of Westchester a license fee of 9% of gross receipts up to \$500,000 and 18% of gross receipts over \$500,000 in each operating season; and be it further

RESOVLED, that the County shall have the right to: (a) terminate this agreement on thirty (30) days notice to MGE, Inc., or (b) assign this Agreement in its entirety to Standard Amusements LLC.; 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 reasonably be necessary to effectuate the purposes thereof.

APPROVED BOARD OF ACQUISITION & CONSTRUCTION - 06/03/2021 - LICENSING SECRETARY

Original Agreement \$40,500
 First Amendment \$
This Amendment \$ _____
 TOTAL \$40,500

Agreement # PRC-1314

Account to be
 Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
165	42	5520	9201		\$11,500 est.
165	42	5520	9201		\$29,000 est.

2021
 2022

Budget Funding Year(s) **2021-2022** Start Date **6/1/2021** End Date **9/30/2022**
 (must match resolution)

Funding Source Tax Dollars _____

State Aid _____

\$40,500 Federal Aid _____

(must match resolution)

Other ESTIMATED REVENUE _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/08/2021 - LISA MRIJAJ, SECRETARY