



Memorandum

**Department of Parks, Recreation  
& Conservation**

**86813**

DATE: August 9, 2021

TO: Honorable Members of the Board of Acquisition & Contract

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

RE: Resolution authorizing the County of Westchester to amend the management agreement with Playland Ice Casino, LLC (a wholly owned subsidiary of American Skating Entertainment Centers, LLC) to provide for the partial reopening of the Ice Casino.

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Pursuant to a Resolution approved on August 21, 2014, the County of Westchester, acting by and through the Department of Parks, Recreation and Conservation and/or the Department of Public Works and Transportation, as appropriate (the "County"), and the Playland Ice Casino, LLC (a wholly owned subsidiary of American Skating Entertainment Centers, LLC) (the "Ice Casino Manager") entered into a management agreement, dated August 26, 2014, (the "Agreement") for the management of the Ice Casino at Playland for a term of ten (10) years commencing on August 26, 2014 and terminating on August 26, 2024. In addition, the Agreement provides that, upon mutual agreement of the parties, the term may be extended for an additional ten (10) years, subject to receiving all necessary legal approvals.

The Ice Casino closed on March 17, 2020 due to the Governor of New York's Executive Order 202 declaring a disaster emergency in New York in response to the COVID-19 pandemic. The Governor of New York rescinded Executive Order 202 effective June 25, 2021.

Attached hereto is a resolution, which if approved by your Honorable Board, would authorize the County to amend the Agreement to provide for the partial reopening of the Ice Casino.

Under the proposed amendment, the parties will acknowledge that the Ice Casino has been closed since March 17, 2020 due to COVID-19. In addition, the Ice Casino Manager will agree to reopen the Main Rink only on or about October 1, 2021 upon the County's completion of its project to design, purchase and install a new HVAC filtration and bi-polar ionization units as a COVID-19 air quality mitigation measure for the Ice Casino.

In addition, under the proposed amendment, the parties will agree that the Studio Rink and Kiddie Rink will remain closed while the County plans, undertakes and completes certain necessary and required structural repairs for the Studio Rink and associated systems (the "Studio Rink Repairs"). During the time period the Studio Rink and Kiddie Rink are closed for the Studio Rink Repairs, the annual management fee, annual common area maintenance charges and the charges for utilities (collectively, the "Charges") will be reduced by 43%. If the County completes the Studio Rink Repairs prior to the termination of the Agreement, the County will notify the Ice Casino Manager in writing of the completion, the Ice Casino Manager will reopen the Studio Rink and Kiddie Rink within thirty (30) days of receipt such notice. In addition, upon the reopening of the Studio Rink and Kiddie Rink, the 43% reduction in the Charges will terminate and the Charges will resume according to the terms set forth in the Agreement with no 43% reduction.

Except as amended by this resolution, all other terms and conditions of the Agreement shall remain in full force and effect.

The amendment to the Agreement will serve a public purpose by ensuring the proper development, operation, maintenance, security and administration of the Ice Casino.

The Department's personnel will track and monitor the Ice Casino Manager's performance under the amendment to the Agreement.

For the foregoing reasons, I respectfully request the approval of the annexed proposed Resolution.

KMO/RAN

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/12/2021 RAYMOND SCULK (SECRETARY)

## RESOLUTION

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

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to amend the management agreement with Playland Ice Casino, LLC (a wholly owned subsidiary of American Skating Entertainment Centers, LLC), dated August 26, 2014, (the "Agreement"), to acknowledge that the Ice Casino has been closed since March 17, 2020 due to COVID-19 and agree that the Ice Casino Manager will reopen the Main Rink only on or about October 1, 2021 upon the County's completion of its project to design, purchase and install a new HVAC filtration and bi-polar ionization units as a COVID-19 air quality mitigation measure for the Ice Casino; and be it further

**RESOLVED**, that the County is authorized to amend the Agreement to provide that the Studio Rink and Kiddie Rink will remain closed while the County plans, undertakes and completes certain necessary and required structural repairs for the Studio Rink and associated systems (the "Studio Rink Repairs"), and, during the time period the Studio Rink and Kiddie Rink are closed for the Studio Rink Repairs, the annual management fee, annual common area maintenance charges and the charges for utilities (collectively, the "Charges") will be reduced by 43%, and be it further

**RESOLVED**, that, if the County completes the Studio Rink Repairs prior to the termination of the Agreement, the County will notify the Ice Casino Manager in writing of the completion, the Ice Casino Manager will reopen the Studio Rink and Kiddie Rink within thirty (30) days of receipt such notice, and, upon the reopening of the Studio Rink and Kiddie Rink, the 43% reduction in the Charges will terminate and the Charges will resume according to the terms set forth in the Agreement with no 43% reduction; and be it further

**RESOLVED**, that except as amended by this resolution, all other terms and conditions of the Agreement shall remain in full force and effect; 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.

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

Original Agreement \$7,221,869.81  
 First Amendment \$  
**This Amendment** **(\$2,144,951.05)**  
 TOTAL \$5,076,918.76

Agreement # PRC-967A

Account to be  
 Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
2020	165	42	5540	9205		(\$276,020.20)
2020	165	42	5540	9219		(\$428,981.86)
2021	165	42	5540	9205		(\$241,421.06)
2021	165	42	5540	9219		(\$368,597.51) *
2022	165	42	5540	9205		(\$123,483.71)
2022	165	42	5540	9219		(\$185,221.15) *
2023	165	42	5540	9205		(\$125,953.38)
2023	165	42	5540	9219		(\$185,617.79) *
2024	165	42	5540	9205		(\$85,636.84)
2024	165	42	5540	9219		(\$124,017.55) *

\*Estimated Amount

Budget Funding Year(s): 2020-2024 Start Date: 3/17/2020 End Date: 8/31/2024  
 (must match resolution)

Funding Source Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
(\$2,144,951.05) Federal Aid \_\_\_\_\_  
 (must match resolution) Other Revenue \_\_\_\_\_

\*Estimated Amount

APPROVED BOARD OF ACQUISITION & CONTRACT - 08/17/2021 - RYMOND SOULKY, SECRETARY