

Department of Parks, Recreation
& Conservation

ID 87406

DATE: September 8, 2021

TO: Board of Acquisition and Contract

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

RE: Request, a.) that the resolution approved on August 26, 2021, concerning a license agreement with Little Leaf Nursery LLC, be rescinded, and b.) authority to enter into a license agreement with Little Leaf Nursery LLC, for use of a portion of Lenoir Preserve for, and in furtherance of, the operation of one (1) pre-school classroom, for the period from September 1, 2021 through August 31, 2026.

By a resolution approved on August 26, 2021, (the "Previous Resolution") your Honorable Board authorized the County of Westchester (the "County") to enter into a license agreement with Little Leaf Nursery LLC ("Little Leaf"), for use of a portion of Lenoir Preserve for the operation of one (1) pre-school classroom. It was subsequently determined that the Previous Resolution did not encapsulate the terms of the intended final agreement between the parties.

Accordingly, it is respectfully requested that your Honorable Board, a.) rescind the Previous Resolution, and b.) authorize the County to enter into a license agreement with Little Leaf, for use of a portion of Lenoir Preserve for, and in furtherance of, the operation of one (1) pre-school classroom, for the period from September 1, 2021 through August 31, 2026 (the "License Agreement").

In consideration of the license provided under the License Agreement, Little Leaf will pay to the County an annual license fee of \$14,500.00, payable pursuant to the terms of the License Agreement.

In addition to the annual license fee, as further consideration for Little Leaf having exclusive access to, and use of, the restrooms in the Nature Center at Lenoir Preserve for certain periods, in order to reduce the risk of exposure to the virus that causes COVID-19, Little Leaf will reimburse the County the actual costs incurred by the County, from a third-party contractor, for the installation, rental, and maintenance, including cleaning, of portable toilets provided at Lenoir Preserve.

The proposed License Agreement will serve a public purpose by both providing revenue for the County and ultimately allowing pre-school children to directly benefit from an educational experience at the Nature Center who may in later years attend summer camp at Lenoir Preserve.

The goal and objective of the proposed License Agreement is to provide revenue for the County.

The goal and objective of the proposed License Agreement is in the best interests of the County in terms of fiscal responsibility, as it will provide revenue for the County.

The goal and objective of the proposed License Agreement will be tracked and monitored by the staff of the Department of Parks, Recreation and Conservation.

The procurement of the proposed License Agreement is exempt from the Westchester County procurement policy pursuant to Section 3(b) thereof.

I respectfully recommend the adoption of the attached resolution.

JC/bdm-r

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/30/2021 - RAYMOND SCULKY, SECRETARY

RESOLUTION

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

RESOLVED, that the resolution approved on August 26, 2021, which authorized the County of Westchester (the "County") to enter into a license agreement with Little Leaf Nursery LLC ("Little Leaf"), for use of a portion of Lenoir Preserve for the operation of one (1) pre-school classroom, is hereby rescinded; and be it further

RESOLVED, that the County is hereby authorized to enter into a license agreement with Little Leaf, for use of a portion of Lenoir Preserve for, and in furtherance of, the operation of one (1) pre-school classroom, for the period from September 1, 2021 through August 31, 2026 (the "License Agreement"); and be it further

RESOLVED, that in consideration of the license provided under the License Agreement, Little Leaf shall pay to the County an annual license fee of \$14,500.00 payable pursuant to the terms of the License Agreement; and be it further

RESOLVED, that in addition to the annual license fee, as further consideration for Little Leaf having exclusive access to, and use of, the restrooms in the Nature Center at Lenoir Preserve for certain periods, in order to reduce the risk of exposure to the virus that causes COVID-19, Little Leaf shall reimburse the County the actual costs incurred by the County, from a third-party contractor, for the installation, rental, and maintenance, including cleaning, of portable toilets provided at Lenoir Preserve; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to execute any documents and take any actions necessary and appropriate to effectuate the purposes of this Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACTS - RAYMOND SCULLY, SECRETARY

Agreement # PRC-1351

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars	
165	42	5000	9289		6,000*	2021
165	42	5000	9289		14,500*	2022
165	42	5000	9289		14,500*	2023
165	42	5000	9289		14,500*	2024
165	42	5000	9289		14,500*	2025
165	42	5000	9289		8,500*	2026

Budget Funding Year(s): 2021-2026 Start Date: 9-1-21 End Date: 8-31-26
(must match resolution)

Funding Source Tax Dollars: _____
 State Aid: _____
\$ 72,500* Federal Aid: _____
 (must match resolution) Other: _____ Revenue

*estimated

APPROVED BOARD OF ACQUISITION & CONTRACT - 09/30/2021 - RAYMOND S. JULY, SECRETARY