

Department of Parks, Recreation
& Conservation

ID 89333

December 21, 2021

TO: Board of Acquisition and Contract

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

RE: **Authority to enter into a license agreement with Costa Foods, Inc. for the operation of the food and refreshment concession at Sprain Ridge Park for the term of January 1, 2022 through December 31, 2026 with the County having the sole option to extend the term of the agreement from January 1, 2027 through December 31, 2031, with the renewal license fee to be negotiated.**

Authority is respectfully requested from your Honorable Board to authorize the County of Westchester (the "County") to enter into a License Agreement with Costa Foods, Inc. for the operation of the food and refreshment concession at Sprain Ridge Park, Yonkers, New York, commencing January 1, 2022 and ending December 31, 2026, with the County having the sole option to extend the agreement for an additional five (5) years from January 1, 2027 through December 31, 2031, with the renewal license fee to be negotiated.

For the privilege of operating the food and refreshment concession, Costa Foods, Inc. shall pay to the County an annual license fee as follows:

The greater of \$15,000 or .45 per bathing ticket sold in 2022;
The greater of \$15,000 or .45 per bathing ticket sold in 2023;
The greater of \$15,000 or .45 per bathing ticket sold in 2024;
The greater of \$15,000 or .45 per bathing ticket sold in 2025; and
The greater of \$15,000 or .45 per bathing ticket sold in 2026.

Additionally, as part of the proposed agreement, Costa Foods Inc. shall also make the following improvements prior to opening day 2022:

1. Replace the front entry floor and front concession floor with Vinyl Composition Tile and install a black base floor molding and paint the entire concession at a cost of \$7,500;
2. Furnish and install a new digital menu board system for the cashier area at an estimated cost of \$1,500; and

3. Furnish and install new crowd control stanchions to redirect patrons to improve safety and circulation and decorate the concession in a Tiki theme at an estimated cost of \$1,000.

It should be noted, that on May 25, 2017, your Honorable Board approved a resolution authorizing the County to enter into an agreement with Costa Foods, Inc. for the operation of the food and refreshment concession at Sprain Ridge Park, Yonkers, New York (the "2017 Agreement"), having a term of January 1, 2017 to December 31, 2021, with the County having the sole option to extend the agreement for an additional five (5) year term. The 2017 Agreement was subsequently executed. Thereafter, on September 19, 2019, the Board of Acquisition approved a resolution to amend the 2017 Agreement to eliminate the license fee for 2018 when the pool was closed, to terminate the License Agreement effective December 31, 2019 and to authorize the County to enter into a new five-year agreement with Costa Foods, Inc. commencing January 1, 2020. However, neither the amendment nor the new proposed agreement were executed and the 2017 Agreement has remained in full force and effect under its original terms and conditions, and the County does not desire to exercise its option under the 2017 Agreement.

Costa Foods Inc. operated the concession prior to the pool construction at Sprain Ridge and successfully managed the concession through an abbreviated season in 2019 and through the Covid-19 health crisis. Costa Foods Inc. has agreed to make which will improve the appearance and overall customer experience at Sprain Ridge Park

The goals and objectives of this agreement is to provide revenue for the County and food and beverage service for patrons at Sprain Ridge Park. The goals and 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 and Procedures pursuant to Section 3(b), thereof.

A resolution is attached for your favorable consideration.

KOC/jpi

RESOLUTION

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

RESOLVED, that the County of Westchester is hereby authorized to enter into an agreement with Costa Foods Inc., 11 Lincoln Avenue, Rye Brook, NY 10573 for the food and refreshment concession at Sprain Ridge Park for the period of January 1, 2022 through December 31, 2026 with the County having the sole option of to extend the license agreement from January 1, 2027 through December 31, 2031, with the renewal license fee to be negotiated; and be it further

RESOLVED, for the privilege of operating the food and refreshment concession, Costa Foods, Inc. shall pay to the County an annual license fee as follows:

The greater of \$15,000 or .45 per bathing ticket sold in 2022,
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The greater of \$15,000 or .45 per bathing ticket sold in 2024,
The greater of \$15,000 or .45 per bathing ticket sold in 2025, and
The greater of \$15,000 or .45 per bathing ticket sold in 2026; and be it further

RESOLVED, that as an additional license fee, Costa Foods Inc. shall complete the following improvements no later than April 30, 2022:

1. Replace the front entry floor and front concession floor with Vinyl Composition Tile and install a black base floor molding and paint the entire concession at a cost of \$7,500,
2. Furnish and install a new digital menu board system for the cashier area at an estimated cost of \$1,500, and
3. Furnish and install new crowd control stanchions to redirect patrons to improve safety and circulation and decorate the concession in a Tiki theme at an estimated cost of \$1,000; 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.

Agreement # PRC-1363

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars	
165	42	1100	9246		15,000	2022
165	42	1100	9246		15,000	2023
165	42	1100	9246		15,000	2024
165	42	1100	9246		15,000	2025
165	42	1100	9246		15,000	2026

Budget Funding Year(s) 2022-2026 Start Date 1/1/2022 End Date 12/31/2026
(must match resolution)

Funding Source Tax Dollars _____
State Aid _____
\$75,000 Federal Aid _____
(must match resolution) Other Revenue _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 01/20/2022 - RAYMOND SCULKY, SECRETARY