



Memorandum

Department of Parks, Recreation & Conservation

#110721

DATE: April 7, 2025

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 exercise its first option to renew the management agreement with Playland Ice Casino, LLC (a wholly owned subsidiary of American Skating Entertainment Centers, LLC) for the management of the Ice Casino at Playland in Rye, New York for the period September 1, 2025 through August 31, 2026 upon the same terms and conditions in the agreement.

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

Pursuant to a resolution approved by your Honorable Board on August 12, 2021, the County and the Ice Casino Manager entered into an amendment to the Agreement, dated September 1, 2021, (the "First Amendment"), which acknowledged that the Ice Casino was closed from March 17, 2020 through September 30, 2021 due to the COVID-19 pandemic and that only the Main Rink would reopen on or about October 1, 2021. The parties further agreed that the Studio Rink and Kiddie Rink would 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"). The First Amendment further provided that during the time period that the Studio Rink and Kiddie Rink are closed for the Studio Rink Repairs, the annual management fee, annual common area maintenance (CAM) charges and the charges for utilities under the Agreement (collectively, the "Charges") would be reduced by 43%. Also, pursuant to the First Amendment, 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, and 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.

Pursuant to a resolution approved by your Honorable Board on April 7, 2022, the County and the Ice Casino Manager entered into a second amendment to the Agreement, dated May 17, 2022, (the "Second Amendment") to provide for the closure of the Main Rink of the Ice Casino during the months of June through August of 2022 and for an additional 57% reduction in the Charges for a total reduction of 100% in the Charges for the months of June through August of 2022. In September of 2022, the Main Rink reopened and the additional 57% reduction terminated.

Pursuant to the resolution approved by your Honorable Board on May 18, 2023, the County and the Ice Casino Manager entered into a third amendment to the Agreement, dated May 17, 2023, (the "Third Amendment") to provide for the closure of the Main Rink during the months of June through August of 2023 and for an additional 57% reduction in the Charges for a total reduction of 100% in the Charges for the months of June through August of 2023. In September of 2023, the Main Rink reopened and the additional 57% reduction terminated.

Pursuant to a resolution approved by your Honorable Board on June 13, 2024, the County and the Ice Casino Manager entered into a fourth amendment to the Agreement, dated July 5, 2024 (the "Fourth Amendment") to (i) extend the term of the Agreement from August 26, 2024 through August 31, 2025 with the County having the option to renew the Agreement for two (2) additional one (1) year renewal periods upon the same terms and conditions, (ii) provide for the closure of the Main Rink for the periods June through August 2024 and June through August 2025 (the "Closure Periods") to permit the County to continue the Studio Rink Repairs, (iii) reduce the Charges under the Agreement by an additional 57% during the Closure Periods for a total reduction of 100% in the Charges during the Closure Periods, (iv) and provide that if the Studio Rink Repairs are completed prior to the termination of the Agreement, including an renewals or extensions thereof, the County will notify the Ice Casino Manager in writing of the completion, and the Ice Casino Manager shall reopen the Studio Rink and Kiddie Rink within thirty (30) days of its receipt of such notice

The Studio Rink and Kiddie Rink remain closed for Studio Rink Repairs.

The County wishes to exercise its option to renew the Agreement, as amended, for the first renewal period of September 1, 2025, through August 31, 2026.

The renewal of the Agreement, as amended, will serve a public purpose by ensuring the proper development, operation, maintenance, security and administration of the Ice Casino

The Department of Parks, Recreation and Conservation's personnel will track and monitor the Ice Casino Manager's performance during the renewal period.

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

KMO/ran
Attachment

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 exercise the first renewal option to extend the term of the management agreement with the Playland Ice Casino, LLC (a wholly owned subsidiary of American Skating Entertainment Centers, LLC), dated August 26, 2014, for the management of the Ice Casino at Playland in Rye, New York, as amended, by the First Amendment, dated September 1, 2021, the Second Amendment, dated May 11, 2022, the Third Amendment, dated June 8, 2023, and the Fourth Amendment, dated July 5, 2024 (collectively, the “Agreement”), for the renewal period September 1, 2025 through August 31, 2026 upon the same terms and conditions in the Agreement; 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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/17/2025 - RAYMOND SCULLY, SECRETARY

| | |
|--------------------|----------------------|
| Original Agreement | \$7,221,869.81 |
| First Amendment | (\$2,144,951.05) |
| Second Amendment | (\$ 102,303.36) |
| Third Amendment | (\$ 103,253.22) |
| Fourth Amendment | \$ 210,086.85 |
| This Amendment | <u>\$ 312,653.25</u> |
| TOTAL | \$5,394,102.28 |

Agreement # PRC-967E

Account to be
Charged/Credited

| Fund | Dept | Major Program, Program & Phase Or Unit | Object/ Sub- Object | Trust Account | Dollars | |
|------|------|---|---------------------------|------------------|--------------|------|
| 165 | 42 | 5540 | 9205 | | \$56,759.32 | 2025 |
| 165 | 42 | 5540 | 9219 | | \$82,197.68 | 2025 |
| 165 | 42 | 5540 | 9205 | | \$70,949.15 | 2026 |
| 165 | 42 | 5540 | 9219 | | \$102,747.10 | 2026 |

Budget Funding Year(s): 2025-2026 Start Date: 9/1/25 End Date: 8/31/26
(must match resolution)

Funding Source

\$312,653.25
(must match resolution)

Tax Dollars: _____
State Aid: _____
Federal Aid: _____
Other: Revenue