



Budget & Appropriations

BOL Meeting Minutes - Final

Committee Chair: Catherine Borgia

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Wednesday, April 7, 2021

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Law & Major Contracts and Parks & Recreation

With a quorum present, Chair Borgia called the meeting to order at 10:09AM.

Pursuant to Governor Andrew Cuomo's Executive Order No. 202.1, "Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency," which temporarily suspends portions of the New York State Open Meetings Law.

A section of the order, "Suspension of law allowing the attendance of meetings telephonically or other similar services," provides for the suspension of "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

Others in Attendance: BOL: Alessandra Restiano, Jill Axelrod, Elizabeth LoBello, Jason Chervokas, Lisa Hochman, Carolyn Stevens, Melanie Montalto BOL Remote: MaryJane Shimsky, Kitley Covill, Jose Alvarado LAW: John Nonna LAW Remote: Tami Altschiller, Elizabeth Sacksteder PRC Remote: Kathy O'Connor, Peter Tartaglia

Present: Legislator Borgia, Legislator Barr and Legislator Boykin

Absent: Legislator Cunzio

Remote: Legislator Gashi, Legislator Johnson, Legislator Maher, Legislator Parker, Legislator Tubiolo, Legislator Walter, Legislator Williams and Legislator Woodson-Samuels

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2021-153](#) **ACT - Second Restated and Amended Playland Management Agreement with Standard Amusement, LLC**

AN ACT authorizing the County of Westchester to enter into a Second Restated and Amended Playland Management Agreement with Standard Amusements, LLC in order to fully resolve the allegations set forth in the Chapter 11 case entitled: *In re Standard Amusements LLC, Debtor, Case No. 19-23061 (RDD) and the Adversary Proceeding No. 19-08264 (RDD)*,

Standard Amusements LLC, Plaintiff v. The County of Westchester, by and through George Latimer, in his official capacity as County Executive of Westchester, Kathleen O'Connor in her official capacity as the Commissioner of the Department of Parks, Recreation and Conservation, and Hugh J. Greechan, in his official capacity as the Commissioner of the Department of Public Works and Transportation, Defendant.

Submitted by COMMITTEES ON BUDGET & APPROPRIATIONS, LAW & MAJOR CONTRACTS AND PARKS & RECREATION

Joint with LMC & PR

Guests: County Attorney John Nonna, Assistant Chief Deputy County Attorney Tami Altschiller, Associate County Attorney David Chen, and Elizabeth Sacksteder, Partner, Paul Weiss Rifkind Wharton & Garrison

Chair Barr said she would like to ensure that there is public parking available in the area of the parking lot closest to the Edith Read Sanctuary. Deputy Commissioner of Parks & Recreation Peter Tartaglia said that for a reasonable fee, you can buy a pass and park in the lot closest to the facility, or you can park in the main Playland lot in the public spaces. Ms. Sacksteder said that Standard is on board with providing public parking at the end of the parking lot nearest to Edith Read, and is committed to working with Parks to execute that. They did not want specific language in the agreement because this is an operational issue that will evolve over time.

Ms. Sacksteder reviewed the other changes to which Standard agreed. For the parking lot (Section 2C), Standard agreed that the manager shall ensure that at least 600 parking spaces shall be made available to the general public free of charge at all times during the off season. Standard was concerned about what parking requirements might be 30 years from now, so we added a proviso that if driving and parking processes change, the manager can propose a change to the requirement consistent with public free access for approval by the Parks Commissioner, which cannot be unreasonably withheld.

Ms. Sacksteder said that for summer youth employment (Section 11), due to the complexity of using historic County employment rates as a benchmark and to allow for flexibility over the 30-year term of the contract, the parties agreed that Standard will take a process-oriented approach. Language was added to reflect that Standard anticipates seasonal workers will be a large part of employment at Playland, wants to access a diverse pool of young people living in the County or nearby areas, and will provide outreach and opportunities to these young people. The County will provide advice and cooperation if requested by the manager.

Ms. Sacksteder discussed the new language regarding the succession process for the monitor. The parties will have 30 days to choose a new monitor. The County and Standard will each propose three candidates, for a total of six. The candidate must meet specific requirements set forth in the agreement. If the parties cannot agree on a candidate, the incumbent monitor will choose the successor. If that is not possible, the parties will use a numeric ranking system. If either party is not cooperating, the noncompliant party has 10 days after being given notice to cure its deficiency, and if not, the other party chooses the successor so long as he or she meets the requirements.

Ms. Sacksteder said that in response to concerns about inconsistent use of the terms "operating season" and "in season", the parties agreed to consistent use of the defined term "in season", which is when the amusement park is open. The County still has a say because the operating plan, which embraces all aspects of operation including opening and closing dates, will come to the Parks Department for approval. Legislator Parker asked for more clarity in the language about when there will be free off season parking. Deputy Commissioner Tartaglia said that currently, if the season is extended for weekends for limited hours, they

charge to park, and local people may come before or after hours to avoid parking fees. Chairman Boykin suggested adding language that "if the park is open only on weekends, the operating plan will provide that Standard will work with the Parks Department to address the issue of free parking."

Ms. Sacksteder said that if the manager seeks to assign the whole contract, the County now has 10 business days (instead of 5) to deliver its consent. Several legislators raised concerns that this is still not enough time. Mr. Nonna agreed to ask for a longer period of time.

With a motion by Chairman Boykin seconded by Legislator Parker the committee went into executive session to discuss legal advice at 12:02 p.m. With a motion by Chairman Boykin seconded by Legislator Gashi the committee came out of executive session at 12:33 p.m. (WOP- Borgia, Gashi, Tubiolo, Walter, Williams, Woodson-Samuels)

On motion of Legislator Barr, seconded by Legislator Boykin, the above item was signed by committee. The motion carried by the following vote:

Aye: Legislator Borgia, Legislator Barr, Legislator Boykin, Legislator Gashi, Legislator Tubiolo, Legislator Walter, Legislator Williams and Legislator Woodson-Samuels

Nay: Legislator Maher and Legislator Parker

Absent: Legislator Cunzio

Away: Legislator Johnson

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Parker, seconded by Legislator Boykin, the Committee adjourned at 12:50 PM.