



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

January 26, 2021

Benjamin Boykin II
Chairman
Board of Legislators
Westchester County
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, NY 10601

Dear Chairman Boykin and Members of the Board of Legislators,

We are writing to request that the County Board of Legislators include a number of important issues related to public access in your review of the proposed Playland settlement agreement, e.g., parkland use and the ability of the public, through the County government, to have a say in any future changes that may occur over the long life of the proposed agreement. We also have some operational questions we believe deserve analysis.

We hope the attached memo will assist you in reviewing issues regarding future operation of the park. We assume that many of the issues we raise have already been addressed or can be addressed through your review process.

You have all been active stewards of this important county resource, enjoyed by parkgoers throughout Westchester for a variety of uses throughout the year. Before the pandemic, the amusement park enjoyed successful seasons in 2018 and 2019, a positive sign for the future.

The non-amusement activities at the park are very important parts of this great facility, visited by residents from all parts of the county twelve months of the year. A pivotal focus for the Board should be to review provisions of the proposed agreement that control the ability to change uses, restrict public access, remove historic structures, create new activities or relocate activities on the property. The amusement park contains historic rides, and the design, layout and architectural style of the park is a very important feature of Playland. Will removal of these features be allowed without the approval of the county?

We hope the agreement can be modified to guarantee that Westchester County have final say on changes on these issues. If the goal of the agreement is that the outside entity is operating the park on behalf of people of Westchester County, then significant decisions about the operation, use and public access to Playland should involve the County.

These are issues that have been brought to our attention. We are awaiting the integration of the new settlement terms arrived at under the direction of the bankruptcy court with the original agreement so we may have additional questions when that complete proposed agreement is available. More broadly, it would be helpful for the Board to have a clear understanding in what areas the County will retain approval rights. Will the county retain approval rights over matters such as hours of operation, days of operation, access to amusement park and non-amusement park parts of the property?

We believe that the issues raised in this letter deserve the time it takes to properly research, analyze, hear public comment and, where appropriate, make modification, before acting on any agreement.

The stated term in the proposed agreement is thirty years. Over the passage of time, the individuals currently in county government and the individuals currently in control of the corporate entity, "Standard Amusements", will no longer be involved. The decision-making issues raised in this letter, and other issues you on the County Board of Legislators may be raising, cannot be addressed with oral assurances by representatives of the manager or the county.

We believe that these issues can be addressed in the agreement as a prerequisite for Board approval. We hope these issues will help you in your review.

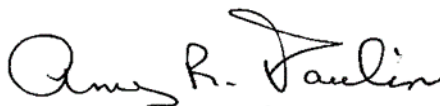
Warm regards,



Steven Otis
AD 91



Gary Pretlow
AD 89



Amy Paulin
AD 88



Nader J. Sayegh
AD 90



Sandy Galef
AD 95



Tom Abananti
AD 92



Chris Burdick
AD 93

Playland Agreement Public Access and Operation Questions and Issues

1. Playland Pool. The pool is a major part of the park use of Playland, enjoyed by families and competitive swimmers for generations. Playland pool and beach are often used by families and children who do not have access to other swimming options. A few years ago the proposed manager suggested replacing the iconic Playland pool with a patio restaurant area. At other times the county explored replacing the pool with a spray park design. The Board of Legislators rejected those proposals and instead committed to continuation of the Playland pool with the needed design and capital plan for a modernized pool which is proceeding to construction.

Does the manager have the ability to change that use? What guarantee does the public have that the modernized pool will be completed? Any change on this issue should be approved by the county. Does the agreement guarantee that decisions such as these be approved by the county?

Similar change of use and access questions should be raised in connection to beach access. Will pricing for the beach and pool continue to be affordable? Will the county have a say when fee increases are considered? Will pricing for any activities at Playland be subject to the approval of the Westchester County Parks Board? Will the county have approval authority over fees?

2. Playland Entrance. The pastoral entryway into Playland from Playland Parkway is a beautiful green space, part of the rejuvenated scenic trailway the county is currently completing. Over 15 years ago, the county considered amusement park or water park uses for this historic entrance. Those plans were rejected after public opposition. Does the settlement agreement protect the entryway from change of use or development? Does the agreement guarantee that any changes along the entrance be approved by the county?
3. Access to Playland Boardwalk and Pier. Playland Park is a year-round destination for walkers, joggers, and individuals who want to enjoy the vistas of Long Island Sound by taking the seaside path or sitting on a park bench. Will the manager have the ability to restrict access to these important parts of Playland Park? What say will the County have? It should be noted that access to parts of the boardwalk exist 24/7, with portions behind the amusement park and the pier restricted for some portions of the overnight hours. Does the agreement guarantee that any changes of the current practices be approved by the county?
4. Access to the Read Sanctuary through the Playland parking lot has been protected and organized in cooperation with the Friends of Read not-for-profit. Does the agreement guarantee that any changes to the current practices be approved by the county?
5. The areas between the Playland boathouse and the official entrance of the Read Sanctuary has long been used for informal recreation, walking and jogging. It is a launching area for kayakers. This has been especially true since the arrival of the

pandemic. The section is included as part of the seaside walk. The coast is popular for walking and for fishing. The area is frequented by birders. The field is commonly used by families for an informal catch, kicking around a soccer ball, kite-flying or other non-structured informal recreation. Other than the one or two days a year when these areas are needed for overflow parking for the amusement park, will these uses continue? Will the manager require county approval to make any adjustments to these activities?

6. Does the agreement ensure that many of the year-round maintenance and operation tasks of the park are carried out to make the park fully available to the public throughout the year? Will the manager be responsive to the snow removal needs of the park's roads, parking areas, walking paths and boardwalk areas on a timely basis? Will the manager be responsive to removal of garbage and recycling containers during the non-amusement park months of the year? Will the manager be responsible for OSHA compliance and reporting?

After a snowfall, Playland is immediately visited by walkers, joggers and others who are attracted to the beautiful winter vistas that the seaside walk and coastal areas offer. To meet this need, Playland snow removal currently is conducted whenever needed, including the overnight hours. Park staff makes sure that the park is ready in the morning when visitors arrive after a storm. Prompt snow removal is also important for maintaining public safety in order to allow for ambulance, police and firefighter response in the case of emergency as well as access to fire hydrants.

In addition, who will be responsible for plowing Playland Parkway and the new trailway after a snowfall? The County Board should inquire with the Parks Department regarding other ongoing maintenance and operations issues that occur in the non-amusement park months of the year.

7. For many years Playland Beach has been made available during the non-amusement park seasons as a safe, off-leash dog area that attracts residents from throughout the county. The County Parks Department has made a great commitment to making this park use a success with numerous garbage cans and clear and effective signage and rules. This has become a very popular use of the park. Does the agreement guarantee that any changes of the current practice be approved by the county?
8. Playland Ice Casino has provided ice skating, figure skating and ice hockey for decades. Westchester County and our region do not have enough ice rinks to meet the demand for school, family, youth and adult uses. The facility has been managed by an outside operator through an agreement that will be coming up for a new RFP competition. The settlement agreement allows the manager to submit a bid for operation of the facility and requires the county to consider that bid fairly. Does the county retain the ability to require that the facility is used as an ice rink facility whether or not the manager or another vendor is selected? Will the county consider retaining the operation of the Ice Casino through the County Parks department as was the case before the current contract?

9. A number of years ago, another prospective private operator proposed expanding the activity areas of the park through most of the Playland parking lot. This type of action would have deprived the park of significant parking revenue and use of the space for temporary activities (emergency staging area for Con Ed during storm recovery and household hazardous waste recycling days). It also would have violated one of the basic design elements of Playland Park since it was constructed in the 1920's: the park's activity areas were never placed abutting the residential neighborhoods that border the park. In the summer, neighbors to the park know that for a few weeks a year the parking lots will be active, but none of the actual activity areas of the park are next door to their homes. Plans to violate that principle were actively opposed by the park's residential neighbors. Will the county have veto power over actions by the manager to move activities next to homes?
10. How will the terms of the agreement encourage Playland employees with unique knowledge and expertise to remain employed at Playland Park? The special skills required to maintain and operate a one-of-a-kind historic amusement park are not easily replicated. Making sure we do not lose these skills at Playland should be a priority. Do the options available to employees through the proposed agreement adequately maximize the possibility that these valued employees stay at Playland?
11. The amusement park utilizes a number of outside vendors and concessionaires to operate some of popular rides and attractions. Many provide longstanding attractions that are part of the Playland experience. Will the county be involved in decision-making related to these concessions? Will the county have a say regarding the continuation or cancellation of individual concessions?
12. Westchester Children's Museum has been a tremendous success. Many Westchester residents have contributed to the financing of the WCM. The museum has also been the recipient of state grants. When the WCM lease is up for future renewals, those contracts should be approved directly with Westchester County. For the county to shift that responsibility to the manager would present conflicts of interest on the part of the manager who, at some point in the future, may determine that it is in their interest to gain control over that space. The parties to that contract should remain Westchester County and the museum.
13. We would like to suggest that you request a further explanation of the financial terms of the proposed agreement as they relate to the ability of the county or the manager in case of cancellation by either party. Are those terms fair and equitable to both parties, if either party seeks to end the agreement? Are the terms fair to county taxpayers?
14. During the summer months, the amusement park, beach and pool have been major seasonal employers of youths from communities throughout Westchester. Those employment opportunities provide work experience and income that help launch these young Westchester residents towards a successful future. Will the operation plan for the amusement park, beach and pool continue to offer these employment opportunities?

15. As the home community to the park, the City of Rye has always had an ongoing interest in the operation of Playland and a special interest in changes in use that may affect neighborhoods, traffic and noise. Over the years the county has generally been responsive to the issues raised by residents or by City of Rye officials. When working with another level of government and with elected officials representing the same constituents, one would expect communication and cooperation. An additional reason that policy decisions detailed in this letter should remain with the county government is that the public, throughout Westchester or in the City of Rye, can expect a level of responsiveness to concerns that may be raised when change of use issues are presented. What is the process by which community issues or disputes will be resolved? What is the process by which issues or disputes raised by the public will be resolved?

16. We suggest that the County Board seek an accounting of all state and federal grants that have been secured for the amusement park, boardwalk, pier, railway and coastal areas of the Playland property. This review should include all restrictions tied to any grants.