

Parks & Environment Meeting Agenda



Committee Chair: David Tubiolo

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

Monday, May 5, 2025

11:00 AM

Committee Room

Joint with B&A and LMC

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

MINUTES APPROVAL

Monday, July 29, 2024 at 10:00 AM Minutes

Monday, July 22, 2024 at 10:00 AM Minutes

Wednesday, May 29, 2024 at 1:00 PM Minutes

Monday, April 15, 2024 at 10:00 AM Minutes

I. ITEMS FOR DISCUSSION

1. [2025-160](#) **ACT-Budget Amendment-Arbitration between County of Westchester and Standard Amusements LLC**

AN ACT authorizing the County of Westchester to amend its current year operating budget for up to THIRTY-SIX MILLION (\$36,000,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, LAW & MAJOR CONTRACTS AND PARKS & ENVIRONMENT

Joint with LMC and B&A.

Guests: Law Department

County Attorney John Nonna

Assistant Chief Deputy County Attorney Justin Adin

2. [2025-161](#) **BOND ACT-Arbitration between County of Westchester and Standard Amusements LLC**

A BOND ACT authorizing the issuance of THIRTY SIX MILLION (\$36,000,000) DOLLARS in bonds of Westchester County to finance the cost of payment of compromised or settled claims against the County in the matter of arbitration between the County of Westchester and Standard Amusement LLC.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, LAW & MAJOR CONTRACTS AND PARKS & ENVIRONMENT

Joint with LMC and B&A.

Guests: Law Department

County Attorney John Nonna

Assistant Chief Deputy County Attorney Justin Adin


II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

April 17, 2025

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: Kenneth W. Jenkins
County Executive 

RE: **Message Requesting Immediate Consideration: Act – Budget
Amendment & Bond Act – Re: Arbitration between County of
Westchester and Standard Amusements LLC.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators April 21, 2025 Agenda.

Transmitted herewith for your review and approval is legislation as referenced above.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for April 21, 2025 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



Kenneth W. Jenkins
County Executive

April 17, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is an Act which, if adopted, would authorize the County of Westchester ("County") to amend its current year operating budget ("Budget Amendment"), as well as adopt a bond act (the "Bond Act") for up to Thirty-Six Million (\$36,000,000) Dollars in bonds of the County, to fund costs related to the resolution of a dispute entitled *Arbitration between the County of Westchester and Standard Amusements LLC* (hereinafter referred to as the "Arbitration Proceeding").

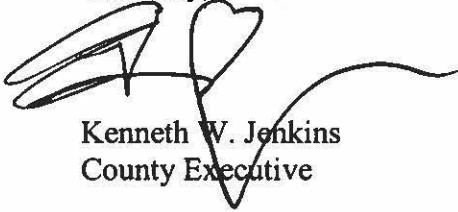
As your Honorable Board will recall, on April 12, 2021 the Board of Legislators adopted an Act authorizing the County to enter into a Second Restated and Amended Playland Management Agreement (the "Second Restated Agreement") with Standard Amusements LLC ("Standard"). The Second Restated Agreement was duly executed on or about July 22, 2021.

On January 21, 2025, the County received a Notice of Termination from Standard effective February 20, 2025, which purports to terminate the Second Restated Agreement. On January 22, 2025 the County sent a response rejecting Standard's Notice of Termination and reciting a number of breaches on the part of Standard. On January 30, 2025, Standard sent another letter stating, *inter alia*, that its termination notice was valid, that Standard will not manage Playland in 2025, and the County's breach claims were frivolous. Thereafter on February 4, 2025 the County sent a letter to Standard's attorneys escalating the dispute to arbitration pursuant to Section 43(ii) of the Second Restated Agreement.

In accordance with the Second Restated Agreement the parties have selected arbitrators and have each submitted documents in support of their claims. The Arbitration Proceeding is anticipated to occur later this year. As part of the resolution of this dispute, the County will be responsible to pay Standard approximately \$36,000,000 dollars (see Section 23B(ii)(a)). Pursuant to Section 23B of the Second Restated Agreement, payments that would be due from the County that are made after 90 days from the date of termination are subject to interest accruing at eighteen (18%) percent compounding annually. I have been advised that if the County makes an advance payment towards the settlement of the dispute in the amount of up to \$36,000,000 before the 90-day mark, then this will prevent interest from accruing on the \$36,000,000 which would save the County a substantial sum of money in the long run.

In connection with the settlement of the dispute with Standard, authorization of a Budget Amendment to amend the County's 2025 operating budget by adding up to \$36,000,000 and a Bond Act in the same amount are hereby requested. As the passage of the attached Budget Amendment and Bond Act is in the best interests of the County and is necessary to fund the resulting order of the Arbitration Proceeding, I most respectfully recommend and urge your Honorable Board's approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth W. Jenkins', with a long, sweeping horizontal line extending to the right.

Kenneth W. Jenkins
County Executive

KWJ/TSA/nn

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmittal from the County Executive recommending approval of an Act to amend the current year operating budget (“Budget Amendment”) of the County of Westchester (“County”), as well as adopt a bond act (the “Bond Act”) which was prepared by the law firm of Hawkins, Delafield & Wood LLP, to issue up to Thirty-Six Million (\$36,000,000) Dollars in bonds of the County to fund costs related to the resolution of a dispute entitled *Arbitration between the County of Westchester and Standard Amusements LLC* (hereinafter referred to as the “Arbitration Proceeding”).

As your Honorable Board will recall, on April 12, 2021 the Board of Legislators adopted an Act authorizing the County to enter into a Second Restated and Amended Playland Management Agreement (the “Second Restated Agreement”) with Standard Amusements LLC (“Standard”). The Second Restated Agreement was duly executed on or about July 22, 2021.

On January 21, 2025, the County received a Notice of Termination from Standard effective February 20, 2025, which purports to terminate the Second Restated Agreement. On January 22, 2025 the County sent a response rejecting Standard’s Notice of Termination and reciting a number of breaches on the part of Standard. On January 30, 2025, Standard sent another letter stating, *inter alia*, that its termination notice was valid, that Standard will not manage Playland in 2025, and the County’s breach claims were frivolous. Thereafter on February 4, 2025 the County sent a letter to Standard’s attorneys escalating the dispute to arbitration pursuant to Section 43(ii) of the Second Restated Agreement.

In accordance with the Second Restated Agreement the parties have selected arbitrators and have each submitted documents in support of their claims. The Arbitration Proceeding is anticipated to occur later this year. As part of the resolution of this dispute, the County will be responsible to pay Standard approximately \$36,000,000 dollars (see Section 23B(ii)(a)). Pursuant to Section 23B of the Second Restated Agreement, payments that would be due from the County that are made after 90 days from the

date of termination are subject to interest accruing at eighteen (18%) percent compounding annually. Your Committee has been advised that if the County makes an advance payment towards the settlement of the dispute in the amount of up to \$36,000,000 before the 90-day mark, then this will prevent interest from accruing on the \$36,000,000 which would save the County a substantial sum of money in the long run.

The Department of Planning has advised that based on its review, the above referenced matter does not meet the definition of an “action” under the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR, Part 617. As such, no environmental review is required. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators.

Your Committee has carefully considered the proposed Budget Amendment, as well as the related Bond Act, and recommends approval of both of the proposed Acts, noting that the Bond Act can only be enacted following adoption of the Budget Amendment. It should be further noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to amend the County’s operating budget while an affirmative vote of two-thirds of the members of your Honorable Board is required in order to adopt the Bond Act.

Dated: _____, 2025
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: 2025 Budget Amendment NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 36,000,000

Total Current Year Revenue \$ 36,000,000

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: SEE ATTACHED ACT

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Christina Rampata

Title: Deputy Budget Director

Department: Budget

Date: April 15, 2025

Reviewed By: 

Budget Director

Date: 4/16/25

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

SECTION 1. The 2025 County Operating Budget shall be amended as follows:

EXPENDITURES:

Miscellaneous Budget Judgement (101-52-1000-4990)	\$36,000,000
TOTAL GENERAL FUND EXPENSE	\$36,000,000

REVENUES:

Miscellaneous Budget Bond Proceeds - (101-52-1000-9632)	\$36,000,000
TOTAL GENERAL FUND REVENUE	\$36,000,000

SECTION 2. This ACT shall take effect immediately.

ACT NO. -20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$36,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PAYMENT OF COMPROMISED OR SETTLED CLAIMS AGAINST THE COUNTY IN THE MATTER OF *ARBITRATION BETWEEN THE COUNTY OF WESTCHESTER AND STANDARD AMUSEMENTS LLC*, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$36,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$36,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$36,000,000 bonds of the county, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of payment of compromised or settled claims against the County in the matter of *Arbitration between the County of Westchester and Standard Amusements LLC*. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the

financing thereof is \$36,000,000. The plan of financing includes the issuance of \$36,000,000 bonds herein authorized; and any bond anticipation notes issued in anticipation of the sale of such bonds and the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The periods of probable usefulness of said specific object or purpose, are five (5) years and fifteen (15) years, within the limitations of Sections 11.00 a. 33.(a) and 11.00 a. 19(c) of the Law, respectively, dependent on the specific object or purpose for which the proceeds of said bonds, or portion thereof, are to be expended.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$36,000,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$36,000,000 as the estimated maximum cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the

terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

I HEREBY CERTIFY that I have compared the foregoing Act No. -20_____ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on _____, 20_____ and approved by the County Executive on _____, 20_____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this _____ day of _____, 20_____.

(SEAL)

The Clerk and Chief Administrative Office of the
County Board of Legislators County of
Westchester, New York

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20____ and approved by the County Executive on _____, 20____ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20_____

BOND ACT AUTHORIZING THE ISSUANCE OF \$36,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PAYMENT OF COMPROMISED OR SETTLED CLAIMS AGAINST THE COUNTY IN THE MATTER OF *ARBITRATION BETWEEN THE COUNTY OF WESTCHESTER AND STANDARD AMUSEMENTS LLC*, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$36,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$36,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (adopted on _____, 20____)

object or purpose: to finance the cost of payment of compromised or settled claims against the County in the matter of *Arbitration between the County of Westchester and Standard Amusements LLC*.

amount of obligations to be issued: \$36,000,000

periods of probable usefulness: five (5) years and fifteen (15) years

Dated: _____, 20____
White Plains, New York

Clerk and Chief Administrative Officer of the County Board
of Legislators of the County of Westchester, New York