

Westchester County Board of Legislators

COMMITTEE ON COMMITTEE ON PUBLIC WORKS, PARKS, LABOR & TRANSPORTATION

MINUTES: May 10, 2010

IN ATTENDANCE:

COMMITTEE MEMBERS: Ryan (Chair), Alvarado, Burrows, Myers, Rogowsky,
A. Williams, Jenkins

With a quorum present, the meeting was called to order at 4:07 pm.

On the motion of Legislator Burrows, seconded by Legislator Rogowsky, the Committee minutes of April 19 and May 3 were approved as submitted.

Legislator Ryan noted that Playland Park officially opened this past Saturday, May 8, with a mid-day parade and ribbon cutting. Hundreds of families were in attendance. The rides, amusements and grounds looked to be in fairly decent shape. Some observations:

- Dragon Coaster's lights and steam/spray at tunnel entryway are still not functioning
- The Derby Racer's jog feature is still not functioning
- Ye Old Mill's "gags" need to be refreshed (are all "gags" working?); the water curtain is still not functioning
- Certain concessions were closed and the Pepsi soda machines were not in operation. [In the past, these were operated by long-time concessionaire Glen Davis (FUNtastic Amusements Inc.). A flyer containing Glen Davis' name and photo ID, County Police insignia, Playland's logo, and the message "**NOT ALLOWED ON PARK GROUNDS**" was circulated in the park.]

A discussion followed regarding the County's partnership with private concessionaires who provide certain rides, amusements and food at Playland Park, and specifically the current status of a 2010 operating agreement for Glen Davis and FUNtastic Amusements Inc. Mr. Davis has been a Playland concessionaire since 1983 and over the years has paid about \$6 million to the County in rent. His payments have always been on time. That changed in 2009. A combination of bad weather and the economic recession drove down general attendance and the number of corporate outings. Gross revenue for concessions declined. Mr. Davis struggled to pay part of his \$300,000 County contract and eventually went into default with \$187,000 unpaid by year-end.

On May 7, 2010, at the request of Mr. Davis, Legislators Ryan and Burrows met with Davis' attorney and accountant and learned the following:

- There is no operating agreement in place for FUNtastic Amusements for the 2010 season.
- With interest accruing at a rate of 1½ percent per month on the \$187,000 default amount from the 2009 contract, the balance now owed the County is \$202,000.
- There is no agreement on the terms for repayment of the default amount owed for 2009.
- Mr. Davis wants to pay in full what he owes the County and he would like terms that he can meet. He doesn't want to agree to terms that he can't meet resulting in another default.
- Mr. Davis would like to operate his concessions again this summer. He is fully stocked and ready to go. With a decent season, he can make some money to support his family and make payments to the County to reduce his debt.

Mr. Jenkins accessed an email containing the terms of the default payment agreement offered to Mr. Davis late last week by the Law Department. The Committee discussed these terms along with Glen Davis' counter-offer and rationale. In addition, Committee members discussed the current situations of two other long-time concessionaires.

At least four parties, all impacted by the economic recession and bad weather, wrapped up the 2009 Playland season in the red. Three of the four are long-time concessionaires. Two of the three had sufficient financial capacity to satisfy their debts on the 2009 contracts. The third, Mr. Davis, did not.

The fourth party finishing in the red, with insufficient financial capacity in the cost center to cover the loss, was Playland itself. The County, of course, covered the shortfall with budget transfers.

The 2009 season was a tough one for everyone involved in Playland. Accordingly, Committee members felt an effort should be made to reach a fair and reasonable agreement with Glen Davis.

Mr. Jenkins recommended that Commissioner Joseph Stout and Deputy Comm. Dan McBride be invited to a Committee meeting to discuss this and other Playland issues. Legislator Burrows also asked that Mr. Davis' representatives attend. Mr. Ryan would like this to be part of a broader review by PWPLT Committee of the future of Playland and the County partnership with concessionaires. That review would include an analysis of the advantages and disadvantages of the County taking over the remaining concessions and rides.

Mr. Ryan announced that a meeting for continued discussion of today's topic was being scheduled for tomorrow, May 11, at 10:30 am with the Administration and park representatives.

Future meetings might include

- Long range plans for Playland as an amusement park, passive park and a mixed use.
- An administration assessments time line that has not been shared with the Board of Legislators.
- How the park continues in the future including who owns all the parts of the operation – structures, rides, food operations, games, booths.
- How the concessionaires are operated and owned and how the rides and booths staffed.
- Substantive and financial concerns in order to be in a position to work with Budget during the review meetings leading up to the 2011 budget vote.
- The Playland Master Plan prepared about two years ago.

Legis. Myers mentioned an audit report done by NYS Comptroller DiNapoli that showed higher profit from the two privately operated golf courses in the County. This report will be submitted to the Board agenda for committee referral.

There being no further business before the Committee, on motion of Legislator Myers, seconded by Legislator A. Williams, the Committee voted unanimously to adjourn at 4:58 pm.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST