

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

Your Committee is in receipt of a transmittal from the County Executive recommending adoption of an Act which would authorize the County of Westchester (the "County") to enter into an assignment and assumption agreement (the "Assignment") with Continental Hosts, Ltd. ("Continental") and Homestyle Hospitality Inc. ("Homestyle"), pursuant to which Continental will assign and Homestyle will assume all of Continental's right, title and interest in and to Continental's lease with the County for Glen Island Casino (a/k/a Glen Island Harbour Club).

As your Honorable Board is aware, Local Law 17-1996 authorized County to enter into a lease agreement (the "Lease") with Continental for a term beginning October 1, 1997 and continuing through September 30, 2007. The Lease was duly executed. Thereafter, Local Law 8-2004 authorized the County to amend and extend the Lease to a new termination date of September 30, 2027. The Lease Amendment was duly executed. Under the terms of the Lease, as amended, effective October 1, 2004, the County was paid a fixed annual rental payment of One Hundred Thousand (\$100,000.00) Dollars, with five (5%) percent annual increases thereafter. Additionally, effective October 1, 2004, Continental paid to the County, as additional rent, 5% of annual gross receipts exceeding \$1,000,000. Every five (5) years thereafter, the additional rent will be increased by one-half of a percentage point through September 30, 2027. Furthermore, upon execution of the above amendment, but no later than October 1, 2004, the security deposit was increased to One Hundred Thousand (\$100,000.00) Dollars and every five (5) years thereafter, the security deposit amount will be increased to equal the then-current fixed yearly rental payment. All improvements are subject to the approval of the County Department of Parks, Recreation and Conservation and the Department of Public Works and Transportation.

The Department of Parks, Recreation and Conservation (the "Department") has advised that Continental desires to sell and assign and Homestyle desires to assume all of Continental's assets and assigned interests at Glen Island Casino, including the Lease, as amended. Accordingly, authority of your Honorable Board is hereby requested to enter into the Assignment and Assumption agreement to ensure continued operations of the Glen Island Casino in accordance with the Lease, as amended. The Department is familiar with, and has done business with Homestyle and supports this Assignment.

The Planning Department has advised your Committee that based on its review, the above-referenced action has been classified as a Type "II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

It should be noted that an affirmative vote of a majority of the members of your Honorable Board is required in order to adopt the Act. Your Committee has carefully considered the proposed act and therefore recommends that your Honorable Board adopt the proposed act authorizing County to enter into the Assignment of the lease for the operation of Glen Island Casino.

Dated: 11/10, 2018
White Plains, New York

Call Park
D. B. [unclear]
David J. Jubelt (w.o.p.)
[unclear] (w.o.p.)

[unclear]
[unclear]
[unclear] (w.o.p.)
Kit [unclear] (w.o.p.)

Call Park (w.o.p.)
Call Park
[unclear]
David J. Jubelt (w.o.p.)
[unclear] (w.o.p.)

COMMITTEE ON

c/mg/11-14-18

Parks Planning &
Economic Development

Law & Major
Contracts

Budget &
Appropriations

FISCAL IMPACT STATEMENT

SUBJECT: Glen Island Contract Assignment

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 \$ _____ -

Total Current Year Revenue \$ _____ -

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

Additional Appropriations

Other (explain)

Identify Accounts: _____

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: Mark Medwid

Title: Associate Director

Department: Budget

Date: November 15, 2018

Reviewed By: 

Deputy Budget Director

Date: 11/15/18

TO: Tami Altschiller
Assistant Chief Deputy County Attorney

FROM: Norma V. Drummond *NVD*
Commissioner

DATE: November 15, 2018

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR GLEN ISLAND
CASINO LEASE ASSIGNMENT**

In response to your request, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6NYCRR Part 617 (SEQR).

The action involves the an assignment and assumption agreement pursuant to which Continental Hosts, Ltd., will assign and Homestyle Hospitality, Inc., will assume all of Continental's right, title and interest in Continental's lease with the County for Glen Island Casino, located at Glen Island County Park in New Rochelle. The proposed agreement will allow for the continued operation of the Glen Island Casino, which serves as a catering hall, as provided in the existing lease. The lease is not due to expire until September 30, 2027. All improvements are subject to the approval of the County Department of Parks, Recreation and Conservation and the County Department of Public Works and Transportation.

Since there will be no changes in the terms and conditions of the lease, the proposed assignment and assumption agreement may be classified as a Type II action, pursuant to section 617.5(c)(26), "license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities." As such, no further environmental review is required.

Please contact my office if you need any additional information regarding this classification.

NVD/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation

David Kvinge, Director of Environmental Planning

ACT _____ - 2018

AN ACT authorizing the County of Westchester to enter into an assignment and assumption agreement to assign its lease agreement with Continental Hosts, Ltd. for the Glen Island Casino for a term continuing through September 30, 2027 to Homestyle Hospitality Inc.

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

Section 1. The County of Westchester (the “County”) is hereby authorized to enter into an assignment and assumption agreement (the “Assignment”) with Continental Hosts, Ltd., (“Continental”) and Homestyle Hospitality, Inc., (“Homestyle”) pursuant to which Continental will assign and Homestyle shall assume all of Continental’s right, title and interest in and to Continental’s lease with the County dated February 6, 1997 for the Glen Island Casino as amended by a certain Lease Amendment Agreement dated January 19, 2005 (the “Lease”), which has a termination date of September 30, 2027.

§2. All other terms and conditions of the Lease shall remain the same and in full force and effect.

§3. The County Executive or his authorized designee is hereby is authorized and empowered to execute any and all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§4. This Act shall take effect immediately.