

Ad Hoc Year Round Recreation Committee Meeting Minutes
Thursday, April 8th 2021
Held via Zoom

Attendees:

- Committee Members: Sally Cantwell, Jeff Carpenter, Tina Maresca, Manny Rawlings, Carlo Reca
- Liaison to the Board of Trustees: Kelly Wenstrup
- VoM Recreation Supervisor: Jason Pinto
- Sportime Employees: Claude Okin (President & CEO), Ben Schlansky (Vice President and Chief Legal Officer), Jeff Crowne (Chief Admin Officer and Managing Director for Westchester), Carlos Campo (Regional General Manager for Westchester)

Minutes

- Sally introduced the Committee members and explained the purpose of the committee is to make recommendations and that there isn't a specific mandate.
- The Committee sent questions to Sportime in advance of the meeting. Claude Okin answered the questions in writing prior to the meeting (see the pages following the minutes). He reviewed his responses during the meeting, adding details and commentary on specific points.
- Jeff Carpenter asked how Sportime would propose doing construction at the current site without keeping it closed for too long. Claude said there is no way to build at the current site without shutting it down due to the massive amount of work required, and that a shut-down would impact the revenue of the club because tennis players would go elsewhere given the competitive market. He said it is a scary prospect to shut the club down for a year or more. A possible plan would be to lose a summer season of tennis from mid-May to mid-Sep to get the project started. If an indoor season were lost, everything would change since there would need to be a long-term process to restart everything.
- Jason Pinto said there are requests from the senior population for pickle ball and that two courts in Stanley Avenue park are in the capital plan. Tennis requests are directed to Sportime.
- Tina Maresca said she would like to see the facility made bigger and have a turf field or sports court, in addition to tennis. Carlo Reca said multi sport facilities are often lucrative businesses.

- Jason said the Recreation Dept. #1 priority is to take care of the 20,000 residents the best they can and as affordably as they can. But at the same time they know how to make a profit when they can make a profit.
- Claude would like for the Sportime Architect John Fry to meet with the Village engineer in the building department. Kelly Wenstrub said these conversations should go through the Village manager Jerry Barberio who is out until May 3rd.

Next meeting via Zoom on Wednesday, April 14th at 5pm.

From: Claude Okin

Subject: FW: Questions for Claude Okin

Date: April 5, 2021 at 10:39:28 PM EDT

Dear Jeff, Sally, and Committee Members:

I appreciate the outreach, and the opportunity to share some info in advance of our Zoom, which I think is a very good idea in the interest of using our time efficiently on Thursday. Find my best effort at responses to your questions below. I wish the answers were less complex and grey, but I am hoping that we can work together to find more clarity in the weeks and months to come.

- The view of this committee is that we should first consider keeping the facility in its current location given the challenges faced over the past 20 years to move the facility to the proposed location. This certainly seems like a reasonable approach, as the next 20 years could easily pass by quickly, as the last 20 did, and the current facility, while functional and charming, is in somewhat desperate need of renovation and modernization, though there may be major challenges to same in the current location.
- Are the flooding and environmental concerns at the current location insurmountable? The most direct answer is that we are not sure. We have hired a new lead architect to assist us in our efforts to work with you and the Village to try and answer this question. His name is John Fry and his offices are in Tarrytown. He is familiar with our VOM project, has worked on previous plans for us, and is ready to hit the ground running to get up to speed on the issues here. He would very much like to have a chat with Frank Tivolacci, Chief Building Inspector of VOM, as soon as possible, and ideally before our Zoom on Thursday, so that we might be able to share more accurate information with the group. Is it possible that you could you ask the Village Manager, or the Mayor, to share this information with the Chief Building Inspector and to encourage him to makes some time for John? Their dialogue might be very helpful in illuminating our joint efforts and to clarifying our ongoing dialogue. To

summarize, there are many upgrades and renovations that could be made at the current location to improve and modernize the facility, and to reduce the impact of flood events on the facility, and also to reduce or eliminate any environmental impact on the harbor from such events. The question is whether the Building Department and the Village, as lead agency, will work with us to interpret post Sandy FEMA regulations to allow such incremental improvements to take place in a manner that would be affordable and executable, and that would make sense for the park. The last time we looked at making improvements at the existing location was between 2013 and 2016. Our architect at the time, who has retired, met with the then Village Engineer and with the VOM Building Department. And we were never entirely clear how the FEMA regulations that had been put in place after Sandy, which are complex and open to interpretation, and the new flood plain levels that had been established at Harbor Island, might have been applied to a tennis facility renovation and expansion project at the current location. At one point, our professionals were working on a plan, based on interpreting the FEMA guidelines in the most restrictive manner. That plan included various “flood proofing” requirements that were going to be a major challenge to meet, and that were prohibitively expensive (including some kind of breakaway sea wall). Later, when cooler heads prevailed, we came to believe that the courts and air structures might be able to remain at current elevations, or slightly higher ones. But a conceptual plan that was worked on at the time showed bubble inflation units and electrical controls on exterior platforms that were raised as much as 6’ above the current grade, and a new clubhouse (basically on stilts) constructed at 7’ above the current grade. In addition to the cost, and the problematic visual impact, this clubhouse would have required a 94’ long ramp to meet ADA requirements. This is all to say that if incremental improvements to, and an expansion of, the existing facility

could be made within the code, but without the type of extraordinary requirements described above, that could work and would likely be best. However, if we have to build a clubhouse on stilts and giant platforms to fly infrastructure 10 feet above grade, which extraordinary solutions would waste millions of dollars, create an eyesore in the middle of the park, and require us to completely close the facility for a year or more during an extended construction period, that won't work. So, we have to see if we can figure out a way to do this project, as a renovation and expansion, that can, more or less, inhabit the existing space, with the grade of the courts raised incrementally, but not somehow floating in the air above the park. If all parties agree that this is a worthy goal, then we have to see if the professionals and VOM officials can figure out how it can happen. Barring that cooperation, I am not sure it can happen at the current location.

- What upgrades and investment are required to address the flooding and environmental concerns? To improve the flooding and related concerns, the very old crushed brick and dirt courts would be replaced and rebuilt, as would the bubble attachment infrastructure, which is below grade, to which the bubbles are attached with something called a catenary cable, which is ancient technology. The courts would be rebuilt at a level at least 1', and maybe as much as 3', above existing grade, and would be encapsulated in a modern grade beam, which would also function as a curb, and to which the bubble or bubbles would attach using something called a channel lock. The base of the courts would be built with stone and screenings, and the surface would be a non-toxic manufactured surface, American green clay, called Har-Tru. New drainage, including a channel drain across the entire low side of the courts, would either completely eliminate any run-off into the surrounding areas, or into the catch basins that empty into the harbor, or reduce such run-off to something that would occur only in the most dramatic flooding conditions.

Modifications to the clubhouse, and any expansion thereof, would also seek to address the flooding, both to minimize any ingress of water into the clubhouse, and so that, in cases where that might be unavoidable, cleanup would be efficient and permanent damage would not occur.

- What upgrades and investment are required to bring the facility at its current location up-to-date? Ideally, we would be able to reconstruct the courts to add some room between them on their sidelines, as they are very tight from side to side at present, with almost no room between net posts (the east-to west dimension). However, there is not much room to play with between the current court edges and existing road curbs, so this would be a minor upgrade. Snow clearing space between the two existing bubbles has been a major safety and stability issue for as long as there have been bubbles at Harbor Island. Ideally, all 8 courts would be enclosed in a single bubble, serviced by a single grade beam around the periphery of the courts, which would make the courts larger, and allow for snow clearing from the periphery only, as opposed to the current condition, in which snow must be cleared by hand along a narrow, almost 200' long, corridor between the bubbles. However, this would require that the single air structure be almost 60' tall at its peak, which may not be acceptable to the VOM. This single bubble solution was approved in 1999, and is depicted in the attached elevations from 1999, but has been debated endlessly since then. The clubhouse would need to be modernized and expanded to allow for direct access and viewing into all playing areas, including into both groups of four courts, and into any new sports facility, if one was added to the south, so the clubhouse would need to get longer, extending both to the north and to the south.
- Upgrade court surface to har-tru? Yes, the surface would be upgraded to Har-Tru.
- During the committee site visit, we discussed a multi-sport facility

near the hard court. What have been the Sportime proposals and plans relating to the location near the hard courts for a multi sport facility? The original 1999 proposal requested and anticipated a multi-sport rink to be constructed at the location now partly covered by the hard court, and to be enclosed in a new air structure during the cold weather months or year-round. Much more modern and detailed renderings of the types of sports facilities that we would propose today have been part of subsequent site plans and floor plans for the proposed facility at the alternate location by the treatment plant, but the attached is all we have for the current location. I have also attached a later schematic plan for an expansion at the current location that was going to add three additional tennis courts, but no sports facilities, and that was designed to avoid two existing effluent pipes that run from the treatment plant to the harbor. Those pipes, one of which is currently active, and both of which are subject to Westchester County easements, also present challenges for using the expanded space, but, again, we may be able to overcome those with careful planning that would minimize catastrophic loss if the County had to access either pipe.

- **Can you share the drawings?** The attached drawings provide a starting point. We would need to revise and upgrade them based on current market conditions, and current technologies, all 22 years later. We can do this work if it seems there is a chance we will be moving forward and trying to solve for the challenges. We have spent hundreds of thousands of dollars in site-planning, architectural planning, engineering, and in graphic renderings to present these issues and solutions, since 1999. We will be prepared to do so again once we feel assured that this is sincere interest in Sportime's ongoing participation.
- **Can you share the financials?** Again, we had created and shared very detailed pro-forma P&L forecasts in 1999, and then, along the way, for a new facility at Harbor Island by the treatment plant. We can do it again, once we create a schematic for a facility at the present location. But the

design details drive the pro-forma, so we need to discuss and sharpen the plan.

- Was there a timeline included? If yes, can you share this? There is no current time-line. We have been going in circles since 1999 and then again since 2002. So, we would have to create a new timeline based on whatever the solutions would be to the FEMA issues and to the phasing of construction. The last time we looked at this, it was a \$4M-\$6M project in place, and the completely new club at the alternate location near the treatment plant was a \$6M-\$8M project. Unfortunately, we expect that those costs will be at least 50% higher today, if not twice as much, based on price of steel and concrete, air-structures, and the specialty construction that would be involved. Our hope would be that a scaled back version of the project at the existing location could be done for under \$5M. At that level of investment, the numbers might work for Sportime to fund, without a reduction in license fees, but that would be dependent on being able to build at grade, and to maximizing the multi-sport build out. We would want to find a way to phase the improvements so that we would not lose an indoor season of tennis, or at least not the bulk of one, because closing the business for 12-18 months to do the project would risk the entire business, as there is plenty of competition in the area and folks would not want to take a year off and might not come back, which is what happened, to a degree, when Sandy closed us for roughly six months. Any such closure would also deprive the VOM of license fees during the construction period, which fees are currently a little less than \$300,000 a year. Historically, the Village has been very concerned about losing that revenue, though they have certainly been willing to put it at risk in their dealings with Sportime. But we would also have to solve for that, which was one of the reasons we had always favored building a facility at the other location in the park, to replace the current one: so that tennis could continue without interruption until the new facility was

ready.

- Was there a reason why it wasn't pursued? The VOM Board, at the time we commenced the license in 2002, had convened the Harbor Island Master Planning Commission and did not want us to build the improvements allowed in the license until that committee completed its work. Subsequently, the Board adopted the Harbor Island Master Plan, which was predicated, in part, on getting the tennis facility out of the middle of the park. That plan relocated the tennis facility, though a scaled back version of same, at the entrance to the park behind the treatment plant. Much planning and negotiation ensued, over the last 20 odd years, around relocating the facility and achieving some of the improvements in the master plan through doing so, including more field space and an adjustment to traffic flow in the park. Sportime was prepared to service \$6M - \$10M of debt to make that happen, had we been able to build a facility that we could have operated so as to produce sufficient net-revenue to do so, but we needed the VOM help us obtain low-interest funding, which it had agreed to pursue, but then chose not to. In the end, Sportime was prepared to fund \$6-\$8 million directly, without VOM support, but then another VOM Board decided to terminate the license. And now we are here. So, nothing ever happened. And the improvements in the current location were never pursued because nobody at the VOM could agree to solve for the issues highlighted above, or to completely abandon the master plan. Also, nobody wanted to shut down tennis during construction, including Sportime.
- What would Sportime, at this point in time, be willing to engage in with the VoM? Sportime would still like to build and operate a modern tennis and sports facility in Harbor Island Park and to operate such a facility subject to a long-term license with the VOM. If the VOM does not want to pay millions to build its own facility, that is the only way it can happen. And, obviously, if Sportime is going to raise or borrow, and then fund millions of

dollars to build a facility that will be owned by the Village as soon as it is completed, we need time to operate the new facility so as to amortize that investment; probably a minimum of 20 years; maybe 25 years.

- Is there an interest from Sportime in creating a multi-sport facility? Yes, as ever, although I think we would now focus on soccer, volleyball and pickleball, and skip inline hockey or skating, so we might do mini-courts and fields, either in sport court surface, or in turf, or both, as opposed to doing a rink. This might also help to solve for the risks of effluent pipe issue.
- Is there an interest in Sportime funding a multi-sport facility? The multi-sport facility and the modernization of the tennis facility really need to be an integrated project, and the answer is yes; we are prepared to fund to continue to operate and to secure the long-term right to do so.
- What timeline would be needed? Per the above, this is not a simple answer, and we would have to design the facility and negotiate a deal with the VOM before a detailed construction time-line would ensue, which timeline would include securing funding. But I would think the goal would be to have the new facility operating within 36-48 months of the parties agreeing that this was the goal.
- Who would run and operate this facility? Could other village partners be allowed to use this facility (soccer, basketball for example)? Sportime would operate the facility, as we do all of our facilities, all of our other municipal licenses, and all of our other sports facilities. And we would absolutely welcome the Village's own recreation department, and those who currently use Village facilities, to be stakeholders in the new facility, and to use it to support their existing programs. Discounts for that opportunity, or the right to access a certain amount of inventory, could be negotiated into the license agreement for such stakeholders. To be clear, we do not generally allow competing commercial sports program operators or providers to rent our facilities and then to run programs that

compete with ours; those choices must remain ours to make when we have made a multi-million dollar investment. We have, by the way, been down this road before, as Sportime was asked by a previous administration to hold meetings with all of the permitted users of the fields in Harbor Island Park, to evaluate the possible reconfiguration of those fields and to ascertain which of those organizations would desire access to year-round turf or rink practice space. It has been a while, but the outcome of those meetings was very encouraging in terms of the Village supporting more indoor and outdoor sports and recreation spaces.

- What timelines are critical to Sportime as it relates to tennis alone?

There are really no critical timeframes at present related to tennis because we are completely starting over with your committee. The facility is safe and functional. It is just old, and it floods from time to time. However, despite its age, and despite the challenges of COVID, our well-loved facility at Harbor Island is currently as busy as it has been in several years, pushing towards \$3 million in annual revenues. Sportime would much prefer not to be operating the facility with a license termination date staring us in the face. Doing so puts our business, in which the VOM is our roughly 50% partner in profits, at risk. Currently, the year commencing on 9/1/21 is the last year in which we are guaranteed the right to operate. It would be best if we could have an agreement to continue operations while we plan, and receive approvals for, a new facility, and while we negotiate a license to allow for same, and fund same. Such a license would require us to commence and complete construction within a specific time frame, to make a minimum capital investment, and more.

Sportime has funded more than \$30 million of capital improvements that are currently fully owned by the municipalities for whom we serve as licensee, including NYC, Eastchester, and East Hampton, and we are about to make another \$30 million of such improvements at our flagship facility in NYC, where our license will be extended until 2048, or beyond. We believe that

we are the best operator of tennis and sports clubs in New York State, and beyond, and that our performance during the most recent period of enormous challenge has made that abundantly clear. Although the politics have been frustrating, we have loved providing a well-managed and maintained facility, and the best tennis programs and coaches around, in the Village of Mamaroneck since 2002. During the entire time, from 1999 until negotiations with the Village broke down a couple of years ago, it had been our intention to partner with the Village to design and construct a modern tennis and sports facility that could serve future generations, assure substantial license fees to the Village, and return a fair profit to Sportime. Our continuing dialogue with your committee leaves us hopeful that we might still get to do that, through a transparent process of information sharing and partnership with your committee and, ultimately, with the Village.

Claude D. Okin

President and Chief Executive Officer
SPORTIME Clubs, LLC